

### 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 21 January 2010.

**Table 1:**

No.	Case	Decision appealed	Current status
1.	AR	Appeal in the Scottish Courts against the sanction of erasure.	Appeal part heard. New date for hearing of appeal to be fixed.
2.	Ar	Appeal against the sanction of erasure.	Awaiting papers.
3.	Ch	Appeal against the finding of facts, impairment and the sanction of erasure.	Part – heard. Judgment awaited.
4.	G	Appeal against the sanction of erasure.	Date for hearing of appeal is yet to be fixed.
5.	Ka	Appeal against the sanction of erasure.	Papers received.
6.	Ke	Appeal against the sanction of erasure.	Papers received.
7.	Khc	Appeal against the sanction of erasure.	No listing date yet.

<b>No.</b>	<b>Case</b>	<b>Decision appealed</b>	<b>Current status</b>
<b>8.</b>	<b>M</b>	Appeal against the sanction of erasure.	Awaiting papers.
<b>9.</b>	<b>Mv</b>	Appeal against the sanction of erasure.	Awaiting papers.
<b>10.</b>	<b>N</b>	Appeal against the sanction of erasure.	Awaiting papers.
<b>11.</b>	<b>Ny</b>	Appeal against the sanction of erasure.	Awaiting papers.
<b>12.</b>	<b>O</b>	Appeal against the sanction of suspension.	Awaiting papers.
<b>13.</b>	<b>P</b>	Appeal against the sanction of conditions.	Awaiting papers.
<b>14.</b>	<b>S</b>	Appeal in the Court of Appeal against the High Court's decision, which refused to overturn the Panel's decision of erasure.	Awaiting a hearing date for the application for permission and if successful, the full appeal.
<b>15.</b>	<b>T</b>	Appeal against the sanction of erasure.	Awaiting papers.
<b>16.</b>	<b>Ur</b>	Appeal against the sanction of suspension.	Awaiting papers.

2. Table 2 outlines summary information relating to appeals concluded in 2009, compared with 2008.

**Table 2:**

	Appeal withdrawn	Appeal dismissed	Appeal allowed by the Court	Appeal allowed by consent	Total
2008	10	26	8	1	45
2009	12	19	5	1	37

3. Table 3 outlines summary information relating to outstanding judicial reviews as at 21 January 2010.

**Table 3:**

No.	Doctor	Claim	Current status
1.	AV	JR of decision not to waive the 5 year rule.	Application for protective costs order refused. Awaiting new date for full hearing.  The Claimant has agreed to withdraw the claim and we are awaiting a sealed consent order from the Court.
2.	Ca	JR of decision to close a complaint.	Awaiting an oral permission hearing.
3.	Co	JR of PCC's decision. Case referred back to the High Court by the Court of Appeal.	Awaiting a hearing.
4.	H	JR of PCC decision in 1990 – consolidated with the C JR	Awaiting a hearing.

<b>No.</b>	<b>Doctor</b>	<b>Claim</b>	<b>Current status</b>
5.	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.
6.	J	JR of decision to waive the 5 year rule and refer case to panel	Application for permission.
7.	K	JR of decision on impairment.	Application for permission.
8.	Mc	JR of decision to waive the 5 year rule.	Application for permission.
9.	M	JR of decision to issue a warning rather than refer a complaint to panel.	Application for permission.
10.	Re	JR of decision not to open a complaint.	Awaiting an oral hearing.
11.	S	JR of the determinations of the FTP Panel.	Awaiting an oral hearing.
12.	S	JR of the sanction of erasure.	Application for permission
13.	Sh	JR of decision to close a complaint.	Application for permission.
14.	V	JR of decision of the IOP to review and interim order and the decision to refuse to hold an early review hearing.	Application for permission.

4. Table 4 outlines summary information relating to judicial reviews concluded in 2009, compared with 2008.

**Table 4:**

	Withdrawn by Claimant	Refused by the Court	Dismissed by the Court	Withdrawn by Consent	Allowed by the Court	Total
2008	3	16	0	3	3	25
2009	1	10	3	2	1	17