

Preparing for and attending an appeal hearing

Where do I go?

You will be advised of the venue, date and time of the registration appeals committee meeting that will consider your appeal in a letter, called a notice of hearing, which will be sent to you at least 28 days before the date of the meeting by the secretary to the committee. You must reply to that notice within 14 days confirming if you wish to attend the hearing and if you wish to be represented.

Registration appeals committee hearings are usually held at the Royal Pharmaceutical Society of Great Britain's headquarters in central London but there may be occasions when the hearing will be held elsewhere.

RPSGB
1 Lambeth High Street
London SE1 7JN

Can I ask for the hearing to be held somewhere else?

The registration appeals committee may only meet a few times a year and may need to consider several cases each time it meets. It is very unlikely that a venue would be changed to be more convenient for an appellant, as this could mean many other appellants would be inconvenienced. Hiring venues and arranging travel for staff and committee members could be very expensive, and could add greatly to any costs awarded by the committee to the unsuccessful party. Any appellant requesting a hearing to be held at an alternative venue would have to make a very good case.

Can I ask for the hearing to be held at a different time or date?

In exceptional circumstances, the chair of the registration appeals committee may consider a change to the scheduled start time of your hearing or move your hearing to the next available date. This may not always be possible. You should make every effort to be on time (or early) for the hearing, as the committee may proceed in your absence, even if you have indicated your intention to attend.

What do I need to bring with me?

You should have kept a copy of your notice of appeal (the form you completed and the other documents you submitted to begin the appeal process), and you should bring this with you.

You will not be permitted to introduce new documentary evidence, save in very exceptional circumstances and only with the agreement of the chair. If you expect to have new documentary evidence in time for the hearing that was not available when you submitted your notice of appeal, or at your case management meeting (if one was held), you should contact the secretary to the committee as soon as possible, so that the new evidence can be agreed as admissible and copied to the relevant parties.

Can I bring anyone else with me?

You will already have confirmed if you wish to be represented at the hearing by a lawyer, solicitor, and the representative of a defence society (such as a trade union representative) or an indemnifying organisation when you submitted your notice of appeal or when you received the notice of hearing. If you change your mind and have instructed a representative, you should advise the secretary to the committee as soon as possible. The chair of the committee may not permit your representative to take part in the proceedings if you have not confirmed their attendance in advance.

Even if you have appointed a representative, you may decide to bring someone else with you for personal support. The committee meetings are held in public except when the chair deems it necessary to hold the meeting in private (to protect vulnerable witnesses for example). You will usually know in advance if the meeting is to be held in private. If the chair decides in the course of the proceedings that the meeting should be held in private, all persons not directly involved will be asked to leave. There are comfortable waiting areas. Your supporter will not normally be permitted to speak.

What happens when I get there?

You will need to use the visitors' entrance. Reception staff will need to know you are due to attend a hearing, and they will issue you with a security pass. You will be met in reception by a member of the committee secretariat when it is time to begin your hearing, or moved to a small meeting room to enable you and, if you have one, your representative, to make final preparations for your case. The expectation is that cases should be prepared in advance and no adjournment will be necessary.

Who may speak at my hearing?

The chair is the person who is in charge, and will decide who and when any person may speak. Usually, the Society's representative, any witnesses, you as the person bring the appeal, and your representative (if you have one), and the committee members will be the only people who will be entitled to speak.

Any person may be removed from the room if the committee thinks that person could be disruptive or likely to behave inappropriately.

What happens at the hearing?

The chair will welcome you and outline the procedure for the hearing.

The Society's representative will explain the circumstances of the case.

You, or your representative, will then have the opportunity to explain to the committee your case and explain any evidence you wish to rely on in support of your case, and call any witnesses.

The Society's representative will have an opportunity to reply and call any witnesses.

You, or your representative, will then be able to make a closing statement.

You will be asked to leave the room by the chair so the committee may consider the case. The committee will then consider the case in private and all the evidence submitted, and makes its decision.

You will be called back into the room when the committee has made its decision. The chair will announce the committee's decision and the reasons for the decision.

The chair will declare the case closed, and you will be asked to leave the room.

What about witnesses?

Witnesses may only be called if a written statement of evidence has been submitted to both sides at least seven days before the hearing.

Witnesses may not sit in on a hearing until they have given their evidence and been discharged by the chair. They will be asked to wait in a waiting room until called to give evidence.

When called witnesses will need to make an oath or an affirmation, and the party calling them will then examine (question) the witness. Then the other party will have the opportunity to question the witness. And then the witness may be questioned again by the other party. The committee itself may ask the witnesses questions.

When witnesses have finished giving evidence and discharged by the chair, they may observe the rest of the hearing as a member of the public.

Specialist advisers

The committee may ask for advice from one of the Society's specialist advisers (usually a clinical or health specialist).

What will I be asked?

That very much depends on the nature of your appeal and the case being considered by the committee. There are rules the chair, committee members, and presenters must follow when questioning any person before it to ensure equitable and fair treatment. Bullying or other inappropriate behaviour will not be permitted.

Adjournment

The registration appeals committee may adjourn (temporarily stop) a hearing. Sometimes this may be for a few hours and in some cases the hearing may need to be re-scheduled. The secretary to the committee will confirm the new date, time and venue for the resumed hearing as soon as practicable.

What are the possible outcomes of my appeal?

The committee may dismiss your appeal. This means the committee thinks the decision you are appealing was not wrong.

The committee may allow your appeal and quash the decision. This means the committee thinks the decision you are appealing was incorrect. If you have been refused registration, for example, or removed from the register, you will be permitted to register, or be restored to the register.

The committee may substitute the decision being appealed for any other the person (usually the registrar) could have taken.

The committee may remit or refer the case to the registrar to dispose of in accordance to the committee's wishes. This means the committee may have decided a course of action not usually open to the registrar.

Will I know the outcome of my appeal the same day as the hearing?
The committee will normally give its decision on the day that it meets. You should receive formal notice of the decision (usually a letter) within a few days. This letter will again explain the reasons for the decision.

What about costs?

Both you and the Society will be asked to submit a "schedule of costs" to the secretary to the committee at least 24 hours before the hearing. After announcing the committee's decision, costs will be considered. You or the Society may be ordered to pay all or any part of, costs incurred by the other party.

What happens if I do not agree with the outcome?

If you are unhappy with the outcome of the appeal, you may be able to appeal to a higher court. You should take legal advice.

Will the outcome be published?

As most hearings will be heard in public, the outcome of the case may be published.

Meetings are recorded and a full transcript is available a few weeks after the conclusion of the hearing on payment of a published fee. If you want a copy of the transcript, you should contact the secretary to the committee.

Andrew Gardner
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