The High Court has confirmed that all General Medical Council (GMC) fitness to practise hearings should be held in public, unless there are exceptional circumstances that would render a hearing ineffective because a witness refuses to give evidence in public. All patients who give evidence in GMC proceedings are anonymised and so very few people would be able to identify a patient.

In the case of Miller v General Medical Council [2013] EWHC 1934 (Admin) (July 2013) the High Court criticised a panel of the Medical Practitioners Tribunal Service (MPTS) for too readily ordering that a doctor’s fitness to practise hearing be heard in private. The court held that even where certain evidence might be held in private, because a witness would not otherwise give evidence, that did not mean that the whole of the proceedings should be held in private. The starting point is that all GMC cases will be held in public, for the whole of the case. Witnesses giving evidence in GMC proceedings should expect that the process of GMC hearings may on occasions, regrettably, cause them some embarrassment but the overall interests of justice require there to be open justice in the public interest and in pursuance of the doctor’s right to a fair hearing in public. Such an approach is required by the Article 6 of the European Convention on Human Rights.

Doctors Defence Service represents doctors in GMC and MPTS legal proceedings. Contact us in strict confidence on: 0800 10 88 739