

Criteria for the appointment of legal assessors

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.

Schedule 4, paragraph 7 of the Medical Act 1983 requires 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 appointment as a legal assessor.

This document constitutes the publication of those criteria.

Legal assessors

The MPTS appoints legal assessors who advise its tribunals on questions of law as to evidence or procedure arising in the proceedings before them and to advise on the drafting of decisions in accordance with Schedule 4 Paragraph 7 of the Medical Act 1983. To avoid any perception of bias, legal assessors may not represent any parties in the proceedings before the tribunals nor in any proceedings relating to an appeal against a decision by the tribunal.

Legal assessors play no part in the tribunal's decision making.

The MPTS policy is that legal assessors should have undergone a process of assessment against specified criteria and training to ensure that they are suitable to carry out the role of legal assessor.

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

Qualifications and experience

The qualifications and experience that a legal assessor 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

Legal assessors must be able to demonstrate the following competencies:

Intellectual and analytical ability

A sound knowledge of civil or criminal law in England and Wales, the Human Rights Act and other relevant legislation and current knowledge of relevant Court decisions.

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

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

Able to provide relevant and tailored legal advice.

Sound judgement

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

Working with others

Able to ensure own views are heard, constructively and legally challenge the opinions of others and assist in the acceptance of collective responsibility.

Recognise the parameters of advice, support and decision making that is appropriate.

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.

Excellent drafting skills; is able to produce clear concise and accurate explanations of the tribunal's decision 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 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

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

emotions or prejudices that may influence their behaviour in order to be able to put these aside.

Knowledge of MPTS/GMC policies and procedures

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

IT literacy

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