

PAAs and AAs: ADM09 - Permission to appeal – revision

Introduction

- 1 This guidance is for authorised decision makers ('ADM's') asked to make decisions about revising a decision at the permission to appeal stage.
- 2 This guidance aims to ensure consistency, fairness and proportionality in our approach to making decisions. ADMs should read it in conjunction with the [Principles which apply to decision making](#) across all our registration and revalidation functions.
- 3 This guidance sits under our [PAS and AAs Revisions](#) which sets our approach to revising decisions and the [Internal Appeal Framework](#), which sets out the overarching approach for appealing decisions to an Appeal Panel.

Basis for revising a decision

- 4 An appellant who wishes to appeal must seek permission to do so within 28 days beginning with the date on which the decision was notified to them¹. This is known as the appellant's 'notice of appeal'.
- 5 [The General Medical Council \(Internal Appeals\) \(Anaesthesia Associates and Physician Associates\) Rules 2024](#) (the 'appeal rules') set out the procedure for appeals. The appellant's notice of appeal must be in writing and include certain information².
- 6 Following receipt of the appellant's notice of appeal, the ADM must grant permission to appeal, refuse permission to appeal or where the rules as to revisions permit, revise the decision³. This must be done within 28 days beginning with the day on which notice of the appeal is treated as having been served⁴.
- 7 A decision may be revised if it is listed as a revisable decision. [The General Medical Council \(Revision of Decisions\) \(Anaesthesia Associates and Physician Associates\) Rules 2024](#) (the revision rules), sets out the procedure for revisions, including which decisions are revisable⁵.
- 8 A decision may be revised if the decision was based on an error of fact or law, or a material

¹ AAPAO Article 16(2).

² Appeal Rule 3(1).

³ AAPAO Article 16(3).

⁴ Appeal Rule 4(1).

⁵ Revision Rule 4.

change of circumstances has occurred since the decision was made⁶.

9 The appeal will end if the decision is revised⁷.

Revising a decision

Revisable decisions

10 Before considering whether the threshold for revising a decision is met, the ADM must be satisfied that the decision is a revisable decision. Revisable decisions include⁸:

Article	Revisable
Article 6(1)	where that decision is to refuse an application for registration
Article 6(3)	where that decision is to refuse an application for re-entry to the register
Article 9	except Article 9(1)(b) except Article 9(2)(c)(i) where that decision was made by an Associates Tribunal

When a decision can be revised

11 A decision can be revised where:

- the decision was based on an error of fact or law, or
- a material change of circumstances has occurred since the decision was made, and
- the error of fact or law or material change of circumstances is significant. This means the decision would be different.

Factors to consider

Was the decision based on an error of fact or law?

12 An error of fact includes, but is not limited to, where the decision maker:

⁶ AAPAO Article 15(2).

⁷ AAPAO Article 15(5).

⁸ Revision Rule 4. The 'relevant period' doesn't apply when the decision is the subject of an appeal. This exception is set out at Rule 4(5)(b).

-
- didn't take into consideration material information that they had in their possession
 - didn't take into consideration material information that existed but wasn't asked for or provided
 - had taken into consideration an irrelevant fact or didn't take into consideration a relevant one
 - had misunderstood the facts.

13 An error of law includes, but is not limited to, where the decision maker:

- applied the wrong legal test
- incorrectly applied the correct legal test
- failed to exercise discretion appropriately.

Has a material change of circumstances occurred since the decision was made?

14 A material change in circumstances is a significant change that post-dates and affects the decision. The change should be directly relevant to the original decision and circumstances.

Is the error of fact or law or material change significant?

15 An error of fact or law or a material change of circumstances that has occurred since the decision was made must be significant enough to change the decision. When determining whether the error or material change is significant, the ADM must have regard to the relevant guidance.

- For Article 6(1) revisable decisions the ADM must be satisfied that the appellant meets the standards and information requirements for registration ([PAs and AAs: ADM7: Decisions on registration](#))
- For Article 9 revisable decisions (except Article 9(2)(c)(i)) the ADM must be satisfied that the relevant threshold for removal is no longer met ([PAs and AAs - Removals Policy](#)).
- For Article 9(2)(c)(i) revisable decisions the ADM must be satisfied that the appellant's entry should be removed ([PAs and AAs - Removals Policy](#)).

16 For Article 6(1) decisions, whilst the ADM must in all cases be assured that the appellant meets the relevant standards and information requirements, they may apply discretion to the validity of time-limited information and evidence.

17 Where the ADM is revising on the ground of error of fact or law, the validity of any information and evidence set out in the relevant guidance should be assessed by reference to

the point at which it was submitted to us.

Making the decision

18 In all cases, the decision should be based on the⁹:

- information provided in the appellant's notice of appeal and supporting information, and
- information considered by the ADM at the time of the original decision and the reasoning for their decision.

19 Following consideration of all the information and evidence, the ADM may decide:

- to revise the decision, or
- to not revise the decision.

Published 13 December 2024

⁹ We can make enquiries and request further information under Rule (9) of the revision rules. However, we're unlikely to exercise this power during the permission to appeal stage given the 28 day time constraint to make a decision. If permission to appeal is granted we may exercise powers under the revision rules at any point during the appeal process.