



Strictly Private & Confidential

Mr Carl Jewel

Code A

Our ref: RC2/GML/00492-15579/10234891 v1

Your ref:

Rachel Cooper
Solicitor

Code A

4 June 2009

Code A

Dear Mr Jewel

**General Medical Council - Dr Jane Barton
Fitness to Practise Panel Hearing: 8 June to 28 August 2009**

I am writing to confirm the date that you will be required to attend Dr Barton's Fitness to Practise Panel hearing which commences on 8 June 2009.

The date that you will be required to attend the hearing is **16 June 2009**. I or one of my colleagues will be present at the General Medical Council offices (a map of which is enclosed) which are situated at Regent's Place, 2nd Floor, 350 Euston Road, London, NW1 3NJ to meet you at **9 am** on this date.

The date you have been asked to attend is the date best suited to the proposed order of the evidence in the case. This is the date when it is currently anticipated that your evidence will be heard, but you may be required to attend on subsequent days of the hearing until we are able to release you.

The GMC has statutory power to compel witnesses to attend by way of a High Court witness summons – accordingly I enclose, by way of service, your witness summons. The date indicated on the witness summons is the first day of the hearing. This date may differ from the date when you have been asked to attend.

Please could you confirm that you have a copy of your finalised statement that you can use to refresh your memory of events prior to giving evidence. If you have not, please let me know as soon as possible and I will arrange for a copy to be sent to you.

I can confirm that on behalf of the GMC we shall be pleased to reimburse reasonable travel and subsistence expenses which you may incur as a result of your attendance at the hearing. Enclosed is

Field Fisher Waterhouse LLP 27th Floor City Tower Piccadilly Plaza Manchester M1 4BD

Tel +44 (0)161 200 1770 Fax +44 (0)161 200 1777

E-mail info@ffw.com Web www.ffw.com

Field Fisher Waterhouse LLP is a limited liability partnership registered in England and Wales (registered number OC318472) and is regulated by the Solicitors Regulation Authority. A list of its members and their professional qualifications is available at its registered office, 35 Vine Street, London EC3N 3AA. We use the term partner to refer to a member of Field Fisher Waterhouse LLP, or an employee or consultant with equivalent standing and qualifications.

the GMC Guidance for Witnesses on Expense Claims together with an Expenses Claim Form. The GMC Guidance sets out what will and will not be reimbursed and it is therefore important that you read it before booking your travel or making any other arrangements for your attendance at the hearing. Please note that the GMC will not reimburse you for First Class travel. The claim form should be submitted to us as soon as practicable, preferably within 7 days of the hearing and certainly no later than one month after the hearing. Claims made later than one month after the conclusion of the hearing will be paid only in exceptional circumstances.

We can arrange overnight accommodation for you at the Holiday Inn - Regent's Park, Carburton Street, London W1W 5EE (0870 400 9161). Please let me know as soon as possible if you require us to do this.

In terms of your travel arrangements, I would advise that you travel by train to London. As it cannot always be guaranteed that your evidence will finish on the day planned, please book an open return ticket.

For your information, I enclose the following explanatory leaflets entitled:

- Information for witnesses appearing before the Fitness to Practise Panel of the General Medical Council; and
- General Medical Council Help for witnesses.

For further information regarding your role as a witness at a GMC hearing, please look at the following link on the GMC's website (www.gmc-uk.org), which provides very helpful information about being a witness at a GMC hearing: <http://www.gmc-uk.org/concerns/witnesses/index.asp>. This includes information about preparing to give evidence, the actual giving of evidence and what happens once you have given evidence. There are also photographs of what the GMC offices and a typical hearing room look like and later in 2009, a virtual tour facility will be implemented.

For further information regarding the Fitness to Practise Panel and the decisions it can make, please look at the following link:

http://www.gmc-uk.org/concerns/hearings_and_decisions/fitness_to_practise_panels.asp#4

Should you not have access to the internet, please let me know as soon as possible and I will arrange for a hard copy to be provided to you.

Should you have any queries concerning these arrangements, please do not hesitate to contact me on Code A or alternatively via email at Code A



Field Fisher Waterhouse

Lloyds TSB Bank plc

Fenchurch Street (Code A) Branch
72 Fenchurch Street London EC3P 3EH

Code A

THIS SECURITY CHEQUE WILL HIGHLIGHT ALTERATIONS

MICROTECT BACKGROUND

ANTI-COUNTERFEIT

Date: 1st June 2009

Reference	Pay		
213499	Mr Carl Jewel		
GBP I 25-00*		A/C PAYEE ONLY	
492.15579			

£---125.00---

For and on behalf of Field Fisher Waterhouse LLP
Office A/C

Code A

THIS CHEQUE PAPER CONTAINS A CHAIN-MAIL WATERMARK

TO VERIFY HOLD TO THE LIGHT

RED ALERT UV

||^a **Code A** **Code A** □

Bottomline Technologies/Communis 9507 03/07

Thank you for your continued assistance in this matter.

