

Criteria for appointment as Chair of a Tribunal

Background

1. The Medical Practitioners Tribunal Service (MPTS) is the Statutory Committee of The General Medical Council (GMC) responsible for providing a hearings service that is efficient, effective and clearly separate from the investigatory role of the Fitness to Practise Directorate.
2. The General Medical Council (Constitution of Panels, Tribunals and Investigation Committee) Rules [2015] , require the setting and publication of the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for selection to serve as Chair of the Tribunal.
3. This document constitutes the publication of those criteria.

Tribunal Chairs

4. MPTS' policy is that tribunal members who chair tribunals should have undergone a process of assessment against specified criteria and training to ensure that they are suitable to carry out the role of chair.
5. MPTS policy is that Chairs are appointed from the existing pool of tribunal members. Some tribunal members indicate on first application that based on previous experience elsewhere, they wish to be considered for a Chair role. This is assessed at application and interview stage and if the applicants are successful they must sit as a tribunal member on a minimum of 3 complete hearings with positive feedback and no other significant issues arising in order to be appointed as a Chair
6. There is no minimum term of office that a tribunal member is required to have served prior to being an appointed as a Chair. However, we consider it essential that a chair has gained experience as a tribunal member prior to chairing a tribunal. Typically, we require newly appointed chairs to have sat as a tribunal member for a minimum of three hearings with positive feedback received in respect of those hearings prior to commencing the role of chair. As chairs are subject to a probation period of six months, we anticipate that

only those with contracts that extend beyond this period will be eligible for appointment.

7. Chairs may be Medical or Lay. Medical Chairs must be registered with the GMC and hold a licence to practise, and have a reasonable expectation of remaining in this position for at least five years. Lay Chairs are individuals who are not, and never have been, registered medical practitioners or holders of a qualification registrable under the Medical Act 1983.
8. There is no maximum age for appointment.
9. No individual may be a member of the General Council, the Investigation Committee, a Panel or an officer of the GMC, and act as an MPTS Tribunal Member, Chair or Legally Qualified Chair. Any appointment to one position would require resignation from the other, in accordance with paragraph 4 of The GMC (Constitution of Panels, Tribunals and Investigation Committee) Rules Order of Council 2015.

Qualifications, experience and competencies

10. In addition to meeting the criteria for appointment as a Tribunal Member, Chairs must be able to demonstrate the following competencies:

11. **Intellectual and Analytical ability**

Good analytical skills; able to identify key issues clearly, assimilate information quickly and accurately, and manage complex material with ease.

12. **Decision making and sound judgement**

Good decision making skills: uses information in a fair, accurate and balanced way to arrive at well judged, reasoned and sustainable decisions.

13. **Working with others including leadership and interpersonal skills**

Good leadership skills; maintains firm and effective control of process, manages unexpected contingencies effectively, and helps resolve differences, in a confident but not overbearing manner.

Good interpersonal skills; involves all members of the tribunal using an enabling and facilitative style.

14. **Communication skills, integrity and sound temperament including drafting skills**

Maintains control of proceedings at all times; facilitates discussion appropriately ensuring that all views are taken into consideration.

15. **Excellent drafting skills**; is able to produce clear concise and accurate explanations of decisions made in circumstances where the issues may be complex or technical. Understands how a determination should be structured.

16. **Knowledge of MPTS/GMC Policies and Procedures**

Shows commitment to and understanding of the MPTS' fitness to practise and Interim Orders policies and procedures and the legal framework within which tribunals work. Is well informed and keeps up to date on current issues.

Additional requirements

17. Experience of MPT/IOT or similar hearings in addition to experience of chairing meetings, in particular other types of tribunal hearings is desirable.
18. In addition to the above it is essential that applicants meet the following requirements at the time of application:
19. Adherence to the tribunal member Contract for Services and Code of Conduct; in particular the requirement to make themselves available to be empanelled for at least 20 days per calendar year (at least 35 days per calendar year for lay tribunal members). *
20. No concerns have been raised directly with the tribunal member by the MPTS about his/her conduct and/or performance in the last 12 months, either as a result of the 360 degree feedback system or under the procedure for dealing with concerns about tribunal members. Where a tribunal member has been required to undertake any remedial action within the last 12 months there must be evidence available from the 360 degree feedback system which demonstrates that the remedial action has been successful.
21. Annex A lists attributes that a chair should have or be able to acquire through training

Legally Qualified Chair

22. The criteria for a legally qualified chair are:
 - a) To fulfil the role of a barrister, chartered legal executive or solicitor in England and Wales; an advocate or solicitor in Scotland; or a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland; and
 - b) To have five years post qualification experience; and,
 - c) To meet the current requirements of the relevant regulator for their profession in terms of current practising arrangements.

Probationary Period

23. Having completed the induction training, tribunal members will be eligible to sit as tribunal chairs for a probationary period of six months in the first instance. During that time their performance will be monitored through the 360 degree feedback system and they may be required to participate in the observation aspect of appraisal.

Equal Opportunities

24. MPTS values equality and diversity and is committed to ensuring that our procedures are fair, transparent and free from unlawful discrimination. Tribunal members are appointed from all suitably qualified applicants. We have a legal obligation to promote and advance equality of opportunity, and everyone who acts for the MPTS or GMC in any capacity is expected to adhere to the spirit and letter of the legislation.

