

Criteria for appointment of tribunal members

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 Tribunal Member.
- 3** This document constitutes the publication of those criteria.

Tribunal members

- 4** **Medical tribunal members** 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.
- 5** **Lay tribunal members** are individuals who are not, and never have been, registered medical practitioners or holders of a qualification registrable under the Medical Act 1983.
- 6** There is no maximum age for appointment.
- 7** 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

- 8 Tribunal members must exercise their responsibilities in judging cases as individuals, not as representatives of other organisations.
- 9 Tribunal members must be able to make thoughtful and unbiased decisions in the context of the relevant jurisdiction, which is both to protect patients and to act in the public interest, which, in addition to the protection of patients, includes the maintenance of public confidence in the profession and declaring and upholding proper standards of conduct and behaviour.
- 10 In particular, this will require the following competencies which will be assessed through any appointment process:
 - a. **Genuine interest.** Tribunal members will be able to demonstrate a real interest in the work of medical practitioners tribunals with the desire to make a significant contribution to enhance the public/professional perception of the GMC and MPTS and ensure a fair and transparent process.
 - b. **Intellectual and analytical ability.** Tribunal members must be able to concentrate for long periods of time, to understand and assimilate complex facts and arguments. They must also be able to recall such evidence and information speedily and accurately and to argue a coherent position.
 - c. **Decision making and sound judgment.** Tribunal members must be able to make important and difficult decisions on highly sensitive matters within tight timeframes.

Tribunal members must also have the ability to exercise discretion effectively, to work within the statutory framework, to apply the MPTS/GMC policies and follow the guidance issued, whilst being able to differentiate and weigh up competing arguments and draw sound conclusions capable of justification under close scrutiny.

- d. **Fairness, equality and diversity.** Tribunal members must be open-minded and objective and have the ability to recognise conflicts or potential conflicts of interest and declare them. They must also have the ability to apply rules and standards, make judgments free from bias and deal impartially with all matters raised during tribunal hearings.

Tribunal members must also ensure that their decision-making and behaviour is fair and non-discriminatory at all times. They must recognise and respect the differences of the diverse groups of people with whom they will come into contact. They should also be prepared to challenge discriminatory or inappropriate behaviour, and recognise any personal emotions or prejudices that may influence their judgment in order to be able to put these aside.

- g. **Working with others.** Tribunal members must have the ability to ensure their own views are heard, constructively challenge the opinions of others, work to achieve a shared consensus and accept collective responsibility.
- h. **Confidentiality.** Tribunal members must have a clear understanding of confidentiality in relation both to evidence and to the tribunal's deliberations, and to be committed to it. Those appointed must adhere to the GMC's Information security and data protection policies.
- i. **Communication skills, integrity and sound temperament.** Tribunal members must have excellent communication skills, both oral and written, and be able to express themselves clearly and succinctly.

Tribunal members must be people of demonstrable integrity. This quality includes generating the trust, confidence and respect of others and also dealing impartially with all matters raised during tribunal hearings. Those appointed must also be committed to follow the Principles of Public Life as drawn up by the [Committee on Standards in Public Life](http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/) (<http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>).

The qualities expected of tribunal members also include remaining patient, tolerant, even-tempered and courteous.

- j. **IT literacy.** Tribunal members must have internet access and the ability to communicate by email, sending and receiving communications with all types of attachments, able to access and read hearing documentation on-line, work with on-line forms, questionnaires and other documents. They must also have an effective personal email address.