

# Criteria for the appointment of legally qualified chairs of a tribunal

## Background

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.

The GMC (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 a legally qualified chair (LQC) of a tribunal.

This document constitutes the publication of those criteria.

## Legally qualified chairs

The MPTS policy is that LQCs 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 LQC.

The GMC (Constitution of Panels, Tribunals and Investigation Committee) Rules [2015] interprets 'lay' as individuals who are not, and never have been, registered medical practitioners or holders of a qualification registrable under the Medical Act 1983.

LQCs must complete annual MPTS training in order to carry out their role.

LQCs must be over the age of 18 at the time of appointment. There is no maximum age for appointment.

No individual may be an MPTS LQC where this is not compatible with paragraph 4 of the GMC (Constitution of Panels, Tribunals and Investigation Committee) Rules Order of Council 2015. Any appointment to one position would require resignation from the other.\*

## Qualifications and experience

The qualifications and experience that a LQC must have 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.†

## Competencies

LQCs must exercise their responsibilities in reaching decisions as individuals, not as representatives of other organisations.

LQCs 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.

LQCs must be able to demonstrate the following competencies.

### Intellectual and analytical ability

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

Able to identify when there is a need to provide legal advice.

\* Any individual to hold an appointment as a LQC cannot carry out any role within the GMC's investigatory part of the process or on the registration panels.

† If you are holding a suitable judicial or quasi-judicial appointment you may not be required to meet this.

Able to provide relevant and tailored legal advice.

## **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.

Able to make important and difficult decisions on highly sensitive matters within tight timeframes.

Able to support decision making to ensure its fair, accurate and legally sound.

## **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, work to achieve a shared consensus and accept collective responsibility.

A willingness to accept feedback from others and to learn from the experience of others.

## **Communication skills, integrity and sound temperament including drafting skills**

Excellent communication skills, both oral and written, and able to express themselves clearly and succinctly.

Demonstrable integrity, including generating the trust, confidence and respect of others and dealing impartially with all matters raised during tribunal hearings.

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

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 and structure these appropriately.

Those appointed must also be committed to follow the Principles of Public Life as drawn up by the [Committee on Standards in Public Life\\*](#).

## **Confidentiality, fairness, equality and diversity**

A clear understanding of confidentiality in relation both to evidence and to the tribunal's deliberations and be committed to it. Those appointed must adhere to the GMC's information security and data protection policies.

Ability to ensure that arrangements are made for a fair hearing and can provide appropriate support to parties and colleagues during hearings in line with legislative and contractual requirements.

Must be open-minded and objective and have the ability to recognise conflicts or potential conflicts of interest and declare them. Those appointed 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.

Must ensure that their decision-making and behaviour is fair and non-discriminatory at all times. Those appointed 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.

## **Knowledge of MPTS/GMC policies and procedures**

LQCs must show commitment to and understanding of the GMC and MPTS policies and procedures and the legal framework within which tribunals work. LQCs must be well informed and keep up to date on current issues.

\* <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

## **IT literacy**

LQCs must have internet access and the ability to take part in virtual hearings and training, 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.

## **Equal Opportunities**

MPTS values equality and diversity and is committed to ensuring that our procedures are fair, transparent and free from unlawful discrimination. LQCs are appointed from all suitably qualified applicants. We have a legal obligation to promote and advance quality 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.