

# Guide to the role of the consultant nominee

This guide has been produced by the consultant contract implementation team (CCIT) and the British Medical Association (BMA).

The document summarises the role of the consultant nominee in a consultant appeal panel.

The terms and conditions of service, for consultants, refer in Schedule 4.5 to, 'a representative nominated by the consultant' however, it is recognised that this description could be inadvertently misleading, perhaps suggesting a role as the appellant's advocate, therefore the model protocol for appeals (agreed between CCIT and the BMA) adopts 'panel member nominated by the consultant' to describe the second panel member.

The consultant nominee on the panel provides a perspective that contributes to the overall balance of interests on the panel. As with the other panel members, the consultant nominee is expected to approach the appeal with an open mind.

Before the hearing the consultant nominee should be prepared to review the written statements of case from the parties. The consultant nominee should ensure they have access to the agreed bundle of documents prepared for use by appeal panels.

During the hearing, care should be taken (by all three panel members) to avoid creating any impression of bias or partiality that might

undermine the perceived fairness of the appeal. Questions to the parties should be asked at the appropriate time, usually after the parties have presented their respective cases, and interruptions should be avoided unless it is necessary to clarify a point before proceeding further. The chair is responsible for the smooth running of the hearing and should invite the other panel members to ask questions at the appropriate time.

After hearing from the parties to the appeal it will be necessary for the panel to arrive at a recommendation. This should reflect an agreed position, preferably, but if any panel member is outvoted, a majority decision should be accepted. The panel members should discuss and agree their reasons for the decision, referring to the bundle of documents where necessary, to assist the Chair who is expected to lead in drafting the agreed recommendation of the panel. The consultant nominee should be satisfied that the written recommendation of the panel is an accurate reflection of what was agreed, at which stage their role in the appeal is concluded.