

**General  
Dental  
Council**

**GDC Fitness to Practise:  
Preliminary Meeting Guidance**

**DRAFT FOR  
CONSULTATION**

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# GDC Fitness to Practise: Preliminary Meeting Guidance

## Introduction

1. The General Dental Council ('the GDC') has three Statutory Committees, known as the Practice Committees, that make final decisions on dental professionals' fitness to practise. These are the Professional Conduct Committee, the Health Committee and the Professional Performance Committee.
2. Decisions of those Practice Committees are made in line with the GDC's over-arching objective, the protection of the public. That over-arching objective involves:
  - protecting, promoting and maintaining the health, safety and wellbeing of the public
  - promoting and maintaining public confidence in the professions, and
  - promoting and maintaining proper professional standards and conduct for members of those professions.
3. Proceedings before the Practice Committees are governed by the Dentists Act 1984 ('the Act') and the General Dental Council (Fitness to Practise) Rules 2006 ('the Rules'). The Rules do not contain a prescriptive case management procedure for the conduct of fitness to practise cases. However, following consultation with stakeholders, Standard Directions for case management were introduced in 2014.
4. A Preliminary Meeting under Rule 51 of the Rules is an opportunity for parties to seek further directions on the case. This guidance is for those who are involved in the arrangement and conduct of Preliminary Meetings. It aims to assist parties to arrange, prepare for and participate in a Preliminary Meeting, and to explain the factors to be considered in the decision-making process.
5. The GDC's hearings processes have been substantially impacted as a result of the COVID-19 pandemic. While risks associated with coronavirus persist, it is likely that Preliminary Meetings will be held remotely rather than in person; the [latest information about our hearings processes can be found on our website](#).

## Powers of the Practice Committee and Preliminary Meetings

6. At the pre-hearing stage, a Preliminary Meeting may be held if those persons who are to form the membership of a Practice Committee at the hearing, consider that it would assist them in performing their functions<sup>1</sup>.
7. A Preliminary Meeting can be held by a Practice Committee (i.e. all three members sitting together) or the Chair alone. The Practice Committee or the Chair will consider the submissions of parties, together with any advice from the Legal Adviser, and decide whether to make directions<sup>2</sup>.

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<sup>1</sup> Rule 51(1)

<sup>2</sup> A non-exhaustive list of the directions which may be made is set out at Rule 51(4); these include as to service and disclosure of evidence, whether the hearing should be held in public or private, as to the joinder of cases involving two or more registrants, and any special measures needed for witnesses.

8. In terms of legal advice, Rule 51 provides that, at a Preliminary Meeting, the Legal Adviser may give a preliminary opinion for the purpose of resolving questions of law or admissibility of evidence<sup>3</sup>. The members or Chair may therefore invite such an opinion in order to assist them in determining the issues.
9. Any directions made are recorded by the Committee Secretary. Directions are intended to be binding on parties, and to act as an effective case management tool for the expeditious disposal of cases before the Practice Committee.

### **Seeking permission to hold a Preliminary Meeting**

10. A request for a Preliminary Meeting should be made on the pro forma template<sup>4</sup> and include a summary of the request, which focuses on why a Preliminary Meeting is required (i.e. what directions are being sought and why). The template is then sent to the Hearings Case Management Officer ('HCMO') and the other party, so that their views can be sought. Both parties will be asked to indicate if they wish to make written submissions or attend an oral Preliminary Meeting.
11. Further examples of directions (in addition to Rule 51(4)) which could be sought may include:
  - that a hearing be held in-person rather than remotely, or on a hybrid basis<sup>5</sup>
  - that a hearing date (for which a notification of hearing has been issued) be postponed or adjusted in length
  - that further allegations against the same registrant be joined, and
  - to determine preliminary legal argument including abuse of process or admissibility of evidence.
12. As set out above, a Preliminary Meeting may only be held if *'those persons who are to form the membership of a Practice Committee'* at the substantive hearing consider that it would assist them in performing their functions<sup>6</sup>. In other words, it is the specific members of the Practice Committee, empanelled to sit on the case, who must decide whether or not to agree to a request to hold a Preliminary Meeting, by determining that question.
13. Where the members of the Practice Committee have not yet been empanelled, it will not be possible to seek permission to hold a Preliminary Meeting. In such cases, the HCMO will address the urgency of the request with parties, and where possible, arrangements for early empanelment of the Practice Committee will be explored.
14. Where a request has been made for a Preliminary Meeting and the members of the Practice Committee have been empanelled, the HCMO will make arrangements for a permission meeting of those members, in private, to consider the request and whether it would assist them in performing their functions. This meeting does not take place with a Legal Adviser or GDC Committee Secretary and will generally take place on a remote basis.