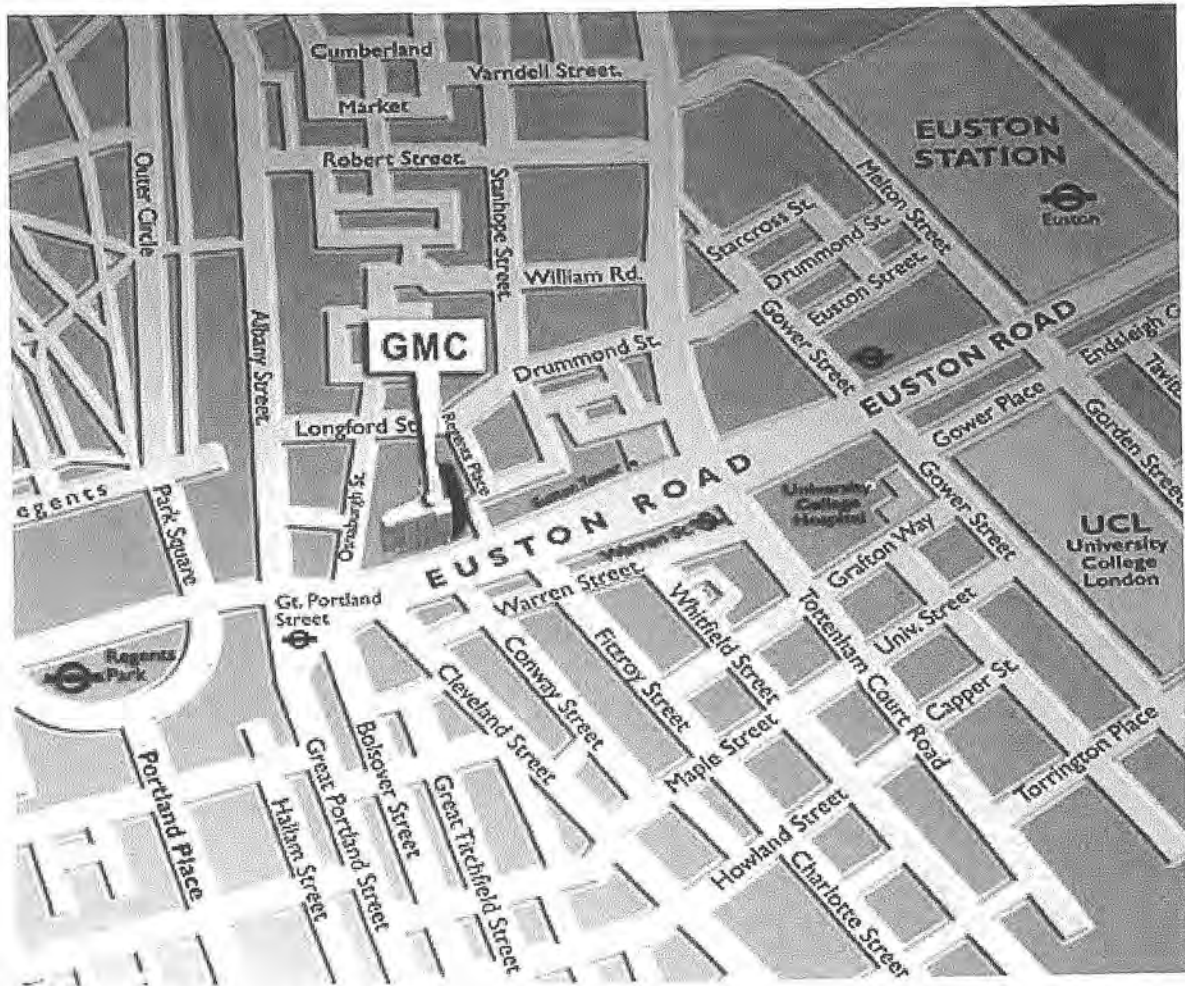
Code A

Rachel Cooper
for **Field Fisher Waterhouse LLP**

Encs:

Map of GMC Offices; GMC Guidance for Witnesses on Expenses Claims; Witness Expenses Claim Form; Information for witnesses appearing before the Fitness to Practise Panel of the General Medical Council leaflet; General Medical Council Help for witnesses leaflet; witness summons.

Solicitors to the General Medical Council. The GMC is a charity registered in England and Wales (1089278) and Scotland (SCO37750)



General Medical Council
Regents Place
350 Euston Road
London
NW1 3JN

GENERAL MEDICAL COUNCIL

*Protecting patients,
guiding doctors*

The GMC is a charity registered in England and Wales (1089278) and Scotland (SCO37750)

Guidance to Witnesses on Expense Claims

Introduction

1. Thank you for assisting us. Witnesses play a crucial part in helping the GMC fulfil its statutory duty to deal firmly and fairly with doctors whose fitness to practise is called into question.
2. As a registered charity, we have a duty to account carefully for all expenditure. Our expense policy aims to ensure that you are reimbursed for expenses actually and necessarily incurred. The guidance below explains what we will reimburse. Please note that these are not allowances. Itemised receipts must accompany all elements of a claim. Credit or debit vouchers are not sufficient.
3. If you have any queries, or believe that you may need to incur costs in addition to that set out below, please contact either the solicitor or the GMC member of staff dealing with the case.

