

Regulations on appointments of consultants in the UK

(a) Regulations on appointments of consultants in England, extracts from DHSS circular HC(82), 10 May 1982

APPOINTMENT OF CONSULTANTS

PLANNING THE POST

5. Authorities should normally begin planning for consultant appointments well before the post is to be filled. They will wish to consider, with relevant professional advice, both service needs and the training and supervision of junior staff and should take account of the views of the other consultant staff concerned. In the case of a replacement post, factors to be taken into account include:

- a. whether the post continues to be necessary;
- b. what the task is, whether it has changed and whether the post should continue in its present form;
- c. whether the staffing needs to be strengthened by another post or if the existing post should be reorganised to provide for commitments in fewer places.

Also, again with professional advice, they should draw up a job description, in accordance with Annex F of PM(79)11.

6. The Regional adviser of the relevant Royal College or Faculty should be given an opportunity to comment on this draft job description including the suitability of the proposed arrangements and facilities in the light of service needs. If the above procedure is followed there should be no difficulty or delay in Colleges nominating 'College assessors' (a consultant in the relevant specialty, not employed within the region, appointed to an AAC after consultation with the appropriate Royal College or Faculty) for Advisory Appointments Committees (AAC) and these assessors should not raise questions relating to the job description at AAC meetings.

ADVERTISEMENT OF POSTS

7. All posts to which these Regulations apply shall be advertised, unless the authority of the Secretary of State to dispense with advertisement has been obtained (regulation 5(3) and paragraph 36 below). Advertisements must appear in at least two professional journals unless this is not practicable (regulation 5(1)) in which case other publications may be used.

8. Consultant posts may be established as either whole-time (with a maximum part-time option) or part-time ...

ELIGIBILITY FOR APPOINTMENT

9. The only formal requirement for appointment to a consultant medical post is that appointees must be fully registered medical practitioners ...

MEMBERSHIP OF ADVISORY APPOINTMENTS COMMITTEES

10. Regulation 6 and Schedules 1-4 set out the provisions governing the membership of Appointments Committees. In meeting the requirements of the Regulations, authorities should seek to secure a balanced Committee. Where posts have both an identifiable teaching and a service commitment, each interest should be represented on the Committee. Those Schedules specify that each committee should contain a member of the

authority's clinical staff, who should be a consultant member working in the clinical service (that is, in the same group of hospitals, or same laboratory services, etc) to which the appointment will be made. In appointing the other professional members specified in the Schedules for a standard Committee, or seeking nominations, authorities might wish to consider the appointment of a member from another specialty who works in the same place as the appointee, and a member from the same specialty who works elsewhere.

11. As indicated above, the normal composition of a Committee includes a consultant member of the same clinical service as the appointee. This ensures that future colleagues of the new consultant will be represented in the appointments procedure. However, where the post has substantial responsibilities in more than one place, it may not be possible for one member to fulfil this function properly. The regulations therefore make provisions for further representation, through Schedule 1 paragraph 3 when the duties of a regional post are in more than one district; and through Schedule 4 paragraph 1(a) when clinical services within a district are organised separately, and the duties of the post are for more than one of those services. Authorities should note that the number of additional appointments to a Committee under any of the provisions of Schedule 4 paragraph 1 should not exceed 3.

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PROCEDURE

21. The procedure adopted by an Appointments Committee is a matter for decision by the Committee itself, subject to the provisions of Schedule 4 and of current legislation on employment practices.

22. Officers of the authority may attend the meetings of an Appointments Committee at the invitation of the Chairman, in order to service and assist the Committee generally, and to answer questions of fact, but have no voting rights. They are not members of the Committee, and may therefore contribute only at the discretion of the Chairman.

23. ... Under regulation 7(3), no candidate may be recommended for appointment without having been interviewed by the AAC.

...

25. The Appointments Committee's function is to select from the applicants those it considers suitable for the appointment and to recommend a name or names to the authority, adding any comments they may think appropriate (regulation 7(2)). No candidate should be recommended as suitable unless the Committee would recommend that he be appointed should any recommended above him in such a list not be appointed. Candidates able to offer only part-time work in whole-time posts, for the reasons shown in paragraph 4, and whom the Committee considers suitable for appointment, should be included in the recommendations to the authority.

