

Procedures for oral hearings of registration appeals panels

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Introduction

This fact sheet explains what generally happens at a hearing of a registration appeals panel. But this is only a guide because, with the exception of a few key activities, our rules* allow the panel to adapt the procedure on a case-by-case basis.

Who are the panel members?

For registration, licence to practise, and revalidation appeals, the panel usually has three members: a legally qualified chairperson, together with one or two medical members, or one medical member and one lay (non-medical) member.

For specialist or GP registration appeals, where the appeal is against a decision about an application to join the Specialist or GP Register, the panel usually has four members: a legally qualified chairperson, two medical members and one lay (non-medical) member. We try to make sure that one of the medical panellists is from the specialty in which the appellant is applying for registration, but this is not always possible.

Our Head of Registration Appeals selects the panellists from a list of eligible medical and lay people.[†]

When and where do hearings take place?

Normally, hearings take place at our hearing centre in Manchester. Most oral registration appeals hearings are finished in a day or less, and specialist or GP registration appeals hearings tend to take between one and three days. But the hearings can take longer in exceptional circumstances.

The hearings are generally open to the public, but public attendance is not common.

Who else comes to the hearing?

* The panel is free to decide its own procedure for a panel hearing according to rule 10 of *The General Medical Council (Registration Appeals Panels Procedure) Rules Order of Council 2010*.

[†] We maintain this list according to rule 3 of *The General Medical Council (Constitution of Panels and Investigation Committee) Rules Order of Council 2004 (as amended)*.

Appellants can represent themselves at the hearing. Alternatively, they can be represented by:

- a solicitor or counsel (barrister)
- any professional organisation that they are a member of
- a member of their family.

It is up to the panel to decide whether any other person can represent the appellant. Only the appellant can give evidence *and* be a representative or advocate at the hearing.

The representative for the General Medical Council (GMC) is a solicitor or barrister.

What are the stages of the hearing?

Opening the case

The chairperson opens the hearing and introduces the panel. They also invite the appellant or their representative and then the GMC representative to introduce themselves and their witnesses. The chairperson will ask you to turn on your microphone when you speak, please speak clearly because hearings are digitally recorded. It is important to have a clear and accurate record as transcripts can be requested.

To make sure the panel takes in all the important points raised by both parties, the chairman and the panellists may take notes during the hearing.

The appellant's case

The appellant or their representative starts by introducing their case to the panel. They then call each of their witnesses in turn, including the appellant, if they want to give evidence. A member of the Registration Appeals team asks each witness to take an oath or affirmation before they give evidence.

The panel will have read all witness statements and documents that were submitted before the hearing, but they may allow extra evidence to be given orally at the hearing.

After each witness has given evidence, they are cross-examined by the GMC representative. The witness can then be re-examined by the appellant or their representative. The panel may ask the witness questions at any time, but they have a specific opportunity to do so after re-examination. Panels usually allow witnesses to sit in the meeting room throughout the hearing rather than excluding them until after they have given evidence. When the appellant's witnesses have completed their evidence, the appellant or their representative closes their case.

The GMC's case

The GMC representative then presents the GMC's case in response. In registration appeals, the GMC representative may call witnesses but, because they are responding to the appellant's case, they don't have to. Instead they may choose to rely on the documents they have submitted. In specialist or GP

registration appeals, the GMC representative is likely to call a witness, who is often nominated by the relevant royal college or faculty. The procedure is the same as for the appellant's witnesses.

Closing submissions

When all the evidence has been given, the GMC representative gives their closing submission (statement). The appellant or his representative can then do the same.

Adjournments

We provide a small room during the hearing for the appellant, their representative and any other witnesses to confer in private. But if there is an adjournment while a witness is giving evidence, the witness must not speak to anyone (including the appellant or any representative acting for them or the witness) during the adjournment.

The panel's decision

After the closing submissions, the hearing closes and the panel deliberates in private to come to a decision.

For registration, licence to practise, revalidation and specialist or GP registration appeals, the burden of proof is on the appellant because they are appealing the GMC's decision. This means that the appellant or their representative has to prove that the decision was wrong.

The appeals panel does not just review the GMC's decision; it reconsiders the evidence that the GMC used to make the original decision together with any new evidence presented by witnesses. In specialist or GP registration appeals, panels only reconsider the evidence in terms of the route that the appellant used to apply for specialist registration, the specialty that the appellant applied to be registered under, and the standard and curriculum that was in force when the GMC made the decision.

The chairperson writes the decision, including the full reasons behind it, after consulting the other panellists. The Registration Appeals team sends the decision to the parties as soon as possible after the hearing, usually within 28 days.

What is the timetable for the hearing?

The chairman is responsible for the timetable, but the day usually starts at 10am and finishes at around 5pm. There is a lunch break of about an hour, usually between 1pm and 2pm, and breaks for 15 minutes mid-morning and mid-afternoon. We do not provide lunch, but we provide refreshments for the morning and afternoon breaks.

Registration Appeals team
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