Section 2: Conflict of interest and credibility

Overview

2.1 Before you agree to act as an expert, on each occasion you must ensure that there are no conflicting factors that could affect your expert opinion. You must notify us of any potential conflict of interest (or any matter that could potentially affect your credibility) before you write your report.

Conflict of interest

2.2 A conflict of interest is one that might influence, or could be perceived to influence, your independence or impartiality in providing your expert opinion.

2.3 A conflict may arise in several ways, including if you:

- know the doctor under investigation
- know the complainant
- know other key personnel involved in the case - for example through:
  - education or training
  - current or previous working relationships
  - membership of committees or associations
  - attendance at meetings or conferences together
  - social connections
- practise or have previously practised at the same hospital/practice as where the events have taken place
- have another connection, for example you sit on a hospital committee
have a commercial or financial relationship with a party involved in the case from which you might gain personally. This gain could be either in a monetary or non-monetary way.

Please note, there would not be a conflict of interest if you have practising privileges at a hospital run by the same provider.

have previously given an opinion to another organisation on any of the issues on which we are instructing you. We don't consider you to have a conflict if you have previously provided to us a documented discussion or expert report on the same doctor.

2.4 When we initially contact you, we will provide details of the doctor under investigation, the complainant or other key personnel involved in the case. We will provide further details in our letter of instruction.

2.5 Once you indicate that there is no conflict of interest, we will issue a letter of instruction.

2.6 If, when you review the letter of instruction and materials provided to you, you believe that there is, or may be, a conflict of interest, you must contact us immediately.

2.7 We will review the information provided and may decide that there is no conflict of interest which would prevent you from providing an expert opinion. In these circumstances you still need to provide full details of the information in your report.

2.8 You also need to be familiar with our Anti-fraud policy and fraud response plan so that you understand your role in preventing fraud, bribery and corruption.

Credibility

2.9 You must inform us if there is any matter which could affect your credibility or eligibility to give this expert opinion, including:

- a finding against you by another regulator

- an investigation into your practice is started by another regulator, your employer or contracting body or your NHS Area Team

- any adverse judicial finding or criticism of your expert evidence by a judge, coroner, tribunal or regulator (this would not include a case where a court or tribunal has simply preferred the evidence of another expert)

- you have been charged with or found guilty of a criminal offence or you have received a police warning or caution, anti-social behaviour order or certain penalty notices for disorder.
you have been named or involved in a clinical negligence claim in relation to the issues that we are asking you to given an opinion on, either in the UK or elsewhere.

We acknowledge that these matters will not always affect your fitness to practise or your competence to give us an expert opinion. However, you need to make us aware of any issues that could potentially affect your credibility. We can discuss any issues like this with you.

2.10 For further details on what you need to tell us about, please see the GMC’s explanatory guidance Reporting criminal and regulatory proceedings within and outside the UK (2013).