

Guide to the role of the third panel member

This document summarises the role of the third panel member in a consultant appeal panel and was produced by the former consultant contract implementation team (CCIT) and the British Medical Association (BMA).

The independent third panel member can be nominated from a variety of routes, but their key attributes should be independence and impartiality, therefore they should not be seen as, nor should they act as, a representative of the body that nominated them. The independent third panel member further balances a panel of three and contributes to the appeal process by ensuring that the appeal hearing is 'felt fair' by the parties.

As with the other panel members, some preparation is required before the hearing to clarify the grounds and issues for the appeal. The third panel member should ensure s/he has the written statements of case by the parties, and the agreed bundle of documents for use by appeal panels.

The hearing should be approached with an open mind, and any questions that are asked of the parties should be phrased in a way that does not suggest a pre-judged outcome. The conduct of the panel, and perceived fairness of the process, will affect the acceptability of the appeal system to both employers and consultants.

The process of arriving at a recommendation following the hearing is described above. As with the other panel members, the third panel member should be prepared to offer reasons for his or her recommendation, by reference to the bundle of documents where necessary.

The third panel member may have already heard other appeals, but it is important to note that the outcome of one appeal does not set a precedent in respect of other appeals, unless there is local agreement to the contrary. The third panel member should also be satisfied that the written recommendation of the panel is an accurate reflection of what was agreed, at which stage his or her role in the appeal is concluded.