

# GENERAL MEDICAL COUNCIL

*Protecting patients.  
guiding doctors*

## **Fitness to Practise Committee**

### **Item 5**

**12 July 2004**

#### **Concerns about a panellist**

##### **Issue**

1. The decision of a sub group established under the procedures for dealing with concerns about panellists.

##### **Recommendations**

2. To note the decision taken by the sub group (paragraphs 6 and 7).

##### **Further information**

3. Graziella Oragano 020 7915 3440 [goragano@gmc-uk.org](mailto:goragano@gmc-uk.org)

## **Background**

4. In March 2004 the Council agreed the procedures for dealing with concerns about fitness to practise panellists. A copy of the procedures is annexed to this item.
5. Paragraph 12 of the procedures provides that any decision taken by a sub group appointed by the President to consider matters referred shall be reported to the Fitness to Practise Committee and through the Committee to the Council.

## **Discussion**

6. A sub group appointed by the President met on 16 June 2004 to consider concerns about a lay panellist. Those concerns related to the panellist's failure to disclose, when asked in open session by the panel chairman, links with a particular organisation. The panellist subsequently disclosed to the panel chairman an involvement with the organisation but did not fully disclose the extent of those links. It was not until several days later that the panellist's full involvement with the organisation became apparent.
7. The sub group concluded that the panellist's actions showed a serious lack of judgment and demonstrated a lack of the highest standards of integrity that the GMC demands of its panellists. They took the view that if the panellist's was allowed to sit on any panels in future it could raise questions about the integrity of those panels; that would be unfair to the defendant doctors, the witnesses and the wider public. They therefore concluded that the panellist should no longer continue to be empanelled to sit on any fitness to practise panel.

**Recommendation:** To note the decision taken by the sub group.

## **Equal opportunities**

8. Nothing in this paper discriminates unfairly against any group of individual.

## **Resource implications**

9. None arising directly from this paper.

## **Public presentation**

10. The sub group's decision will be reported to the Council.

### **Procedures for dealing with concerns about panellists**

1. Fitness to practise panellists are appointed by the Council. The Council has delegated this responsibility, and responsibility for dealing with any concerns that might arise about panellists including their eligibility or suitability to continue to sit on committees, to the Fitness to Practise Committee (FPC). The FPC's duties also include the effective development of associates who serve as panellists on the fitness to practise committees.
2. Where concerns about the behaviour of a panellist arise a report shall be sent to the Chairman of the FPC (the Chairman) or another member of the FPC nominated by the Chairman (the Member).
3. The Chairman, or the Member, shall consider the report. If he or she considers that there might be an issue or issues, the panellist concerned shall be notified and given an opportunity to submit written observations. It is open to the Chairman, or the Member to decide at this stage whether, pending resolution of the matter, the panellist should continue to sit on panels.
4. On receipt of the panellist written observations the Chairman, or the Member, shall review the position. Before reaching a final decision it is open to the Chairman or the Member to meet the panellist to discuss the issue or issues raised. An officer of the Council shall attend any such meeting and produce a note of the meeting. If the Chairman, or the Member, concludes:
  - a. That no issue arises, that decision shall be recorded in writing and the panellist and person who provided the report shall be notified accordingly.
  - b. That there is an issue, or issues, the Chairman, or the Member shall report the matter to the President and notify the panellist concerned.
5. The President shall, on being notified about any such issues, appoint a sub group of the FPC to consider the matter referred. The sub group will normally comprise members of the FPC with relevant experience but it shall be open to the President, if he wishes, to co-opt other Council members. The quorum of the sub group shall be three but normally five members will consider any matter reported.
6. The Chairman or Member who considered the original report shall not sit on the sub group. It shall be open to the President, if he wishes, to sit on the sub group. If the President chooses to do so, he shall chair the sub group. If the President chooses not to sit on the sub group, he shall appoint a chairman from amongst the members appointed to sit on the sub group.
7. The panellist about whom concerns have been raised shall be notified of the date when the sub group will consider the matter referred to them and shall be invited to attend the meeting or to submit further written observations.

8. The panel shall have before them copies of all relevant documents including the documents considered by the Chairman or the Member and any further written observations received from the panellist.
9. If the panellist attends the meeting, he or she shall be afforded an opportunity to address the sub group and to answer any questions the sub group may put to him or her. The panellist should then withdraw so that the sub group can consider in private:
  - a. Whether any action is required.
  - b. Whether the concerns raised can be dealt with by remedial action. If so, the sub group shall agree the remedial action required, the period over which it is to be carried out and the mechanism for assessing whether the concerns about the panellist behaviour have been resolved.
  - c. If the concerns raised cannot be addressed by remedial action, or the panellist refused to undergo remedial action, whether the panellist should continue to be empanelled to sit on fitness to practise committees.
10. It shall be open to the sub-group to adjourn to obtain further information before reaching a final decision.
11. Where the sub group decides that:
  - a. No further action is required or that the matter can be dealt with by providing advice or a warning to the panellist, that decision together with the reasons for the decision shall be conveyed in writing to the panellist as soon as possible after the meeting. A copy shall be sent to the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns.
  - b. The concerns raised can be addressed by remedial action:
    - i. That decision, together with the reasons for the decision, shall be conveyed in writing to the panellist as soon as possible after the meeting and the panellists shall be asked to confirm, in writing, whether he or she is prepared to agree to the remedial action identified. A copy shall be sent to the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns.
    - ii. If the panellist agrees to the remedial action, the action identified shall proceed and the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns shall be notified.
    - iii. If the panellist does not agree to the remedial action, the matter shall be remitted back to the sub group to consider whether the panellist should continue to be empanelled to sit on committees and

the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns shall be notified.

c. The concerns raised cannot be addressed by remedial action or the panellist has refused to undergo remedial action, the sub group shall consider whether the panellist's appointment should be terminated. If the sub group so determine that decision, together with the reasons for the decision, shall be conveyed in writing to the panellist as soon as possible after the meeting. A copy of the letter shall be sent to the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns shall be notified.

12. Any decision taken by the sub group shall be reported to the FPC and through the FPC to the Council.

March 2004

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## **Fitness to Practise Committee**

### **Minutes of Meeting on 12 July 2004**

#### **Present**

#### **Members**

Dr Joan Trowell (Chairman)  
Mrs Gillian Camm  
Dr Peter Terry

Dr Sati Ariyanayagam      Mr David Bean QC  
Mr Bob Nicholls      Professor Wendy Savage

#### **Office**

Mr Liam Conlon  
Mr Scott Geddes  
Miss Juliet Oliver

Mr Michael Cotton  
Mr Robert Loughlin  
Miss Graziella Oragano

Mr Blake Dobson  
Mr Neil Marshall  
Mr Paul Philip

1. There were apologies for absence from Professor Drife, Provost Forbes and Professor Shaw.

### **Minutes and note of the meeting held on 16 June 2004**

3. The minutes and note of the last meeting were approved as accurate.

**Item five: Concerns about a panellist**

8. The Committee noted the decision of a sub group established under the procedures for dealing with concerns about panellists.