Annex A

Attributes that a chair should have or be able to acquire through training

1. A record of significant achievement within their chosen field that demonstrates a range of experience, skills and competences. Probably in an environment where judgement and high level decision-making are required.
2. The ability to understand the issues and topics being discussed. An understanding of confidentiality issues and experience in handling extremely sensitive information.
3. A keen sense of judgement with the ability to make quick, accurate and balanced decisions and take personal responsibility for those decisions.
4. An understanding, or the ability to acquire an understanding, of the structure and philosophy of the GMC and MPTS fitness to practise procedures. Coupled with an understanding of the legal framework within which the MPTS tribunals and the wider GMC operates.
5. Sufficient strength of personality to enable them to effectively manage a meeting, for example, prevent discussions wandering, prevent those without anything new to add repeating the same point, being able to move on when a point is discussed as far as possible, etc.
6. Good interpersonal skills that will enable them to quickly acquire an appreciation of the strengths and weaknesses of differing personalities that make up the tribunal and thereby maximise the contribution from individual members.
7. Ability to assimilate and sum-up the points made in discussions so that before a vote the tribunal members know what they are being asked to decide on.
8. An ability to draft written determinations including clear, concise and accurate explanations of the decisions made.
9. A willingness to accept feedback from others and to learn from the experience of others.

Annex B

Conflicts of Interest Policy – GMC Associates

Purpose

1. The aim of this policy is to set out the expectations regarding real or potential conflicts of interest and the process for dealing with a conflict raised in relation to an Associate.

Scope

2. The policy is aimed at all individuals who have a GMC contract for services – the types of associates include Medical Practitioners Tribunal Members; Registration and Certification Appeal Panel Members; PLA Board Members and Examiners; Education Visitors; Registration and Certification Panel Members; Education Panel Members); Performance Assessors; Health Assessors. This list is not exhaustive.
3. Compliance with this policy is compulsory for all associates and breaches may result in suspension of service or termination of the contract.

What is a conflict of interest?

4. A conflict of interest arises where an associate has a private interest which might influence, or be perceived to influence, that person's judgment in carrying out the duties as determined by their contract for service.
5. When a reasonable, fair-minded and informed observer would conclude that there is a real possibility that a GMC decision maker is or could be biased because of a particular interest then there is a conflict of interest.
6. This is not a definitive list but examples of relevant interests where a conflict might arise include:
 - a. Making a decision or leading on a case involving a doctor where the tribunal member has a strong personal belief about the nature of that doctor's practice.
 - b. A past or present interest that could reasonably be thought to cast doubt on an associate's independence or impartiality with regard to his or her duties as a GMC associate.
 - c. Membership of or any position within a political party, a pressure/interest group, a voluntary organisation or any association connected directly or indirectly with the health care sector.
 - d. Where there have been previous interactions with an individual whose case is being considered. These interactions could be personal or professional. Knowing of the individual would not necessarily be considered a conflict of interest.

- e. Being appointed to or having worked for a Royal College; faculty; specialist association, or similar body in the public, private or voluntary sector for a specialty which is under consideration of a GMC education panel.
- f. Where an associate's immediate family member is attending or has recently graduated from the medical school that they have been asked to visit as part of their provision of service. This would be in addition to a medical associate being awarded a degree by the school.

The aims of the Conflicts of Interest Policy

7. Our conflicts of interest policy is designed to ensure that our work is carried out free from improper influence and that it is independent, fair and devoid of bias and must be seen to be so.
8. As we are responsible for promoting and setting standards of conduct among doctors, as well as making decisions about doctors whose fitness to practise may be impaired, our own conduct both as an organisation and as individuals must reflect the highest standards.

How does the policy apply in practice?

9. This policy sets out how we should manage conflicts of interest and related matters.
10. The GMC does not wish to collect or retain private information about its associates' interests unless it is relevant to their role or an aspect of their role within the GMC.
11. It is the responsibility of all associates not to put themselves or the work of the GMC in a position where there is a conflict between the duties required as set out in the contract and their own private interests.
12. Associates must avoid making decisions or handling matters where they have interests that might influence, or be perceived as influencing their judgement.

Declaration of interests

13. On appointment to the GMC all associates will be asked to complete a declaration of interest form. This will be retained centrally and will be referred to at the point of empanelment or engagement of services. The GMC also reserves the right to review this information on an annual basis asking all associates to ensure that the information is up-to-date.
14. The associate will need to consider whether any past or present interest or association with any person or body or any fact or matter (whether entailing an association with any person or otherwise) of whatsoever nature might reasonably be expected to give rise to a conflict of interest or the suspicion of a conflict. The conflict might arise where an interest might influence or be perceived to influence the Associate's judgement in carrying out his or her function – for example as a tribunal member, whether as to his or her independence, impartiality or in any other way.

15. The associate has a responsibility at all times to advise the GMC of any appointments or changes to their personal circumstances which may in turn cause potential conflicts of interest
16. If at any time in the course of their provision of services an associate recognises a potential conflict they must advise the operational Head of Section. At this point the Head of Section will decide on the most suitable course of action.
17. Where there is a potential conflict of interest, the Head of Section will agree with the associate what if any action should be taken. In many cases this is likely to mean that the associate will be asked to stand down for the particular activity that they have been asked to undertake. Plainly, the sooner the potential conflict is identified and an assessment made the better.
18. This information may be made public if there has been improper influence as result of the conflict of interest or there is a legal obligation to disclose it.