Claims procedure

4. All claims for reimbursement of travel and subsistence expenditure should be submitted on the form provided by the solicitor dealing with the case.
5. All expense claims should be submitted as soon as practicable, preferably within seven days and certainly no later than a month after the conclusion of the case. Claims made later than a month after the conclusion of the case are paid only in exceptional circumstances.

Accommodation and subsistence

6. When it is necessary for you to stay away from home the solicitor handling the case will arrange hotel accommodation. We have negotiated preferential rates with hotels near hearing centres.
7. Overnight accommodation will not be arranged if the hearing is held within normal commuting distance of your home.
8. The costs of extra services such as room service, hotel laundry, video hire and mini bar bills will not be reimbursed.

9. We will reimburse essential telephone calls to arrange transport and reasonable calls to your home. As telephone calls from hotels are expensive, you are asked to keep such calls to a minimum.

10. We will reimburse the cost of an evening meal up to £22. We will not reimburse the cost of alcohol at any time.

11. We will reimburse the cost of lunch up to £10.

Travel

12. Journeys should be made by public transport wherever possible. The standard class rail fare will be reimbursed. Where there is no significant difference in the cost and where there are significant time savings such that other expenses are likely to be reduced, we may reimburse the costs of economy class airfare.

13. Taxi fares will be reimbursed or mileage expense for use of your own car will be paid when:

- a. You need to carry heavy files or equipment.
- b. It is an awkward route by public transport.
- c. It is essential, or is otherwise cost effective to go by taxi or private car.

14. Mileage will be reimbursed at 40p per mile. Witnesses travelling by car are asked to use the shortest or fastest practicable route. For audit purposes, the start and finish points of the journey must be shown on the claim form. If the journey is other than to and from your home or usual place of work, please give a brief explanation.

15. Car parking will be reimbursed at cost but a receipt or ticket must accompany claims.

Loss of earnings

16. Most employers will allow employees time off to attend hearings without loss of earnings. Where that is not the case, we reimburse loss of earnings at the same rates as in the Crown courts. Claims must be accompanied by documentary evidence such as a letter from your employer stating the amount of earnings lost, net of tax. The rates of reimbursement are as follows:

- a. Ordinary witness:
 - i. Not exceeding four hours £29.75.
 - ii. Exceeding four hours £59.50.
- b. Professional witness (as defined by regulation as doctors, dentists, veterinary surgeons, lawyers and accountants only):
 - i. Not exceeding two hours £83.50.
 - ii. Exceeding two hours but not exceeding four hours £117.
 - iii. Exceeding four but not exceeding six hours £174

- iv. Exceeding six hours £234.

GP Locum Expenses

17. Where loss of earnings is not claimed, a witness in general medical practice may claim the actual cost of employing a locum up to a maximum of £300 per day. As we need to identify in the annual accounts payments made to related parties (relatives, practice partners, employers, and any business in which you have an interest) please indicate whether the locum is a related party.

Partners/supporters

18. Witnesses occasionally request that their partner or a friend or relative accompany them. We normally expect witnesses to meet the costs of a partner or supporter themselves.

The GMC is a charity registered in England and Wales (1089278) and Scotland (SCO37750)

GENERAL MEDICAL COUNCIL

WITNESS EXPENSE CLAIM FORM

Dr

FFW Ref:

Date of hearing:

Witness Name:

N.B: This form must be submitted within 7 days of the conclusion of the hearing.

EVERY ELEMENT OF THE CLAIM MUST BE SUPPORTED BY AN ITEMISED RECEIPT.

Travel

Date of Journey	From	To	Mode of Transport	Number of Miles (if mileage claimed)	Amount of Claim £

If claiming mileage and you start or end your journey at a place which is not your home or usual place of work, please explain:

Subsistence (only fill in if meals not taken in hotel arranged by GMC solicitors – allowance up to £10 per lunch, £22 per evening meal. No alcohol reimbursed)

Date of expense incurred	Description of subsistence i.e. lunch, evening meal, sandwiches, coffee, etc.	Amount of claim

Loss of Earnings

(MUST BE ACCOMPANIED BY DOCUMENTARY EVIDENCE SUCH AS LETTER FROM EMPLOYER STATING AMOUNT OF EARNINGS LOST, NET OF TAX – SEE GUIDANCE FOR MAXIMUM LIMITS)

Dates for which earnings lost	Name and address of employer	Amount claimed (net of tax)

GP Locum Expenses (only where loss of earnings not claimed)

Dates locum employed	Name and address of locum	Amount claimed (maximum £300 per day)

Is the locum a “related party” i.e. a relative, practice partner, an employer or a business in which you have an interest?
[please delete as appropriate].

