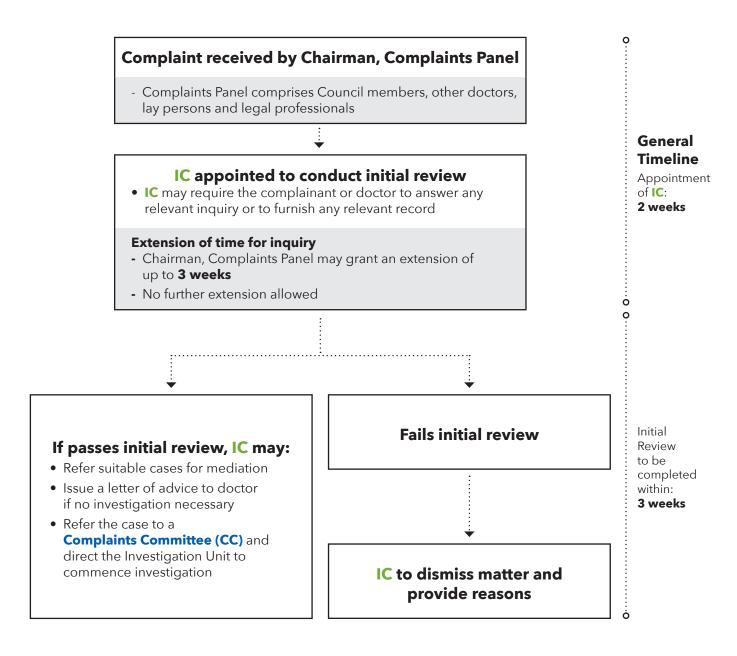
Stage One - Initial Review and Triage by the Inquiry Committee (IC)



Inquiry Committee (IC) NEW

Composition

- 1 doctor to chair from Complaints Panel
- 1 other doctor from Complaints Panel

Scope of initial review

- Assess whether complaint is frivolous, vexatious, misconceived, lacking in substance
- Dedicated secretariat
- Legal Advisory Unit
 - To advise IC on complaints

Complaints Committee (CC)

Composition

- 1 doctor to chair from Complaints Panel
- 1 other doctor from Complaints Panel
- 1 layperson or legal professional from Complaints Panel

• Decision

- By majority vote
- Dedicated secretariat
- Legal Advisory Unit
 - To advise CC on complaints that can be struck out, investigations into complaints process and procedure

Stage Two - Inquiry by the Complaints Committee (CC)

Chairman, Complaints Panel to appoint CC to conduct inquiry

Extension of time for inquiry

- First extension: To apply to Chairman, Complaints Panel. No extension shall
 extend beyond 6 months from the date the complaint is referred to the CC
- Subsequent extensions: To be made to the High Court for extension of a maximum of 3 months at a time. Court may impose conditions on the extension

CC may refer for investigation, or consider investigation report if IC has directed investigations

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If CC is of the view that no formal inquiry by Disciplinary Tribunal (DT) is necessary

- CC to give reasons
- CC may make other orders including:
- Dismissing the complaint; issuing letter of advice or warning; referring for mediation
- Complainant, doctor and SMC can apply within 14 days to a Review Committee (RC), whose members will be drawn from the Complaints Panel Pool
- Chairman, Complaints Panel to appoint RC within 3 weeks from the date of the application
- Extension of time for inquiry
- **RC** to complete inquiry **within 3 months** of date of appointment
- First extension of time to be sought from Chairman,
 Complaints Panel. No extension shall extend beyond
 6 months from the date of appointment of that RC
- Subsequent extensions: to be made to the High Court for extension of a maximum of 3 months at a time.
 Court may impose conditions on the extension

If review application is made, outcome of review to RC

- Finding of no reasons to intervene in respect of **CC**'s decision; or
- Direct further inquiry by CC; or
- Direct rehearing by CC

