Criteria for the appointment of Tribunal Members

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 Tribunal Member.

This document constitutes the publication of those criteria.

Tribunal Members

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.

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.

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

No individual may be both an MPTS Tribunal Member, Chair or 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.¹

**Qualifications, experience and competencies**

Tribunal Members must exercise their responsibilities in judging cases as individuals, not as representatives of other organisations.

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.

In particular, this will require the following competencies which will be assessed through any appointment process:

**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.

**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.

**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.

¹ 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.

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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.

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.

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.

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/).

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

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.

**Equal Opportunities**

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 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.
Annex A: Associates Conflicts of Interest Policy

**Purpose**

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**

The policy is aimed at all individuals who have a contract for services – the types of associates include MPTS Tribunal Members; Appeal Panel Members; PLAB Examiners; Education Visitors; Registration Panel Members; Performance Assessors; Health Assessors. This list is not exhaustive.

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?**

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.

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.

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 panel 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 healthcare 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

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.

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?

This policy sets out how we should manage conflicts of interest and related matters.

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.

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.

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

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.
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.

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.

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.

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.

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.

_Last updated 25 November 2015_