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<sup>3</sup> Rule 51(6)

<sup>4</sup> See Appendix 1

<sup>5</sup> "in-person" being where a hearing takes place with the parties present at a physical location; "remote" being where the hearing takes place via video-conferencing software; and "hybrid" being where the hearing is part remote and part in-person.

<sup>6</sup> See Rule 51(1)

15. During that permission meeting, the members of the Practice Committee will consider materials provided by the parties and will in particular be assisted by receiving details of the case, the request to be made, and how a Preliminary Meeting would assist them in performing their function.
16. The members of the Practice Committee should not resolve or decide on the request (which will be made at a Preliminary Meeting), or the substantive issues in the case; only whether or not to provide permission to list a Preliminary Meeting and how that Preliminary Meeting is to be constituted (see paragraphs [19 – 21] below). For that reasons, full submissions should not be included in the material for the permission meeting.
17. Factors in determining whether to provide permission for a Preliminary Meeting include whether the request, if successful, might assist with streamlining the issues to be considered at a substantive hearing, reducing time and costs, or might impact upon the preparation and presentation of the case by either party.
18. The decision of the members of the Practice Committee, in terms of whether a Preliminary Meeting will assist them in performing their functions, will be recorded on a permission form<sup>7</sup> completed by the Chair of the Practice Committee. The permission form should also record whether the members give permission for another set of three panel members, or the Chair of their Practice Committee (sitting alone) to consider and determine the Preliminary Meeting or whether they retain the matter for themselves to sit as a panel of three.
19. As far as reasonably possible, a Preliminary Meeting should be held by a separate set of three panel members (i.e. not those used in the substantive Practice Committee).
20. This would reduce the risk of members having to recuse themselves from considering the substantive case, where they have determined contested issues at the Preliminary Meeting (for example, the admissibility of evidence). This approach also helps to avoid delays by providing more flexibility in the listing schedule.
21. However, in certain circumstances, it may be more appropriate for the same members of the Practice Committee to hear the Preliminary Meeting. This may include for reasons of continuity or consistency, or where the application is to postpone the substantive hearing after sending of the notification of hearing<sup>8</sup>.

### **Listing of and preparation for a Preliminary Meeting**

22. All parties will be notified of the outcome (as per paragraph 17) by the HCMO. Where a Preliminary Meeting is to be listed, the HCMO will require parties to confirm if they wish to attend the meeting, whether they intend to provide written or oral submissions, or whether they wish to make no response to the request.
23. While participation in a Preliminary Meeting is voluntary, parties are strongly encouraged to participate. In preparation for the Preliminary Meeting, parties are encouraged to set out in advance the outline of the submissions they wish to make (or provide a skeleton

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<sup>7</sup> See Appendix 3

<sup>8</sup> Rule 58(5) provides that it is those persons who are to form the membership of the Committee at that hearing who have the power to adjourn or postpone the case.

argument, including reference to case law if appropriate), any reading to be done in advance of the Preliminary Meeting, and any draft directions sought.

24. This allows parties and the members or Chair (as appropriate) to understand the issues to be determined, and sufficient time to be allocated for the Preliminary Meeting to take place.

### **Decisions of the Preliminary Meeting**

25. At the Preliminary meeting, submissions of the parties will be considered. The members or Chair (as appropriate) may seek the preliminary legal opinion of the Legal Adviser, prior to making their decision on directions. A GDC Committee Secretary will attend to capture the decision and directions, which will then be circulated to the parties<sup>9</sup>.

