SINGAPORE MEDICAL COUNCIL
DISCIPLINARY PROCESS

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

**Complaint received by Chairman, Complaints Panel**
- Complaints Panel comprises Council members, other doctors, lay persons and legal professionals

**IC appointed to conduct initial review**
- IC may require the complainant or doctor to answer any relevant inquiry or to furnish any relevant record

**Extension of time for inquiry**
- Chairman, Complaints Panel may grant an extension of up to 6 weeks
- No further extension allowed

If passes initial review, IC may:
- Refer suitable cases for mediation
- Issue a letter of advice to doctor if no investigation necessary
- Refer the case to a Complaints Committee (CC) and direct the Investigation Unit to commence investigation

Fails initial review

IC to dismiss matter and provide reasons

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**Inquiry Committee (IC)**
- **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

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**General Timeline**
- Appointment of IC: 2 weeks
- Initial Review to be completed within: 3 weeks
**SINGAPORE MEDICAL COUNCIL DISCIPLINARY PROCESS**

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 of the appointment of that 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**

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

If a **CC recommends a formal inquiry by DT**
- Legal Advisory Unit to advise CC on formulation of charge and referral to the DT
- Council to determine if DT should be appointed

If review application is made, outcome of review
- Finding of no reasons to intervene in respect of CC's decision or
- Direct further inquiry by CC, or
- Direct rehearing by CC

Council decides to not refer matter to DT
- Council to give reasons
- Decision shall be subject to judicial review

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

**Review Committee (RC)**

- **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
SINGAPORE MEDICAL COUNCIL
DISCIPLINARY PROCESS

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 3 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

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General Timeline
Inquiry by DT: 6 months

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No application to High Court

Application to High Court for review of DT's decision
- SMC and doctors can apply

Appeal hearing before Court of 3 Judges

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Disciplinary Commission (DC)

- **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 DTs
  - Oversee the fair, efficient and expeditious conduct of DT hearings
  - Oversee the training and qualification of members of the Inquiry Committee (IC), CC, DT and Review Committee (RC)
- **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 Commissioner sits on the DT, he will be the chair)
  - 2 members
- **Decision**
  - Decision of the majority
- **Dedicated DC Secretariat**
SINGAPORE MEDICAL COUNCIL
DISCIPLINARY PROCESS
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)

• President, Disciplinary Commission to assess within 3 weeks if complaint should be accepted because it is in the public interest to do so

If fails public interest test
• Complaint dismissed
• Complainant notified

If passes public interest test
• Complaint to be referred to Chairman, Complaints Panel within 2 weeks of receipt of the assessment by SMC (See Stage 1)

General Timeline
Referral of complaint: 2 weeks

Assessment of public interest for time-barred cases: 3 weeks

If passes public interest test, referral of complaint to Chairman, Complaint panel: 2 weeks