

3 – Chief Executive’s Report – Annex D

Summary information on appeals and judicial reviews

1. Table 1 outlines summary information relating to outstanding appeals as at 13 August 2009.

Table 1:

No.	Case	Decision appealed	Current status
1.	AR	Appeal in the Scottish Courts against sanction of erasure.	Appeal part heard. New date for hearing of appeal to be fixed.
2.	An	Appeal against the finding of impairment and extension of the sanction of suspension.	Papers received.
3.	At	Appeal against sanction of erasure.	Papers received.
4.	Ch	Appeal against the finding of facts, impairment and the sanction of	Appeal listed for 24 – 27 November 2009.
5.	Du	Appeal against sanction of erasure.	Hearing adjourned at doctor's request. New date for hearing of appeal to be fixed.
6.	Ge	Appeal against sanction of erasure.	Listed for hearing from 6 to 8 October 2009.
7.	G	Appeal against sanction of erasure.	Date for hearing of appeal is yet to be fixed.
8.	J	Appeal against sanction of erasure.	Appeal withdrawn by consent. Awaiting sealed consent order.
9.	K	Appeal against sanction of suspension.	Appeal part heard. Hearing now listed 19 October 2009.
10.	Khc	Appeal against sanction of erasure.	No listing date yet.

No.	Case	Decision appealed	Current status
11.	M	Appeal against sanction of conditions.	Listed for hearing on 29 October 2009.
12.	O	Appeal against the sanction of suspension.	Awaiting papers.
13.	Ow	Appeal against sanction of conditions.	Awaiting papers so not sure if appealing findings of fact or impairment.
14.	U	Appeal against sanction of conditions.	Awaiting papers

2. Table 2 outlines summary information relating to appeals concluded in Q1 and Q2 2009.

Table 2:

	Appeal withdrawn	Appeal dismissed	Appeal allowed by the Court	Appeal allowed by consent
Q1	3	5 ¹	1	0
Q2	6	5 ²	3 ³	1
Total	9	10	4	1

3. Table 3 outlines summary information relating to outstanding judicial reviews as at 13 August 2009.

Table 3:

No.	Doctor	Claim	Current status
1.	AV	JR of decision not to waive the 5 year rule.	Application for permission granted at oral hearing. Awaiting an oral hearing.
2.	Br	JR of decision to impose an IOP order of suspension.	Awaiting an oral permission hearing.

¹ Costs awarded to the GMC in each case.

² Costs awarded to the GMC in each case

³ Costs awarded against the GMC in one case. 70% of costs awarded against the GMC in one case. No award of costs in one case.

No.	Doctor	Claim	Current status
3.	Ca	JR of decision to close a complaint.	Awaiting an oral permission hearing.
4.	Evans	JR of decision to close a complaint.	Application for permission.
5.	G	JR of decision not to grant registration.	JR withdrawn.
6.	I	JR of IOP decision in July 2006 to suspend doctor's registration.	GMC submitted acknowledgement and evidence in support on 24 November 2006. Matter due to be listed in 2007, although Court aware Doctor has since been sectioned under MHA, which may influence listings. Dr remains detained under s.3 MHA. Date for hearing of claim is yet to be fixed.
7.	Mc	JR of decision to waive the 5 year rule.	Application for permission.
8.	M	JR of decision to issue a warning rather than refer a complaint to panel.	Application for permission.
9.	Re	JR of decision not to open a complaint.	Awaiting an oral hearing.
10.	Sa	JR of decision of FTP Panel to convene as an IOP panel.	JR withdrawn.
11.	S	JR in respect of FTP Panel's decision to extend the substantive suspension on the doctor's registration during the adjournment period of a part heard review hearing.	Application for permission. Listed for hearing on 16 September 2009.

No.	Doctor	Claim	Current status
12.	S	JR of decision to appoint a Fitness to Practise Panel to hear case against Dr S.	Application for permission. Listed for hearing on 16 September 2009.
13.	S	JR of decision to erase doctor from the Register.	Application for permission.

4. Table 4 outlines summary information relating to judicial reviews concluded in Q1 and Q2 2009.

Table 4:

	Withdrawn by Claimant	Refused by the Court	Dismissed by the Court	Granted by Consent	Allowed by the Court
Q1	0	3 ⁴	0	0	0
Q2	0	2 ⁵	1	0	0
Total	0	5	1	0	0

⁴ Costs awarded to the GMC in one case.

⁵ Costs awarded to the GMC in both cases.