YES / NO

If yes please give details:

GMC Witness Expense Claim

FFW Ref:

Bank Details Confirmation Form

Payment will be by BACs. Please fill in the details below and return it with your claim.

Account Name: _____

Bank: _____

Branch: _____

Sort Code: _ _ - _ - _

A/C No: _____

The GMC is a charity registered in England and Wales (1089278) and Scotland (SC037750)

Information for witnesses appearing before the Fitness to Practise Panel of the General Medical Council

The General Medical Council ("GMC") is the body charged with the regulation of the medical profession. Its role is to protect patients and guide doctors. As a statutory body, the GMC's functions and responsibilities are governed by the Medical Act 1983. The GMC has statutory responsibility for maintaining the Medical Register.

You have been asked to appear at a Fitness to Practise Panel hearing as a witness on behalf of the General Medical Council by Field Fisher Waterhouse LLP. We are the GMC's solicitors in connection with this case.

The Fitness to Practise Panel

The Fitness to Practise Panel of the GMC considers two types of case which may lead to a doctor's registration being removed or restricted where it is found that his/her fitness to practise is impaired for one or more of the following reasons

- (a) misconduct;
- (b) deficient professional performance;
- (c) a conviction or caution;
- (d) adverse physical or mental health;
- (e) a determination by another professional regulatory body, within the health or social care field, to the effect that his/her fitness to practise is impaired.

In these cases, if the Fitness to Practise Panel ultimately finds the case against the doctor proved, it has the power to erase the doctor's name from the Medical Register (except in a health case), to suspend the doctor's registration for a period of up to 12 months, or to restrict registration for a period of up to 3 years by making it conditional upon compliance with limitations which the Panel considers necessary for protection of the public or in the doctor's own interests. It may also conclude the case without further action or issue the doctor with a warning. The doctor may also agree to undertakings.

The case will be heard by a Panel of Fitness to Practise Panel members, comprising both medically qualified and lay (non-medically qualified) members. One of the Panel will act as Chairperson.

The Panel will also include a legal assessor, an experienced solicitor or barrister, who sits with the Panel to give impartial advice on points of law. Members of the GMC administrative staff will also be present at the hearing. The proceedings are recorded by a shorthand writer.

The GMC will be represented by Counsel, instructed by Field Fisher Waterhouse LLP. The doctor whose case is being heard is invited to attend the hearing and may be represented by a solicitor or barrister, or by someone else of his/her choice.

Unless there are exceptional reasons, Fitness to Practise Panel hearings take place in public. This means that, in addition to the Panel and the parties involved in the case, members of the public may be present in the public gallery to observe. Members of the press may also be present and may report upon the proceedings.

The Fitness to Practise Panel usually hears all the evidence in public. It will ask the parties and the public to withdraw whilst it deliberates in private at various stages of the hearing. At each stage, once the Panel's deliberations are concluded, the parties and the public will be asked to return and the decisions will be announced.

It is open to the Fitness to Practise Panel to adjourn consideration of a case at any stage while further investigations are carried out.

Order of Proceedings at Fitness to Practise Panel Hearings

1. Counsel for the GMC opens the case by presenting a summary of the background facts.
2. Evidence for the GMC is presented by calling the witnesses.
3. At the conclusion of the GMC's case, the doctor/his representatives may make a submission that:
 - a) insufficient evidence has been adduced upon which the facts alleged could be found proved and/or
 - b) insufficient evidence has been adduced to support a finding of impairment of fitness to practise.
4. Counsel for the GMC responds to the submission. The Panel will then consider the submission. If either is upheld in respect of any charge/s, that charge/s will not proceed further.
5. Witnesses for the Defence may be called. They will be questioned, cross-examined and questioned by the Panel in the same way as the witnesses for the GMC.
6. The Panel decides whether the facts alleged are found proved.
7. The Panel receives further evidence and hears further submissions from the parties as to whether, on the basis of any facts found proved, the doctor's fitness to practise is impaired.
8. The Panel considers and announces its finding on the question of whether the doctor's fitness to practise is impaired and gives reasons for their decision.

9. The Panel receives further evidence and submissions from the parties as to the appropriate sanction, if any, to be imposed or, where the doctor's fitness to practise is not found to be impaired, the question of whether a warning should be imposed.
10. The Panel considers and announces its decision as to the sanction or warning, if any, to be imposed and gives reasons for its decision

Your Role as a Witness

All the arrangements in connection with your attendance as a witness will be made by Field Fisher Waterhouse LLP. The solicitor or investigator dealing with your case will be happy to answer any advance queries you have about the hearing.

With this information sheet, you may have received a witness summons requiring your attendance at the hearing and giving the date and time.

