

Agenda Item 10

Enclosure 7

Paper RC 30 / 02

REGISTRATION COMMITTEE

APPEALS PROCEDURE

From : the Executive

FOR INFORMATION

APPEALS PROCEDURE

- 11.1 The Council received a paper from Mr Bracken regarding appeals by international applicants for registration under the PSM Act 1960.
- 11.2 Mr Bracken noted that the CPSM and the Boards had operated an informal 'appeal' process by which the relevant Board chairman would review the decisions made by assessors in refusing an application for registration. Mr Bracken noted that the Health Professions Order 2001 required the HPC to exercise the functions of the CPSM and the Boards with any necessary modifications. Mr Bracken advised that as far as possible the HPC should try to replicate the procedures adopted by the CPSM and the Boards. There was a possibility that applicants could have grounds to challenge the HPC for failing to do so on the basis of legitimate expectation.
- 11.3 The Council agreed the following:
- 1) That the Council continue to operate an informal review of assessor's decisions in relation to overseas registration applications under the CPSM regime;
 - 2) That the conduct of reviews be delegated to the Chairman of the Registration Committee or a member of Council nominated by the Chairman;
 - 3) That the review be undertaken on the basis of the documents submitted to the assessor and the assessor's report but, at the discretion of the person conducting the review, that the applicant may be invited but may not be required, to attend an interview to assist in the review process;
 - 4) That where, in the opinion of the person conducting the review, the assessor had failed to provide sufficient reasons for the decision reached, that person may require the assessor to provide those reasons in writing;
 - 5) That applicants be informed that the review process was an informal procedure which was carried out in an effort to assist applicants but that this was not a process in which they were obliged to participate; was without prejudice to their right to appeal; and that they did not have to await the outcome of the review process before exercising any right of appeal.