#### General power to make directions

26. At a Preliminary Meeting, the members or Chair have the power to give directions to either party as to the conduct of the case<sup>10</sup>. The list provided at Rule 51(4) provides examples of the kind of directions the members or Chair may make but is not exhaustive.
27. When making directions, the members or Chair should have in mind the over-arching objective (as referred to in paragraph 2 above), as well as the need to ensure cases are dealt with fairly and expeditiously.
28. When deciding on directions, the members or Chair may have regard to the draft directions prepared by a party or parties, but they remain free to amend or reject those directions as they deem appropriate. However, directions given should be clear and specific and include timescales where relevant.

#### Direction on the format of the substantive hearing (remote or in person)

29. The members or Chair may be asked to give a direction as to the format that the substantive hearing should take, in terms of whether the hearing should be held remotely or in person.
30. Since the COVID-19 pandemic began in early 2020, many legal jurisdictions have had to adapt to hold hearings remotely, where holding in-person hearings may put the participants or public at risk of harm<sup>11</sup>. As the pandemic continues, it is likely that the majority of GDC hearings will need to be held remotely, with in-person (or hybrid) hearings being the exception.
31. Where there is a request for a hearing to be held in person, the members or Chair must balance the interests of the registrant, and the need to ensure the overall fairness of the proceedings, against the strong public interest in fitness to practise cases being heard as expeditiously as possible.

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<sup>9</sup> In accordance with Rule 51(7)

<sup>10</sup> See paragraph 2(3) to Schedule 3 of the Act (for Dentists)/Scheduled 4B (for Dental Care Professionals)

<sup>11</sup> On 19 March 2020 the Lord Chief Justice made an announcement to judges in the Civil and Family Courts that '*The default position now in all jurisdictions must be that hearings should be conducted with one, more than one, or all participants attending remotely.*'

32. When determining whether a hearing currently listed should be held in person (or as a hybrid), the members or Chair must adopt the appropriate approach on a case by case basis, weighing the advantages and risks in each case. In that regard, where available, the views of the parties should be sought. The members or the Chair should ensure that all points raised by either party are considered when deciding on these matters and that these points are given appropriate weight in all circumstances. Neither party has a veto over the method of hearing.
33. The members or Chair when determining the decision, should also take into account<sup>12</sup>:
- (i) Whether the registrant and other participants have sufficient access to and understanding of technology to enable them to take part effectively in a remote hearing, including having access to advice.
  - (ii) Whether there is reason to believe that there are risks of a breach of privacy – these might arise where the facts are sensitive, especially if they involve intimate medical or sexual matters or vulnerable people, the case has attracted media attention, or there are particular features of the case or those involved that point to a heightened risk.
  - (iii) Any features of the case which make it particularly difficult for it to be held remotely (for example, difficulties in presenting evidence, difficulties for witnesses or parties in following proceedings or accessing evidential bundles when required, and/or where an interpreter may be required).
  - (iv) Any evidence which suggests that the integrity or fairness of the hearing may be compromised by a remote hearing.
  - (v) The impact of any disabilities or other vulnerability of any of the participants.
  - (vi) The ability to ensure that the hearing complies with government guidance on the safety of all involved.
  - (vii) And any other matters that would be likely to affect the integrity or smooth running of the hearing (including, for example, whether providing evidence from a home environment has the potential for distractions which might impact on their involvement such as childcare).
34. Factors which will not generally, and in isolation, point towards the need for an in-person hearing include a wish to assess the demeanour of a witness in person, in order to fully assess and evaluate their credibility and the reliability of their evidence<sup>13</sup>.

Powers to make directions against the GDC relating to disclosure of unused or third party materials

35. In terms of unused material, the GDC has adopted a policy, similar to that used in criminal and civil jurisdiction, to disclose material (or provide access for inspection) in circumstances where that material might undermine the GDC's case or assist the registrant's case.