On the day of the hearing when you arrive at the GMC's offices, you will be taken to the witness room by a GMC witness liaison officer. Tea, coffee and newspapers are provided in the witness rooms.

The solicitor or investigator from Field Fisher Waterhouse LLP who is dealing with the case will be at the hearing and will keep you advised of arrangements and progress of the case. The timing of cases can be difficult to predict and it is not usually possible to say at exactly what time each witness will be called to give evidence. Every effort will be made to minimise any changes. The GMC regrets the inevitable inconvenience if a witness has to wait longer than originally expected.

You will be asked to wait in the witness room until the point where you are required to give evidence (point 2 on the order of proceedings set out above). No witness (except an expert witness) is permitted to be present during the hearing before giving evidence. While you are waiting to give evidence you should avoid discussing the case and your evidence with any other witnesses as this might prejudice the proceedings.

When you are called to give evidence you will be brought to the hearing room and directed to the witness desk. The Chairperson of the Panel, whom you will be facing, will introduce him/herself and the other members of the Panel to you. The Panel officer will ask you whether you wish to take the oath on a holy book of your choice, or to make an affirmation as to the truth of your evidence.

You will be asked when giving evidence to speak into the microphone on the witness desk. Please speak clearly and slowly so that the Panel can hear your answers and the shorthand writer can record them.

Counsel for the GMC will ask you questions based on your witness statement. You will not be able to have your witness statement with you when you give evidence. You are however free to read it in the witness room prior to being called. While you are giving evidence, any relevant documents to which Counsel wishes to refer you will be shown to you. Please take your time and read the document carefully.

After questions from the GMC's Counsel, the doctor's legal representative may also wish to ask you questions. In the rare cases where the doctor is representing him/herself, he/she will have the opportunity to ask you questions. Finally, members of the Panel may also wish to ask you questions.

Once your evidence has been completed, you will in most cases be formally released by the Panel. At this stage, you may leave, or you may stay and listen to the rest of the day's proceedings. Field Fisher Waterhouse LLP's representative will advise you where to sit if you decide to remain. Following the hearing, we will inform you of the outcome.

As explained above, Fitness to Practise Panel hearings are usually held in public and therefore may be reported by the press. If you have good reason for not wishing your name to be disclosed, then if you have not already done so, you should now ask Field Fisher Waterhouse LLP whether you can be referred to by an initial, "e.g. Miss A.", in order that your identity is protected. Please notify us immediately if you wish to make such a request.

If you require hotel accommodation, arrangements will be made by Field Fisher Waterhouse LLP who will also arrange for payment of the hotel bill. There are no facilities for the GMC to provide lunch for witnesses on its premises, but there are many cafes and restaurants in the surrounding area.

We confirm that on behalf of the GMC we shall be pleased to reimburse reasonable travel and subsistence expenses which you may incur as a result of your attendance at the hearing. You have been sent with this information sheet the GMC Guidance to Witnesses on Expense Claims, together with an Expenses Claim Form. The GMC Guidance sets out what will and what will not be reimbursed and it is therefore important that you read it before booking your travel or making any other arrangements for your attendance at the hearing. Please note that the claim form should be submitted to us as soon as practicable, preferably within seven days of the hearing and certainly no later than one month. Claims made later than one month after conclusion of the hearing will be paid only in exceptional circumstances.

Conclusion

We hope that the above provides you with an introduction to the Fitness to Practise Panel procedures. If you have any further queries, or if you think any special arrangements may be necessary in your case, then please contact the solicitor or investigator at Field Fisher Waterhouse LLP who is dealing with your case.

Field Fisher Waterhouse LLP
35 Vine Street
London
EC3N 2AA

Tel: +44 (0)207 861 4000

The process of giving evidence can be intimidating. We are here to support you before, during and after you have given evidence.

Contents

Introduction	02
Before attending the hearing	03
Support for those with disabilities	03
Virtual tour	04
Familiarising you with the GMC's buildings	04
Other help available	05
Talking to someone about being a witness	05
The hearing date	06
Meeting the doctor you are giving evidence against	06
Things to remember	06
Attending the GMC hearing	07
Waiting to give evidence	07
Public access to the hearing	07
Who will be at the hearing?	08
Giving evidence	09
Examination and cross-examination	09
Adjournments	09
After giving evidence	10
Claiming expenses	10
Giving feedback	10
Useful information	11

Introduction

The role of a witness at a GMC hearing is crucial in giving a Fitness to Practise Panel a first-hand account of what has happened so that they can make a decision about a case.

We understand that the process can be intimidating, so we have developed these pages to provide support before, during and after you have given evidence.

If you would like to receive the information we provide in these pages in another format please let your GMC contact know as early as possible.

If you prefer to communicate in a language other than English, then you may require information in another language, or an interpreter, please discuss this with your GMC contact.

Before attending the hearing

When an allegation is made about a doctor, the GMC has to decide whether the case should proceed to a hearing before a fitness to practise panel.