26. The authority may appoint only from persons selected by the Committee (regulation 8) but it is not required to make an appointment and may re-advertise the post.

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STARTING SALARIES

28. The starting salary for a consultant is a matter to be determined by the employing authority in accordance with the Terms and Conditions of Service of Hospital Medical and Dental Staff ...

EXEMPTIONS

29. Regulation 4(1) lists appointments exempt from the need to advertise and to hold an Appointments Committee. New exemptions have been introduced:-

- a. where the appointment is to fill, for 12 months or less, a vacant post, the need for which is expected to continue; ...
- b. where it is clear that the need for the post is only temporary, or that the duties will be radically changed in the near future. Such appointments are exempt if they are for less than two years, or longer with the permission of the Secretary of State; ...
- c. where the appointment is to a post requiring the equivalent of not more than two notional half days work a fortnight or less and the applicant is already employed by another authority as a consultant. Before making such an appointment authorities should consult the profession locally.

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REDUNDANCY OR REORGANISATIONS

30. Where a consultant has been, or is about to be made redundant from his post by his employing authority, the latter has a moral obligation under the terms and conditions of service to render him the greatest possible assistance with a view to his obtaining comparable work elsewhere. In cases where such work has not been found before he is declared redundant, the authority should apply to the Secretary of State for a certificate, recognising that the officer has been made redundant from a paid consultant appointment which had been the subject of an AAC recommendation, and a copy of this given to the consultant concerned. In cases where comparable work has been found before he leaves his existing employing authority, then that authority should apply to the Secretary of State for approval of his transfer to that post, and then inform the prospective employer of the result. In all cases the employing authority for the new post will wish to be satisfied that the individual is suitably qualified for the duties involved, and also wish to give due weight to the views of the profession locally on the prospective appointment. If that authority then decides to proceed, appointment of the individual can be exempted from the procedures of the regulations either under regulation 4(f) on presentation of his certificate of redundancy (provided that the appointment is made within two years of the date of the certificate), or under regulation 4(g) if the Secretary of State has given his consent to the transfer.

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EXEMPTION FROM THE NEED TO ADVERTISE

36. Dispensation under regulation 5(3) from the requirement to advertise an appointment to which the regulations apply, will be granted only in exceptional circumstances ...

ACADEMIC AND RESEARCH STAFF

37. It is usual for universities or the Medical Research Council (MRC) to apply to an authority on behalf of clinical academic or research staff of appropriate seniority for the award of an honorary NHS consultant contract. For this reason, universities recognise that it is desirable for the authority to participate in the selection process for senior clinical academic staff who do not already hold an honorary NHS consultant contract. The Universities will also bear in mind the great importance attached by the professions to the inclusion of a College Assessor. This will generally mean that the universities will consult the relevant authorities before appointing consultants to their Appointment Committees. Authorities should wherever possible include in their suggestions an NHS consultant on the staff of the main hospital in which the successful candidate will be undertaking clinical work. A number of universities and the MRC have long established arrangements for consulting NHS authorities and existing practices which are working satisfactorily should be allowed to continue.

HONORARY CONTRACTS

38. An authority proposing to grant an honorary contract must satisfy itself as to the practitioner's competence to carry out the clinical duties required, as the authority carries the same liability in law for the actions of its honorary staff as it does for its paid staff. Holders of honorary contracts cannot fill paid NHS consultant posts without fulfilling the provisions of the regulations.

(b) Extracts from regulations on appointments of consultants in Scotland

(i) Guidance given by the Scottish Office to members of the national panel of specialists on their role and responsibilities at advisory appointments committees

Introduction

1. The appointment of consultants in Scotland is governed by the National Health Service (Appointment of Consultants) (Scotland) Regulations 1993. These Regulations lay down the constitution of Advisory Appointments Committees ('AACs') for consultant posts and provide for a National Panel of Specialists. Each consultant AAC must have 2 members from the relevant specialty of the National Panel of Specialists, only one of whom should come from the area of the employing body (which may be a Health Board or an NHS Trust). The following guidance is intended to explain the particular role and responsibilities of National Panel members. In addition, Scottish Office guidance advises employing bodies to include one National Panel member on AACs for senior registrar, senior clinical medical officer, staff grade and hospital practitioner posts.