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<sup>12</sup> See the PSA's [Guidance for regulators on fitness to practise hearings during the Covid19 pandemic](#)

<sup>13</sup> See [Dutta, R \(On the Application Of\) v General Medical Council \(GMC\) \[2020\] EWHC 1974 \(Admin\)](#), where Mr Justice Warby stated that "Reliance on a witness's confident demeanour is a discredited method of judicial decision-making"

36. Disclosure is based on relevance and materiality and is kept under continuous review as the case progresses to the Practice Committee; however, an important trigger is likely to be disclosure of the registrant's case (ordinarily three months after disclosure of the GDC's case). At which stage, what might undermine the GDC's case or assist the registrant's case will be re-considered.
37. Where a dispute arises between the parties as to whether the disclosure test is met or has been properly applied in relation to a particular document, a Preliminary Meeting may be requested in order to consider directions for disclosure. In those circumstances, the members or Chair should consider the request, in the context of the overarching objective and the need to ensure the overall fairness of the proceedings.
38. The Courts have held that the failure of a regulatory body to disclose documents, and the failure of the panel to order disclosure may amount to a "*serious procedural irregularity*" which rendered the proceedings "*unjust*"<sup>14</sup>. However, such concerns must be balanced against questions of relevance (including where the material is considered to be irrelevant, or an unfounded "fishing expedition"), and the potential impact of disclosure on the rights of another individual.

Directions to admit evidence served late by parties

39. Under the Standard Directions, the GDC is expected to disclose their case [XX]<sup>15</sup> months after referral to the Practice Committee in accordance with Standard Direction 1, and it should include:
  - a copy of the evidence they are relying upon
  - schedule of unused material (if any)
  - final charge
  - a draft hearing bundle index
  - expert report(s)
  - a draft evidence schedule.
40. The registrant is expected to provide and serve their case three months after the disclosure of the GDC's case in accordance with Standard Direction 2 and this should include:
  - a copy of the evidence they are relying upon including the registrant's statement<sup>16</sup>
  - expert report(s), and/or
  - any other documents to be relied upon at the factual stage.
41. When Standard Direction 1 and 2 are not performed, the members or Chair should have regard to Standard Directions 10 and 11, which state that where evidence is not served as required, it cannot be relied upon unless admitted by way of agreement or on application to the Practice Committee (at the substantive hearing or at a Preliminary Meeting).

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<sup>14</sup> See [Anwar v National College for Teaching & Leadership & Anor \[2016\] EWHC 2507 \(Admin\)](#)

<sup>15</sup> Figure to be inserted following the consultation on this DRAFT guidance.

<sup>16</sup> A registrant statement is not mandatory in sexual misconduct cases



42. When deciding whether to give a direction to admit evidence not previously served by either party, the members or Chair will consider the request in light of the overarching objective as well as the need to ensure the overall fairness of the proceedings. Their consideration will include the reasons as to why the evidence was not disclosed as agreed, and the admissibility of that material in line with Rule 57(1) and (2)<sup>17</sup>. Failures to adhere to Practice Committee directions (as opposed to the Standard Directions) are explained at paragraph 56 below.

#### Admissibility of hearsay evidence

43. Hearsay evidence is 'a statement made otherwise than by a person while giving oral evidence in the proceedings which is tendered as evidence of the matters stated'<sup>18</sup>. In the GDC's proceedings, the issue of hearsay evidence commonly arises in respect of a witness who is unable or unwilling to attend the hearing in person. In such circumstances, a party may seek to admit that evidence in the GDC's proceedings, via Rule 57(1).
44. Overall, when determining admissibility of hearsay evidence at a Preliminary Meeting, the members or Chair must consider the request in light of the overarching objective as well as the need to ensure the fairness of the proceedings. In that context, failure to take steps to secure attendance of a determinate and crucial witness may deny the registrant a fair trial<sup>19</sup>.
45. Factors to be considered include: the reasons for the absence of the witness, and whether or not the evidence is 'sole and decisive'<sup>20</sup> (in which case it may be unfair to admit that evidence, bearing in mind that it cannot be scrutinised through cross examination), whether it merely stands to corroborate other evidence<sup>21</sup>, or is part of the totality of the evidence supporting the charge<sup>22</sup>.

