

### 3 – Chief Executive's Report – Annex E

#### Summary Information on Appeals and Judicial Reviews

1. The table below provides a summary of appeals and judicial reviews as at 10 June 2010.

	Cases carried forward since last report	New cases	Concluded cases	Outstanding cases
Appeals	19	7	5	21
Judicial Reviews	14	6	4	16

2. In relation to the concluded appeals, two were struck out, one was withdrawn, one was dismissed and one was remitted back to the original Panel to provide more detailed reasons. For the concluded Judicial Reviews, two were refused, one was a dismissal of a notice of appeal to the Court of Appeal, and the Claimant was successful in one instance.

3. Since the last report, there has been one new application to the High Court challenging the imposition of an interim order which is to be heard on 9 July 2010. One application was heard and dismissed. There are six further claims outstanding: four matters are awaiting hearing dates and the other two cases are due to be heard on 6 October 2010 and 16 November 2010.

4. There have been no new referrals by CHRE to the High Court under Section 29.

5. We continue to deal with a range of other litigation, including cases before the Employment Tribunal and the Employment Appeals Tribunal.

6. The table below provides a detailed breakdown of outstanding appeals as at 10 June 2010.

<b>No.</b>	<b>Case</b>	<b>Decision appealed</b>	<b>Current status</b>
1.	<b>AR</b>	Appeal in the Scottish Courts against the sanction of erasure.	Appeal part heard. New date for hearing of appeal to be fixed.
2.	<b>Ad</b>	Appeal against sanction of Suspension.	Hearing listed for 28 June 2010.
3.	<b>AI</b>	Appeal against facts, impairment and sanction.	Appeal received on 28 May. Dr now decided to withdraw appeal. Awaiting sealed consent order
4.	<b>Ar</b>	Appeal against the sanction of erasure.	Awaiting papers.
5.	<b>C</b>	Appeal against the finding of facts, impairment and the sanction of erasure.	Part – heard.
6.	<b>D</b>	Appeal against sanction of conditions on a review hearing.	Hearing listed for 12 October 2010.
7.	<b>H</b>	Appeal against FTP outcome.	Awaiting Court's decision as to whether Appeal has been brought out of time.
8.	<b>KC</b>	Appeal against the sanction of erasure.	No listing date yet.
9.	<b>Me</b>	Appeal against the sanction of erasure.	Hearing listed 7 October 2010.
10.	<b>Mo</b>	Appeal against FTP decision of his honesty and subsequent sanction.	Skeleton Argument and papers received.
11.	<b>Mv</b>	Appeal against the sanction of erasure.	Listed on 28 June 2010.
12.	<b>Na</b>	Appeal against FTP decision on facts, impairment and sanction.	Awaiting papers.
13.	<b>No</b>	Appeal against the sanction of erasure.	Hearing adjourned at Dr's request (ill health). Provisionally listed early 2011.
14.	<b>Ny</b>	Appeal against the sanction of erasure.	5 May 2010 hearing vacated, now listed October 2010.
15.	<b>Pa</b>	Appeal against sanction of erasure.	Awaiting hearing date.
16.	<b>P</b>	Appeal against the sanction of conditions.	Date for hearing of appeal yet to be listed.
17.	<b>Sa</b>	Appeal against the sanction of suspension.	Date for hearing of appeal yet to be listed.
18.	<b>T</b>	Appeal against the sanction of erasure.	Listed 22 and 23 June 2010.

No.	Case	Decision appealed	Current status
19.	U	Permission to Appeal against decision of FTP suspension.	Awaiting permission decision.
20.	V	Appeal against IOP suspension.	Awaiting papers.
21.	Z	Appeal against sanction of erasure.	Awaiting papers.

7. The table below provides a detailed breakdown of outstanding judicial reviews as at 10 June 2010.

No.	Doctor	Claim	Current status
1.	Col	JR of PCC's decision. Case referred back to the High Court by the Court of Appeal.	Judgment reserved. Awaiting date for hearing.
2.	Co	JR of decision to waive Rule 4(5).	Stay in proceedings agreed pending re-determination.
3.	DW	JR of decision of CEs to issue a warning.	Permission refused on the papers. Claimant renewed application.
4.	Do	JR of decision of sanction of erasure from FTP panel.	Awaiting papers.
5.	H	JR of PCC decision in 1990 – consolidated with the C JR.	Judgment reserved. Awaiting date for hearing.
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.	Kam	JR of decision of Investigation Committee.	Papers received.
8.	K	JR of 5yr Rule.	Decision to compromise. Awaiting draft consent order from Defence.
9.	M	JR of decision to issue a warning rather than refer a complaint to panel.	Application for permission adjourned.
10.	Ra	JR of decision by the GMC not to pursue complaint.	Awaiting date for renewed permission application for oral hearing.
11.	Sh	JR of the determinations of the FTP Panel.	Time for responding extended generally pending outcome of application referred to below.

<b>No.</b>	<b>Doctor</b>	<b>Claim</b>	<b>Current status</b>
<b>12.</b>	<b>S</b>	JR of the sanction of erasure.	Awaiting application to proceed by way of section 40 appeal.
<b>13.</b>	<b>Sha</b>	JR of decision to refer to FPHP for determination	Awaiting papers.
<b>14.</b>	<b>Sy</b>	JR of decision of Panel not to allow Rule 17(2)(g) application.	Compromise agreed. Consent Order filed with Court. Awaiting sealed Order.
<b>15.</b>	<b>V</b>	JR of FPHP's decision and refusal to advise Claimant on his specific misconduct.	Application received 17 May 2010.
<b>16.</b>	<b>Z</b>	JR of two Rule 4(5) and Rule 8 decisions to refer his case to FTP.	GMC filed Summary Grounds of Defence on 7 June 2010.