



## **Guidelines for selecting expert tribunal members**

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## **1. Introduction**

The role of the tribunal's expert members is to contribute a specialist perspective to the proceedings and decide cases together with the other members of the tribunal. The Child Welfare Tribunal must ensure that the tribunal tasked with deciding a case is composed in such a manner that it possesses the knowledge and expertise that the case requires.

Considerations for sound and confidence-inspiring case processing dictate that the expert member be chosen at random from the committee of experts. Procedures must also be in place to ensure at the earliest possible stage of the proceedings that the expert member is not disqualified from hearing the case by reason of partiality.

The guidelines describe the main features of the procedure for selecting expert members for tribunals in individual cases.

In order to ensure that the procedure for selecting experts for individual cases is properly documented, local descriptions must be drawn up that comply with these guidelines. The written procedure must describe the different tasks involved in the selection of experts and who is responsible for carrying out each task.

## **2. Selecting expert tribunal members**

### **2.1. The Child Welfare Tribunal's committee of experts**

Each tribunal has a committee of experts appointed by the Central Office, cf. Section 14-2 of the Child Welfare Act. The experts are appointed to decide cases pursuant to the Child Welfare Act and the Health and Care Services Act.

The conditions for being appointed to the committee of experts are described in the Guidelines for appointment of expert members for the term 2021–2024.

All appointed experts are deemed to be qualified to hold office as expert members of a tribunal. The tribunal cannot use only certain professional groups or individual experts in its cases.

Experts are appointed to the tribunal's committee of experts in the geographical area where he or she lives.

Subject to the expert's consent, they may also receive enquiries about cases from other tribunals.

When choosing experts for individual cases, the tribunals should, as a rule, use experts who live in their geographical area of responsibility.

### **2.2. The principle of randomness**

In principle, experts should be randomly selected for individual cases, meaning that an expert will be drawn from members with the qualifications and expertise required in the case in question.

Exemptions may be made from this principle when a new expert member is appointed to the committee in order to allow the new expert to quickly gain experience of the tribunal work.

### **2.3. Special expertise requirements**

If special expertise is required in a case, the tribunal chair will give notification of this in connection with the preliminary assessment of the case. Offering an assignment in a specific case to a particular professional group will not breach the principle of randomness.

Some cases require special expertise. In such cases, the principle of randomness dictates that an expert be drawn from a group of expert members who possess the special expertise that the case requires.

If possible, the group offered an assignment should consist of at least five people. In exceptional circumstances, the group may comprise fewer than five people, but never fewer than two.

Alternatively, an enquiry can be addressed to the entire committee of experts and the case assigned by a draw from among experts who possess the relevant expertise and have expressed an interest in the assignment.

## **2.4. Using experts who are not members of the tribunal's committee of experts**

If it is not possible to find an expert from the tribunal's committee or if the tribunal lacks the desired expertise, experts who live outside the tribunal's geographical area of responsibility can be used.

Several experts have agreed to take on cases for other tribunals. An overview of all experts, their experience and expertise, and whether they have agreed to accept cases for tribunals outside of their geographical area, is available on the intranet.

The general manager must be notified when the tribunal uses an expert who is not a member of its own committee of experts.

## **2.5. Verification of the expert's impartiality**

When the tribunal sends an email to an expert offering him or her an assignment, it will state which municipality is the public party to the case. The email will also include a reminder that the expert cannot accept the assignment if he or she has recently had or is about to start an assignment for the municipality in question.

Once an expert has been selected, the case officer must clarify whether the expert has any ties to the private parties and other participants in the case, such as witnesses or the tribunal chair. If the case officer has doubts about the expert's impartiality, the matter is raised with the chair of the tribunal.

### **Self-declaration**

In order to obtain relevant information of significance in the assessment of the expert's impartiality, experts are required to complete a self-declaration form.

The expert must submit the self-declaration form to the tribunal in electronic form as soon as possible, and within one week at the latest.

Once the self-declaration form is received, it is registered in ProSak as a document to be archived. The tribunal chair then verifies the expert's impartiality.