#### Special measures

46. Special measures are adaptations which are put in place to make it easier for a vulnerable witness to give evidence. There is no definition within the Rules as to what amounts to a vulnerable witness; however, witnesses who may fall within that category include:
- where the allegation relates to sexual misconduct, the alleged victim
  - child witnesses (i.e. those under the age of 18 at the time of the hearing)
  - any witness who complains of intimidation, and/or
  - any witness whose quality of evidence is likely to be diminished because they are suffering from a physical or mental disability or disorder, or an intellectual or social impairment.

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<sup>17</sup> (1) A Practice Committee may in the course of the proceedings receive oral, documentary or other evidence that is admissible in civil proceedings in the appropriate court in that part of the United Kingdom in which the hearing takes place.

(2) A Practice Committee may also, at their discretion, treat other evidence as admissible if, after consultation with the legal adviser, they consider that it would be helpful to the Practice Committee, and in the interests of justice, for that evidence to be heard.

<sup>18</sup>As set out in section 1(2) of the Civil Evidence Act 1995

<sup>19</sup> [Nursing & Midwifery Council v Ogbonna \[2010\] EWCA Civ 1216](#)

<sup>20</sup> [Thornycroft v Nursing and Midwifery Council \[2014\] EWHC 1565 \(Admin\)](#).

<sup>21</sup> [Ward v Nursing and Midwifery Council \[2014\] EWHC 1158](#)

<sup>22</sup> [Njie v NMC \[2014\] EWHC 1279](#)

47. In such cases, an application for special measures may be made at a Preliminary Meeting (or before the substantive Practice Committee at the hearing). That application should include an explanation of why the witness is vulnerable, any medical or other evidence to support the application, and details of the special measure(s) required.
48. Special measures which may be directed by the members or Chair include:
- evidence via video link
  - use of physical screens or, in the case of a remote hearing, with the witness visible to the Practice Committee and legal representatives only
  - evidence being given in private
  - timetabling
  - control of questions in cross-examination, and/or
  - use of an interpreter or intermediary.
49. Whether any of these examples, or other measures, are an appropriate adjustment is a matter for the members or Chair to determine, taking into account all the circumstances in the case.

#### Re-scheduling and postponement of the substantive hearing

50. A listing for a Practice Committee hearing can be re-scheduled administratively by the GDC HCMO and the parties (usually by agreement). However, in circumstances that a notice of hearing has been issued to the registrant, a postponement must be considered in accordance with rule 58(1) and (4). This is a decision which must be taken by the substantive Practice Committee (the exact three panel members) and is usually considered at the outset of the hearing. On occasion a Preliminary Meeting of the substantive Practice Committee can be called in advance.
51. Further detailed guidance on postponements can be found in the [Guidance to the Practice Committee including Indicative Sanctions Guidance](#) (updated January 2021).

#### **Delay as a factor in decision making**

52. It is widely accepted that ‘justice delayed is justice denied’<sup>23</sup>. Delay can have a significant detrimental impact on the regulator, the registrant and the public, in terms of:
- impact upon both public protection (in terms of taking the necessary action to protect the public) and public confidence
  - the financial, professional and personal impact upon the registrant concerned, particularly where there are interim restrictions in place
  - the impact upon any other participants, including witnesses
  - the potential loss of witness evidence (including deterioration in the quality of available evidence), and
  - higher costs.

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<sup>23</sup> The quote attributed to William Gladstone was referred to in a speech by the Lord Chief Justice 28 July 2020 when discussing the impact of COVID-19 on the volume of outstanding work <https://www.judiciary.uk/announcements/speech-by-the-lord-chief-justice-mansion-house-event-for-hm-judges/>

53. The registrant’s Article 6 right to a fair trial includes the right to a hearing within a reasonable time, and the members or Chair should be mindful that delay may lead to an application being made for abuse of process and a stay (stop) in the proceedings.
54. While to impose a stay is exceptional<sup>24</sup>, the members or Chair should bear in mind that delays in the GDC’s listing of cases, which are required to be held in person, could, in the current climate, be very lengthy where the hearing is expected to last longer than five days. This will be a consideration where the Preliminary Meeting has been convened to decide whether a hearing should be in-person rather than remote, or where the application is to adjourn or postpone the hearing of a case for which the notification of hearing has been issued.

