

### APPEAL PANELS IN CAPABILITY CASES

#### 1.0 Context

1.1 Maintaining High Professional Standards in the Modern NHS provides for the appeal panel to be chaired by an independent member from an approved pool trained in legal aspects of appeals.

1.2. NHS Employers now holds a list of independent appeals panel chairmen to hear appeals under part IV Annex A of 'Maintaining High Professional Standards in a Modern NHS'.

A nationally held list ensures the ability to secure consistency of approach and the ability to monitor performance and assure the quality of panellists.

In cases where an appeal is received under paragraph 28 of the framework, employers should contact [sean.king@nhsemployers.org](mailto:sean.king@nhsemployers.org) or [barbara.carter@nhsemployers.org](mailto:barbara.carter@nhsemployers.org) to arrange for a chairman to be appointed.

1.3 All panellists have met the criteria agreed by the BMA, BDA, DH and NHS Employers. The agreed criteria includes an understanding of the legal framework, jurisdiction and procedures of the panel and equal treatment. They are all experienced in a wide variety of panel and tribunal work and have all proved that they have excellent communication skills and will command the authority required of a panel chair. NHS Employers is responsible for allocating chairmen to panels.

1.4 NHS trusts are responsible for setting up the panel and remuneration should be agreed with the chairman. NHS Employers recommends a figure of around £400 per day, based on rates for other panels within the NHS.

1.5 NHS Employers will ask both parties involved in appeals panel hearings to complete feedback forms which will be used to contribute to the process of reappointment