National Panel of Specialists

2. The 1993 Regulations provide for up to 350 National Panel members, appointed by the Secretary of State for Scotland. Of these 350 members, up to 225 are nominated by professional organisations (Royal Colleges and Faculties); up to 70 by the Universities of Aberdeen, Dundee, Edinburgh and Glasgow; and the remaining 55 by the Secretary of State for Scotland to balance geographical and specialty interests. Appointment to the Panel is normally for 4 years but some appointments may be made for a shorter period to meet particular circumstances, for example where a new specialty is involved, or where there are insufficient National Panel members with the relevant experience in the specialty or sub-specialty concerned.

Job Description

3. Before any appointment is advertised, the employing body will prepare a job description for the post in consultation with the profession locally and with advice from a member of the National Panel in the appropriate specialty or sub-specialty. From time to time therefore you may be sent a job description on which your advice is sought. In commenting on the job description, your role is advisory and you may wish to consider guidance issued by your own Royal College or specialty body. However, it should be recognised that the final content of the job description is the responsibility of the employing body. Once the job description has been drawn up and agreed, it is not open to later debate by any member of an AAC, including the 2 National Panel members appointed to serve on it. As the job description is usually decided well in advance of the constitution of the AAC, you should note that even if you have been asked to comment on it, you may not necessarily be one of the two National Panel members who will serve on that particular AAC.

Invitation to serve on an AAC

4. Once the decision to make an appointment has been made, the employing body will constitute an AAC and invite 2 members of the National Panel in the relevant specialty or sub-specialty to serve on it, only one of whom may be employed by the Health Board or NHS Trust concerned. If you are invited to serve on an AAC, a copy of the job description will be sent to you for information. At that stage it cannot be altered by AAC members. You will be sent a copy of the general guidance issued to all AAC members advising on such relevant matters as equal opportunities and EC legislation, committee proceedings and confidentiality. In addition, you will receive copies of all applications for the post in question and instructions about short-listing and interview arrangements.

Responsibilities of National Panel Members on AACs

5. National Panellists are full members of the AAC. You are therefore free to make comments on any aspect of the appointment under the guidance of the Chairman and you have, along with other members, full voting rights. In addition, you have a particular and separate function, which is to advise the AAC on whether individual candidates have sufficient training and experience in the appropriate specialty or sub-specialty to enable them to assume the professional responsibilities of the consultant grade in the particular post under consideration. In other words, you will be expected to advise the AAC of the fitness of each of the candidates to assume professional consultant responsibilities. In doing so you should take account of the relevant professional guidance issued by Royal Colleges and Faculties.

6. You should be aware that the AAC is an advisory committee and does not make the appointment: that is the responsibility of the employing body. The employing body, however, can only appoint a candidate who has been interviewed by an AAC and recommended as suitable for the appointment by the AAC.

Training

7. All AAC members should receive training on short-listing and selection of candidates by interview, taking account of guidance on equal opportunities and EC legislation. Your training should be arranged by the employing body which appoints you to the AAC but if you have not received any such training, you should ask your own employing body to arrange this before serving on an AAC. If you are asked to serve on an AAC and have still not received training, you should draw this to the attention of the employing body making the appointment, or to the Chairman of the AAC concerned. He is responsible for ensuring that all members of his AAC have received training.

Recommendations of the AAC

8. As a National Panel member of an AAC, your views on the fitness of an individual for an appointment are particularly relevant. You must ensure that, if you have any material reservations regarding a candidate recommended for appointment or dissent from the recommendation of the AAC, your views are clearly stated. You must make your views known to the Chairman of the AAC, who in turn, is obliged to inform the employing body accordingly. Where both National Panellists disagree with the recommendation of the AAC, the employing body is required to consult the Secretary to the National Panel of Specialists.