If the doctor disputes the facts of the case, or it is in the public interest that the case is heard by a panel, witnesses may be called to provide evidence at a hearing.

In order to prove the allegation, the GMC must gather evidence to support its case. This will be made up of a number of documents including reports, correspondence, and written witness statements.

You may be asked to speak to a GMC solicitor on different aspects of the case. Arrangements will be made for you to meet with the solicitor, which will allow you to ask any questions about the process.

Witnesses can be served with a formal summons. This may be necessary if a witness has had difficulty with their employer allowing them to attend the hearing or if they are reluctant to attend. The summons is a legal requirement for a witness to appear at a hearing, and if a summons is ignored, the witness can be prosecuted for contempt.

You may be asked to speak to a GMC solicitor on different aspects of the case.

Support for those with disabilities

Both hearing centres have wheelchair access and a 'loop' system for the hard of hearing. However, if you have a disability, communication difficulties or other additional needs, please discuss this with your GMC contact so that we can ensure arrangements are in place to facilitate your attendance to give evidence. Arrangements could include providing a sign language interpreter or assistance for a witness with a visual impairment such as providing information in an alternative format, or mobility assistance on the day of the hearing.

These photos of the hearing centres enable witnesses to see what they can expect when they arrive to give evidence.

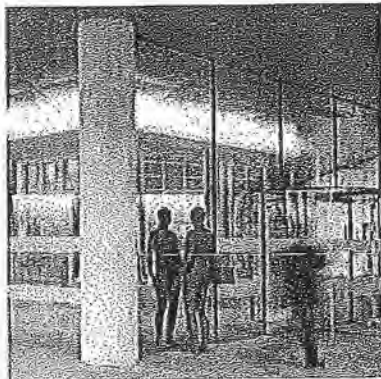
Virtual tour

We are planning to produce a short film or virtual tour of a typical GMC hearing room. This will enable witnesses to see what they can expect before they come to give evidence. In the meantime, we have included photographs of the hearing centres and hearing rooms to give an idea of what to expect when you arrive to give evidence.

Familiarising you with the GMC's buildings

London & Manchester

The following photographs show different views of our two offices. We have provided pictures of the outside of the building, the reception areas and the witness waiting areas and we hope they will help you to feel more comfortable when you arrive for the hearing.



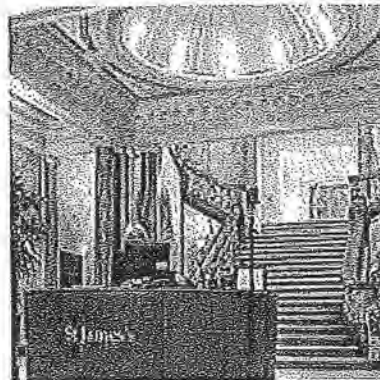
Entrance of our London office



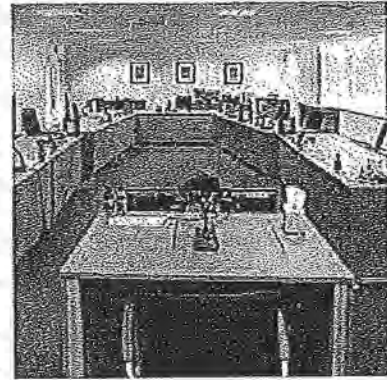
Reception of our London office



Hearing room in our London office



Reception of our Manchester office



Hearing room in our Manchester office

Other help available

There may be factors that might make giving evidence particularly difficult for some witnesses. If you have a disability, illness or a condition such as a mental health problem, a learning difficulty, a physical disability, or you experience difficulty in social situations, then this may affect how you give evidence before a panel. The way in which you present evidence may also be affected in situations where the allegations are of a sexual nature and you are the alleged victim or you feel intimidated due to your age, gender, race, cultural background or sexuality.

If you have any concerns about giving evidence, then please raise this at an early stage with your GMC contact. They will discuss your circumstances with you and let you know whether adjustments can be made to assist you or if any special measures can be put in place to help you give your evidence.

If you have any concerns about giving evidence, please raise this at an early stage with your GMC contact.

Talking to someone about being a witness

Being a witness can be a stressful experience, and if you feel that you need additional support after first discussing any concerns with our staff, you might want to speak to someone who is independent of the GMC. Should you wish to find out more information about how an independent support organisation can help you, you might like to contact the following organisation direct.

WITNESS against abuse by health & care workers

32-36 Loman Street, London SE1 0EE

Helpline: 08454 500 300

Email: info@witnessagainstabuse.org.uk

Website: www.popan.org.uk

We will let you know as soon as a date has been confirmed, and will make arrangements for any overnight accommodation and book travel tickets.

The hearing date

We will contact you to discuss a hearing date and your availability to appear as a witness. Where possible, we will try to ensure that the hearing date coincides with a time when you are available. However, this is not always possible as there are a number of other factors that will affect the date, as well as many other people to accommodate.