If a CC recommends a formal inquiry by DT

- Legal Advisory Unit to advise **CC** on formulation of charge and referral to the **DT**
- $\bullet\,$ Council to determine if $\ensuremath{\text{\bf DT}}$ should be appointed

Council
affirms CC's
recommendation
to refer the case
to the DT

Council decides to not refer matter to DT

- Council to give reasons
- Decision shall be subject to judicial review

General Timeline

Appointment of **CC** within: **2 weeks**

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Inquiry by **CC**: **3 months**

Council's determination on appointment of **DT** within: **1 month**

Complaints Committee (CC)

Composition

- 1 doctor to chair from Complaints Panel
- 1 other doctor from Complaints Panel
- 1 layperson or legal professional from Complaints Panel

• Decision

- By majority vote
- Dedicated secretariat
- Legal Advisory Unit
 - To advise CC on complaints that can be struck out, investigations into complaints process and procedure

Review Committee (RC) NEW

• Composition

- 1 medical doctor, 1 legal professional and 1 lay person from Complaints Panel
- Decision
 - Decision of the majority. Decision will be final
- Standard of review
 - Whether the **CC** has complied with all procedural requirements under the Act and any regulations governing a **CC**'s inquiry
 - Whether any new evidence submitted to the **RC** is material to the complaint or matter

Stage Three - Inquiry by the **Disciplinary Tribunal (DT)**

Inquiry by DT

- **Experts: DT** to use tribunal-appointed expert(s), as far as possible
- Standardised rules of practice and procedure
- DT to make findings and order
- Prosecutorial Unit to act as the prosecutor in matters referred to the DT

Extension of time for inquiry

- First extension: To apply to President, Disciplinary Commission (DC). No extension shall extend beyond
 9 months from date of appointment of DT
- **Subsequent extensions:** To apply to High Court for extensions of a **maximum of 3 months** at a time. Court may impose conditions on the extension

General Timeline

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Inquiry by **DT**: **6 months**

No application to High Court

Application to High Court for review of DT's decision

- SMC and doctors can apply

Subject to court timelines

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Appeal hearing before Court of 3 Judges

Disciplinary Commission (DC) NEW

- Members of the Commission to be appointed by the Minister for Health
 - President with tenure (Doctor)
 - Judges/lawyers (High Court judges and Judicial Commissioners, Legal Service Officers, senior lawyers)
 - Doctors (current practicing doctors with at least 10 years' standing)
- Function of President of DC
 - Assessment of time-barred complaints
 - Appointment of individual **DT**s
 - Oversee the procedures and processes of **DT**s
 - Oversee the training of members of the Complaints Panel and Health Committees
- DC to be supported by independent secretariat

Disciplinary Tribunal (DT)

- Composition:
 - 2 doctors and 1 judge/lawyer from the Complaints Panel comprising
 - > 1 Chair (If a High Court judge or Judicial Commisioner sits on the DT, he will be the chair)
 - > 2 members
- Decision
- Decision of the majority
- Dedicated DC Secretariat

Assessment of Time-barred Complaints

Complaint received by SMC

If time-barred

• Complaint to be referred to President, Disciplinary Commission within 2 weeks of receipt of complaint

If not time-barred

• Complaint to be referred to Chairman, Complaints Panel within 2 weeks of receipt of complaint (See Stage 1)

General **Timeline**

Referral of complaint: 2 weeks

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• President, Disciplinary Commission to assess within 3 weeks if complaint should be referred to the Chairman of the Complaints Panel because it is in the public interest to do so

Assessment of public interest for time-barred cases:

3 weeks

If **fails** public interest test

 Complaint not considered further

If <u>passes</u> public interest test

• Complaint to be referred to Chairman, Complaints Panel within 2 weeks of President, Disciplinary Commission notifying SMC of his opinion, for the appointment of a Complaints Committee (See Stage 2)

If passes public interest test. referral of complaint to Chairman, Complaint panel:

2 weeks

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