

PAAs and AAs: Revisions

Introduction

- 1 The Anesthesia Associates and Physician Associates Order 2024 ('the APPAO') sets out that we may revise a decision in some circumstances.
- 2 [The General Medical Council \(Revision of Decisions\) \(Anaesthesia Associates and Physician Associates\) Rules 2024](#) (the revision rules) set out which decisions can be revised and the steps we must or may take when considering whether to revise a decision.
- 3 This document sets out our policy for revising decisions about:
 - entry to the register
 - re-entry to the register
 - removing an entry from the register.
- 4 The policy is not intended to be exhaustive. It should be read in conjunction with the detailed guidance for decision makers who are asked to consider whether a decision should be revised.
- 5 In line with good practice, we'll regularly review this policy to ensure it remains up to date, fair, proportionate, and effective.

Which decisions can be revised

- 6 We have the power to determine which decisions are revisable. The list of revisable decisions includes¹:
 - A decision to refuse an application for entry or re-entry to the registration.
 - A decision to remove an entry where the person to whom the entry relates has died.
 - A decision to remove an entry from the register where the person to whom the entry relates has a conviction for a listed offence.

¹ Revision rule 4(1).

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- A decision to remove an entry where registration was procured fraudulently or made incorrectly (error).
 - A decision not to remove an entry from the register where the person to whom the entry relates has requested removal.
 - A decision to remove an entry from the register where the person to whom the entry relates has not paid their annual retention fee.
 - A decision to remove an entry from the register where the person to whom the entry relates to does not hold adequate and appropriate insurance and/or indemnity cover.
 - A decision to remove an entry from the register where the person to whom the entry relates to has not maintained effective contact details.
 - A decision to remove an entry from the register where the person to whom the entry relates to has not provided information in accordance with a requirement of, or made under, the AAPAO.

Ways in which we may consider revising a decision

7 There are two ways in which we may consider revising a decision. Both have time limits.

Revision as part of an appeal

8 We may consider revising a decision as part of an appeal. For example,

- upon receipt of an appellant's notice of appeal², or
- where permission to appeal is granted, at any time before the appeal is concluded³.

9 Concluded is defined as up to the point the Appeal Panel or court decision is issued.

Revision initiated by us

10 We may consider revising a decision of our own volition. We're most likely to do this when an error of fact or law comes to our attention, outside of an appeal process. For example, through an internal audit or a complaint.

11 Any revision that we initiate must be identified⁴:

² Appeal rule 4(1) General Medical Council (Internal Appeals) (Anaesthesia Associates and Physician Associates) Rules 2024.

³ Revision rule 4(5)(b).

⁴ Revision rule 4(3).

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- within three months of the associate being notified of a decision
 - to remove an entry from the register or to not remove an entry from the register where the person to whom the entry relates to has requested removal.
 - within 12 months of the applicant being notified of a decision
 - to refuse an application for entry or re-entry to the register.

12 We may consider revising a decision outside of these time limits if it is in the public interest to do so⁵. Whether it is in the public interest to consider revising a decision outside of the time limits will be specific to the decision and/or circumstances.

Grounds for revision

13 We may revise a decision if⁶:

- the decision was based on an error of fact or law, or
- a material change in circumstances has occurred since the decision was made.

Error of fact or law

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

- 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.

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

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

⁵ Revision rule 4(5)(c).

⁶ AAPAO Article 15(2).

Material change of circumstances

16 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.

Making enquiries and requests for information

17 As part of the decision-making process, we may make enquiries or request further information⁷. We will only gather information for the purpose of establishing whether a decision should be revised.

When a decision can be revised

18 We're likely to revise a decision where we are satisfied that:

- 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 not trivial. This means the decision would be different.

19 When determining whether the error or material change is significant, we must have regard to the relevant guidance.

20 In all cases, the revised decision takes effect on the day on which notice of the decision is served on the person to whom it relates⁸.

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⁷ Revision rule 9.

⁸ Revision rule 6(3).