

## **Employment Tribunal Review - Terms of Reference**

1. To consider whether the arrangements in place governing investigations under Maintaining High Professional Standards (MPS) procedures are equitable and fair to doctors from all backgrounds.
2. To review the arrangements for an individual being investigated under MPS to ensure that he/she can raise concerns and/or issues about the proposed Terms of Reference (ToR).
3. To consider whether there are adequate processes in place to ensure that the individual being investigated can make representations on the report prepared by the Case Investigator before a decision is made by the Responsible Officer.
4. To ensure that the status of any recommendation made to the Responsible Officer for further training of the individual under investigation is unambiguous, including clarity as to whether this constitutes a request or a management instruction when conveyed to the individual concerned.
5. To clarify what action, if any, should be taken in the event that the individual in question fails to act on the request or management instruction.
6. To determine the adequacy of arrangements for ensuring that all staff involved in the process are trained appropriately, act objectively and remain up to date.
7. To determine whether an investigation on the grounds of alleged professional misconduct constitutes a material consideration in deciding on overseas deployment during global public health emergencies, and, if so, what safeguards should be put in place to ensure that such decisions are taken fairly and transparently.
8. To clarify whether there are robust, transparent and fair policies and procedures in place in reaching decisions about medical revalidation, including transparency of communication with the GMC as the professional regulatory body.
9. To review the arrangements for appeal should a recommendation regarding medical revalidation be in dispute.
10. To clarify the process for appealing a stage one decision in the grievance process in circumstances where an employee is about to leave or has actually left the organisation.
11. To review the Governance and accountability arrangements regarding the above and, if necessary, to recommend how these should be strengthened.