**Complying with Preliminary Meeting Directions**

55. Where a party fails to comply, without good reason, with directions for service of evidence given at a Preliminary Meeting, and seeks to present such evidence at the hearing, a Practice Committee may refuse to allow that party to admit the evidence in question<sup>25</sup>.

**Witness Summons**

56. A Practice Committee has the power to issue a summons for a person to attend as a witness or produce a document relating to the proceedings. This decision can be taken by a Preliminary Meeting, but usually it is decided by another Practice Committee in the absence of parties/on consideration of the materials. The summons must give at least 14 days advance notice unless a lesser period is agreed by the witness.

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**Version record:**

Version number	Date	Summary

[Appendix 1 – Standard Directions \(V0.1 as agreed June 2014\)](#)

[Appendix 2 – Form to request permission from the Practice Committee for a Preliminary Meeting](#)

[Appendix 3 – Permission Form for a Preliminary Meeting Rule 51\(1\)](#)

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<sup>24</sup> See [The Council for the Regulation of Health Care Professionals v General Medical Council & Saluja \[2006\] EWHC 2784 \(Admin\)](#)

<sup>25</sup> See Rule 57(7)

## Appendix 1

### STANDARD DIRECTIONS

(V0.1 as agreed 11 June 2014)

#### Disclosure of the Council's case

1. By no later than *[insert date – 4½ months after the IC date]* the Council shall serve on the Registrant:
  - a. a copy of any evidence, including witness statements, expert reports and any other documents, that the Council intends to rely on at the hearing
  - b. a schedule of unused material, if any
  - c. a final charge
  - d. a draft hearing bundle index, together with confirmation as to which documents served under direction 1(a) the Council proposes are circulated to the Committee in advance of the hearing
  - e. a draft evidence schedule directing the Committee to the evidence relied on by the Council in relation to each head of charge.

#### Disclosure of the Registrant's case and the Registrant's response to the Council's case

2. By no later than three months after the date the Council has served its case in accordance with Direction 1 the Registrant shall serve on the Council:
  - a. a copy of any evidence, including witness statements [with the exception of the Registrant's witness statement<sup>26</sup>], expert reports and any other documents that the Registrant intends to rely on at Stage One of the hearing
  - b. any admissions arising from the final charge
  - c. in relation to the evidence served under Direction 1(a), confirmation as to whether each witness statement, expert report and any other document served is either:
    - i. agreed, or
    - ii. not agreed
  - d. if applicable, a written notice identifying any documents served under direction 1(a) that the Registrant objects to being circulated to the Committee in advance of the hearing (in whole or in part) together with the reason for the objection
  - e. if applicable, a written notice identifying any evidence served under Direction 1(a) that the Registrant objects to being admitted in evidence (in whole or in part) together with the reason for the objection
  - f. a revised draft hearing bundle index, together with confirmation as to which documents served under Direction 2(a) the Registrant proposes are circulated to the Committee in advance of the hearing
  - g. a revised draft evidence schedule directing the Committee to the evidence relied on by the Registrant in relation to each head of charge.

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<sup>26</sup> Text in square brackets to be included if the allegations fall within one of the agreed categories where the Registrant will not serve a witness statement [**categories to be agreed**].

### **The Council's response to the Registrant's case**

3. By no later than 14 days after service of the Registrant's case in accordance with Direction 2(a) the Council shall serve on the Registrant:
  - a. in relation to the evidence served under direction 2(a), confirmation as to whether each witness statement, expert report and any other document served is either:
    - i. agreed, or
    - ii. not agreed
  - b. if applicable, a written notice identifying any documents served under Direction 2(a) that the Council objects to being circulated to the Committee in advance of the hearing (in whole or in part) together with the reason for the objection
  - c. if applicable, a written notice identifying any evidence served under Direction 2(a) that the Council objects to being admitted in evidence (in whole or in part) together with the reason for the objection.