Please let your GMC contact know as soon as possible about any specific travel or hotel accommodation requirements that you may have, for example, if you are a wheelchair user or if you have a visual impairment.

We will let you know as soon as a date has been confirmed, and will make arrangements for any overnight hotel accommodation and book travel tickets.

Meeting the doctor you are giving evidence against

If you are particularly concerned about entering the GMC's offices and meeting the doctor or anyone else involved in the case, it may be possible for someone to meet you and escort you to a witness waiting area or another room away from other witnesses. Unfortunately, it is not possible to guarantee that you will not meet other people involved in the case.

Things to remember

Make sure you have all the information you need before the day of the hearing.

- Check that you know the location of the hearing centre. Maps showing the location of the hearing centres can be found in this booklet.
- Write down any questions you may have about being a witness and if you are unable to get answers from our website, ask your GMC contact.
- Check the journey time and train/flight departures to make sure you won't be late for the hearing.
- Bring a book or some other activity to help keep you occupied while you wait to give evidence.

Attending the GMC hearing

On the day of the hearing you should aim to arrive at the hearing centre in good time for the start of your evidence.

You will have been informed of a time to arrive, but please ensure you take account of any possible delays that may occur and aim to arrive at least half an hour prior to the time you have been allotted. Please report to the security desk in the main foyer, and they will provide you with a visitor's pass and direct you to the lifts and where to go. You will be met by a member of GMC staff, who will take you to the witness waiting room.

The witness waiting room has a free hot and cold drinks machine and a selection of newspapers and magazines will be available. Please let a member of GMC staff know if there are any problems with the facilities in the waiting room.

Waiting to give evidence

You will be asked to wait in the witness room along with other witnesses until you are required to give evidence. No witness (except an expert witness) is permitted to be present during the hearing before giving evidence. While you are waiting to give evidence you should avoid discussing the case or your evidence with anyone else, including other witnesses, as this might prejudice the proceedings.

All cases are dealt with as quickly as possible, but sometimes hearings can overrun and witnesses may be required to wait some time before being able to give their evidence. If you are unable to give evidence on the allotted day due to a delay or change in circumstance, you will be asked to return on another day.

Public access to the hearing

Most GMC hearings are held in public. There will be a public 'gallery' where the press and public sit to watch the proceedings, usually at one end of the hearing room. Sometimes the panel will ask the press and public and witnesses to leave the hearing if there are any confidential matters to discuss. If this happens, you will be guided back to the witness waiting room until the hearing restarts.

No witness is permitted to be present during the hearing before giving evidence.

The chairman will ensure that the hearing is conducted fairly, and they have a duty to protect the interests of all people involved in the case including witnesses.

Who will be at the hearing?

The panel and panellists – the panel is made up of doctors (medically qualified) and lay people (non-medically qualified) known as 'panellists'. One member of the panel will act as the chairman. The chairman will ensure that the hearing is conducted fairly, and they have a duty to protect the interests of all people involved in the case including witnesses.

Legal assessor – an experienced barrister or solicitor who advises the panel.

GMC barrister – they present the case against the doctor. They will ask a witness questions so that they can give their evidence.

Doctor(s) – the person(s) against whom allegations have been made. In most cases the doctor will be defended by a barrister. Occasionally, the doctor will be unrepresented and will defend their own case.

Doctor's barrister or other representative – they present the case or speak on behalf of the doctor. They will put the doctor's position to the panel. They will ask the witness questions about their evidence.

Specialist health or performance adviser – these are registered medical practitioners appointed to advise the panel either in relation to issues relating to a doctor's health or to their performance. Where no issues relating to a doctor's health or performance are raised, specialist advisers will not be present.

Panel secretary – a GMC staff member responsible for the administration of the hearing.

Shorthand writer – who takes a note of the hearing.

Giving evidence

When you are called to give evidence, a GMC staff member will take you to the hearing room and show you to the witness desk.

A GMC staff member will ask you whether you wish to take a religious oath on a holy book of your choosing, or to make an affirmation as to the truth of your evidence. The chairman of the panel will then introduce him or herself and the rest of the panel to you. When answering questions you should speak clearly and slowly into the microphone on the witness desk so that all parties can hear your evidence.

Examination and cross examination

You will be asked questions based on your witness statement by the GMC barrister. The doctor or his legal representative, and in addition the panel, may also ask you questions. You will not be able to have the witness statement with you when you give evidence, but you can read through it while you are in the witness room. While you are giving your evidence, you may be shown other documents referred to by the barrister. Take your time to read the document carefully.

You will not be able to have the witness statement with you when you give evidence, but you can read through it while you are in the witness room.

Adjournments

The hearing may have to adjourn from time to time either for lunch or at the end of each day if the hearing lasts for more than one day.

The panel may also adjourn for a longer period in order to obtain additional evidence or in case of illness or because it has overrun the days allotted to it.