Difficulties

9. If you are invited to serve on an AAC but feel you cannot accept because of other commitments, or because you do not have the relevant experience in the specialty or sub-specialty in question, you should inform the employing body *immediately*. In case of doubt, you should consult the Secretary to the National Panel of Specialists. Similarly, if you have accepted an invitation and have served on an AAC as a National Panellist and have doubts either about your role or about the recommendations being made by the AAC, you should also consult the National Panel Secretary.

Expenses

10. As a National Panel member of an AAC, you are entitled to a fee if you serve on an AAC outwith your own employing body and have no (or prior to retirement had no) contractual commitment with the employing body making the appointment. These fees are uprated annually and are published in the Pay Circular for Hospital, Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service. You should note that the fees are paid by your own employing body, and *not* by the employing body making the appointment.

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(ii) Constitution of Advisory Appointments Committees, NHS Trusts (Scotland), modifications to the regulations

7. - (1) For the purpose of making any appointment other than an exempted appointment, an NHS Trust making the appointment shall constitute an Advisory Appointments Committee in accordance with the following provisions of this regulation.

(2) Subject to paragraphs (3) and (4), a committee shall consist of-

(a) four members appointed by the NHS Trust and of those members-

(i) one shall act as Chairman;

(ii) not fewer than two shall be professional persons; and

(iii) one shall be the Chief Executive of the NHS Trust, but if he is for reasonable cause unable to act, the Trust may appoint another senior officer of that Trust to act in his place;

(b) two members appointed from the Panel who are in the relevant specialty of whom at least one is not employed by the NHS Trust making the appointment; and

(c) in the case of an appointment involving undergraduate teaching duties-

(i) two members, or

(ii) where, following consultation with the University concerned, the NHS Trust considers that the appointment carries major teaching responsibilities, a maximum of four members, nominated by the University concerned.

(3) For the purpose of paragraph (2), where an NHS Trust-

(a) propose making an appointment to a post of part-time consultant; and

(b) after consulting an Authority or as the case may be, another NHS Trust, consider it likely that the person appointed will also be appointed to, or be the holder of, a part-time consultant post with that Authority or that other NHS Trust and will serve concurrently in the two part-time posts, then the NHS Trust may appoint as additional members of the committee-

(i) the General Manager of the Authority concerned or, if for reasonable cause he is unable to act, a senior manager on their staff to act in his place, or

(ii) as the case may be, the Chief Executive of the NHS Trust concerned or, if for reasonable cause he is unable to act, another senior officer of that Trust; and

(iii) after consultation with that Authority or, as the case may be, the other NHS Trust, up to three further persons, two of whom shall be professional persons.

(4) For the purpose of paragraph (2)(b)-

(a) where there are not two members of the Panel in the relevant specialty, the members appointed from the Panel thereunder shall include one (if there is one) in the relevant specialty and, subject thereto, shall be members of the Panel in the most appropriate specialty or specialties;

(b) where there are one or more members of the Panel in the relevant specialty but that member is, or those members are, for reasonable cause unable to accept appointment to a committee at any particular time or times, the members appointed shall include

(i) if only one member in the relevant specialty is unable to act, another member who is; or

- (ii) if all of those members in the relevant specialty are unable to act, two other members who are, in the most appropriate speciality or specialties.

(c) Extract from regulations on appointment of HPSS consultants in Northern Ireland

CONSTITUTION OF ADVISORY APPOINTMENTS PANELS

For appointment of any medical ... practitioner to a consultant post the panel shall consist of:

- (a) five persons nominated by the Board concerned of whom:
 - (i) one shall be a lay member of the Board;
 - (ii) two shall be medical practitioners ... of whom at least one, in the case of a hospital post, shall be a member of the staff of the hospital or hospitals concerned;
 - (iii) one shall be the Director of Public Health of the Board, or his nominee, who shall be a consultant in Public Health Medicine ...;
 - (iv) one shall be the General Manager of the Board, but where he is unable to attend the Unit General Manager may be nominated in his place;
- (b) one consultant nominated by such organisation as appears to the Board to be representative of the branch of medicine or dentistry concerned in Northern Ireland;
- (c) one consultant specialising in the branch of medicine or dentistry concerned outside Northern Ireland;
- (d) one person nominated by the Queen's University of Belfast.

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