### **Circulation of documents to the Committee in advance of the hearing**

4. Unless a written notice is served in accordance with Direction 2(d), 2(e), 3(b) or 3(c), the parties will be deemed to have agreed that the documents identified in accordance with Directions 1(d) and 2(f) can be circulated to the Committee in advance of the hearing.
5. Within seven days, or such further period (as may be agreed by the parties) not exceeding 14 days, of receiving written notice sent in accordance with Direction 2(d), 2(e), 3(b) or 3(c), a party shall serve a Response Notice that either:
  - a. accepts that a document should not be circulated to the Committee in advance of the hearing
  - b. does not accept that a document should be circulated to the Committee and that, if necessary, whether the document should be circulated in advance should be determined at a preliminary meeting held in accordance with Rule 51 of the Fitness to Practise Rules 2006 ('the Rules')
  - c. accepts that a document is not admissible in evidence (in whole or in part)
  - d. accepts that a document should not be circulated to the Committee in advance of the hearing but that the admissibility of the document should be determined:
    - i. by the Committee at the first day of the hearing, or
    - ii. at a preliminary meeting held in accordance with Rule 51 of the Rules.
6. Unless a Response Notice is sent in accordance with Direction 5, the objections in the written notice will be deemed to have been accepted.
7. No less than 14 days before the hearing, the Council shall send the GDC's hearing team the agreed hearing bundle and agreed evidence schedule.
8. No less than seven days before the hearing, the GDC's hearing team will send [electronic] copies of the agreed hearing bundle and evidence schedule to the Committee.

### **Statements and expert reports to stand as evidence in chief**

9. Witness statements and expert reports included in the agreed hearing bundle circulated to the Committee in advance will stand as evidence in chief.

### **Evidence not served in accordance with these directions**

10. Any evidence not served in accordance with Direction 1(a) or 2(a) cannot be admitted into evidence without the agreement of the parties or, in the absence of agreement, without satisfying the Committee that it should be admitted in accordance with the Rules.
11. Any application to rely on evidence which was not served in accordance with Direction 1(a) or 2(a) should be determined:
  - a. by the Committee at the first day of the hearing, or
  - b. at a preliminary meeting held in accordance with Rule 51 of the Rules.

### **Experts' discussion**

12. Except where the parties agree that it is not necessary, within 28 days of service of the Registrant's case in accordance with Direction 2(a), any experts instructed by the parties shall discuss the case (whether in person or by using the telephone or electronic media in the absence of the parties) in order to:
  - a. identify the extent of the agreement between them
  - b. identify the points of and short reasons for any disagreement
  - c. identify action, if any, which may be taken to resolve any outstanding points of disagreement, and
  - d. send to the parties simultaneously a joint, signed statement dealing with paragraphs (a)-(c) above no more than seven days after the discussion.
13. Where a discussion in accordance with Direction 12 is to take place, the parties shall seek to agree an agenda that assists the experts to focus on the issues that need to be discussed. An agreed agenda should be circulated to the experts no less than seven days before the date of any discussion. In the event that the parties are unable to agree a single joint agenda, each party shall provide a separate agenda for the purposes of an experts' meeting and make clear to the experts that the agendas are not agreed.
14. Where a discussion in accordance with Direction 12 is not to be held, within 28 days of service of the Registrant's evidence in accordance with Direction 2(a) a party may put written questions to an expert instructed by the other party for the purpose of clarification of that expert's report.
15. Any questions put in accordance with Direction 14 should be answered by the expert within 14 days and in any event prior to the hearing.

## Listing revision

16. Following service of the Registrant's case in accordance with Direction 2(a) and, in any event, by no later than [three]<sup>27</sup> weeks before the hearing the Council and the Registrant shall seek to agree whether the estimate for the length of the hearing remains appropriate and send notification to the GDC's hearing team of:
- a. any agreed revision to the estimated length of hearing, or
  - b. if the parties do not agree the estimated length of hearing, each parties' estimate.

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<sup>27</sup> Subject to hearing dates.