It is extremely important to note that witnesses must not talk to anyone about the case or about their evidence during any adjournment. This includes anyone who is involved with the case as well as any friends or family. If you do not adhere to this rule it could have serious repercussions for the outcome of the hearing.

After giving evidence

When you have completed giving evidence, you can choose to leave, or may remain to listen to the rest of the day's proceedings. If you wish to stay, you will be shown to where you can sit.

We want to improve the service we provide and welcome any comments you might have following your experience as a witness.

You will be informed of the outcome of the hearing, when it has finished. The timing of this will depend on the length of the hearing, but generally we aim to notify all parties within two weeks of the end of the hearing.

If you do not hear anything, ask your GMC contact who will be able to advise you of the progress of the case and its outcome if it is known.

To view details of the type of decisions panels can make, as well as other information about panels, please go to the 'Concerns about doctors' section of our website scroll down to the 'Hearings and Decisions/Fitness to Practise Panels' page from the menu.

Claiming expenses

We will send you details of how to claim for out of pocket expenses you may be entitled to. Please note that we will pay expenses for GMC witnesses only.

Giving feedback

We want to continue to improve the service we provide and welcome all and any comments you might have following your experience as a witness. Please let us know what you think by writing to us or completing one of our witness feedback forms that is enclosed with this booklet. Alternatively, you can fill out an online feedback form from our web pages.

Useful information

There may be some terms that you are not familiar with. Here is a list of some of them.

Allegation – the charge that the fitness to practise of the doctor is impaired.

Adjournment – a break in the hearing before it has completed its deliberations. The hearing will adjourn for lunch or comfort breaks and at the end of each day, if the case lasts for more than a day. An adjournment may be agreed in order that additional evidence can be obtained, or in the case of illness, or if the hearing has overrun.

Chairman – person who manages the panel. The chairman is also a member of the panel, and has responsibility for the fairness of the proceedings.

Condition – sanction imposed by a panel that restricts a doctor's right to practise for a period of time.

Contempt – where a person shows wilful disobedience to or open disrespect for a court or hearing. This is a criminal offence and can lead to prosecution.

Cross-examination – being questioned by barristers and the panel during the giving of evidence.

Defence counsel – a barrister who represents the doctor at the hearing.

Determination – decision of the panel on the case.

Evidence – what a witness says at the hearing and documentary evidence that can include photographs that are brought before a hearing.

Erasure – sanction imposed by the panel to remove the name of the doctor from the Medical Register. This means the doctor cannot continue to practise medicine.

Expert witness – a witness able to give opinions on any matter falling within their area of expertise on matters considered by the panel.

Finding of fact – the panel, once it has heard all the evidence, will decide whether the evidence has been proved. This is known as a 'finding of fact' determination.

Finding of impairment – when the panel has made findings of fact, they will then consider whether the doctor's fitness to practise is impaired.

Fitness to practise – the ability of the doctor to carry out their medical duties.

Hearing – a meeting of the fitness to practise panel appointed to hear a case.

Legal assessor – an experienced solicitor or barrister who advises the panel.

Panel – a group of panellists, comprising of at least one medical and one non-medical person, and a chairman.

No action – the panel has reached a conclusion and decided not to take any action against the doctor.

Mitigation – the doctor's reasons for his or her actions.

Medical Register – the list of medical practitioners (doctors) eligible to work in the UK.

Restriction – a measure that prevents the doctor from carrying out certain functions or activities, for example, the doctor could be prevented from working privately.

Sanction – a decision by the panel that either restricts or removes a doctor's right to practise.

Suspension – a sanction imposed by a panel which removes the doctor's right to practise for specified period of time.

Undertaking – a commitment given by the doctor to the panel to restrict their practice.

Warning – a warning may be issued to a doctor if the panel decides there has been a significant departure from the principles set out in the GMC's guidance for doctors – *Good Medical Practice* – but a restriction on the doctor's registration is not necessary.

Directions

London hearing centre

Regent's Place,
350 Euston Road, London NW1 3JN

Open

08.00 to 18.00 from Monday to Friday

Tube

Great Portland Street, Regent's Park, Warren Street or Euston Square.

Train

The building is a short walk from Euston mainline station. Kings Cross, St Pancras, Paddington and Marylebone stations are a short bus or taxi journey away.

Taxi

There is a dedicated taxi drop off and collection point through the Longford Street entrance.

Manchester hearing centre

5th Floor, St James's Buildings,
79 Oxford Street Manchester, M1 6FQ

Open

08.00 to 18.00 from Monday to Friday

Metrolink

The closest Metrolink station is St Peter's Square.

Train

The building is a 10 minute walk from Manchester Piccadilly station. Alternatively, the building is opposite Oxford Road station.

LONDON



General Medical Council
Regent's Place, 350 Euston Road, London NW1 3JN

MANCHESTER

General Medical Council
St James's Buildings, 79 Oxford Street, Manchester M1 6FQ