## Appendix 2

### Form to request permission from the Practice Committee for a Preliminary Meeting under Rule 51(1)

Registrant Details	
Registrant's full name	Click here to enter text.
GDC Registration Number	Click here to enter text.
Case Information	
Referral date	Click here to enter a date.
Type of referral	Choose an item.
GDC case number(s)	Click here to enter text.
Hearing scheduled start date	Click here to enter a date.
Brief summary of the case (e.g. "Clinical case concerning multiple patients over a period of X years")	
Request for Preliminary Meeting	
Party making request	GDC/defence
Issue/application to be addressed at the proposed Preliminary Meeting	
<input type="checkbox"/> Rule 25/Rule 49 joinder application	<input type="checkbox"/> Admissibility/exclusion evidence
<input type="checkbox"/> Rule 26 referral to another Practice Committee	<input type="checkbox"/> Disclosure
<input type="checkbox"/> Witness issues (e.g. special measures, agree remote attendance, summons)	<input type="checkbox"/> Postponement
<input type="checkbox"/> Remote/hybrid/in person hearing	<input type="checkbox"/> Other (please specify below)



**Brief details to support request for a Preliminary Meeting (focused on how it may assist the function of the Practice Committee in the conduct of the case)**

--

**Brief response to request for a Preliminary Meeting (focused on request for permission for Preliminary Meeting and whether one may assist the function of the Practice Committee in the conduct of the case)**

--

**Do parties wish to attend the Preliminary Meeting (as an oral hearing)?**

Defence	Y/N
GDC	Y/N

**Do parties intend to provide submissions/skeleton argument in advance of a Preliminary Meeting?**

Defence	Y/N
GDC	Y/N

Supplementary notes

1. Please return this form to [hearingsCMOs@gdc-uk.org](mailto:hearingsCMOs@gdc-uk.org) and send a copy to the other party.
2. Please refer to the 'Seeking permission to hold a Preliminary Meeting' section (p.10) of the Preliminary Meeting Guidance for further guidance.
3. At the permission meeting, the members of the Practice Committee will only consider this form.

## Appendix 3

### Permission form for a Preliminary Meeting Rule 51(1)

Registrant Details	
Registrant's full name	Click here to enter text.
GDC Registration Number	Click here to enter text.
Case Information	
Referral date	Click here to enter a date.
Type of referral	Choose an item.
GDC case number(s)	Click here to enter text.
Hearing scheduled start date	Click here to enter a date.
Panel Information	
Dentist panel member(s)	Click here to enter text.
Lay panel member	Click here to enter text.
DCP panel member(s)	Click here to enter text.
Date of permission meeting	Click here to enter a date.
Permission of the members of the Practice Committee	
We have read the form to request permission from the Practice Committee for a Preliminary Meeting under Rule 51(1)	<input type="checkbox"/>
We have met to discuss the request as set out in the form	<input type="checkbox"/>
We are content that the Preliminary Meeting would assist us in performing our functions as to the conduct of the case (*select one option)	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>	<input type="checkbox"/>
We agree that the Preliminary Meeting should be heard by (*select one option):	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Another set of panellists on our behalf</li> <li>• The members of our Practice Committee</li> <li>• The Chair of our Practice Committee (sitting alone)</li> </ul>	<input type="checkbox"/>
We request that parties are invited to attend a Preliminary Meeting	<input type="checkbox"/>
Chair of the Practice Committee (name and signature)	
Date	Click here to enter a date.

### Guidance notes

1. A permission meeting is arranged by the Hearings Case Management Officer (HCMO) usually arranged by remote means (video or telephone conference) and lasts 10-15 minutes.
2. You should ensure you've read the form to request permission from the Practice Committee for a Preliminary Meeting under Rule 51(1) prior to the meeting.
3. Please refer to the Seeking permission to hold a Preliminary Meeting section of the Preliminary Meeting Guidance for further guidance.
4. Please return this form to [hearingsCMOs@gdc-uk.org](mailto:hearingsCMOs@gdc-uk.org) who will send a copy to the parties and to the Practice Committee to hear the Preliminary Meeting if it is not you.