

**General
Dental
Council**

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

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Version: 1

GDC Fitness to Practise: Preliminary Meeting Guidance

Introduction

1. The General Dental Council (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 functions¹.
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 directions².

¹ Rule 51(1)

² 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 the Legal Adviser may give a preliminary opinion at a Preliminary Meeting for the purpose of resolving questions of law or admissibility of evidence³. 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](#)⁴ 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 basis⁵,
 - 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 functions⁶. 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.
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.

³ Rule 51(6)

⁴ See Appendix 1

⁵ '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.

⁶ 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 reason, 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, reduce time and costs, or may 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](#)⁷ 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. On some occasions it may be necessary for a Preliminary Meeting to 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 hearing⁸.

Listing of and preparation for a Preliminary Meeting

22. All parties will be notified of the outcome 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 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

⁷ See Appendix 3

⁸ 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 parties⁹.

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 case¹⁰. The list 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), 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. Wherever possible, the hearings team will bring this matter before the Chair or Committee listed for the substantive hearing.
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 harm¹¹. Since March 2020, the GDC has also adopted a similar approach. Where appropriate and with the agreement of all parties concerned, substantive hearings deemed suitable are also being run remotely.
31. However, 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.

⁹ In accordance with Rule 51(7)

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

¹¹ 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.' On 5 January 2021, in his message on the latest COVID-19 restrictions, the Lord Chief Justice reiterated that 'Facilitating remote attendance of all or some of those involved in hearings is the default position in all jurisdictions, whether backed by regulations or not.'

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. Whilst the COVID-19 pandemic and its after-effects continue to impact on the GDC and other parties, it is likely that the majority of GDC hearings will need to be held remotely, with in-person (or hybrid) hearings being the exception. If a request for an in-person hearing is received in such circumstances, the Registrar has instructed that the GDC's primary submission will always be that hearings should be held remotely, unless this is considered to be unfeasible or inappropriate. This reflects the GDC's position that, in the circumstances of the pandemic, remote hearings provide the best balance between public safety and the efficient exercise of the organisation's statutory responsibilities.
34. In addition to the parties' views, when determining the decision, the members or Chair should also take into account¹²:
 - (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 of 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).

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

35. It is unlikely that the wish to assess the demeanour of a witness in person would, on its own, justify the need for an in-person hearing¹³.

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

36. In terms of unused material, the GDC's legal team reviews the materials and applies a test similar to that used in criminal and civil jurisdiction. This is 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. This ensures fairness for the registrant and to the proceedings.
37. 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 reconsidered.
38. Where a dispute arises between the parties as to whether the disclosure test (as described in paragraph 35) is met or has been properly applied in relation to a particular document, a Preliminary Meeting may be requested 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.
39. 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'¹⁴. 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

40. Under the Standard Directions, the GDC is expected to disclose their case four and a half months after referral to the Practice Committee in accordance with Standard Direction 1. 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.

¹³Mr Justice Warby observed in [Dutta, R \(On the Application Of\) v General Medical Council \(GMC\) \[2020\] EWHC 1974 \(Admin\)](#), that witness demeanour was an ineffective method to exclusively evaluate credibility and reliability. He stated: 'Reliance on a witness's confident demeanour is a discredited method of judicial decision-making'.

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

41. 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 statement¹⁵
 - expert report(s), and/or
 - any other documents to be relied upon at the factual stage.
42. When Standard Directions 1 and 2 are not performed the members or Chair should have regard to Standard Directions 10 and 11. These 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).
43. 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)¹⁶. Failures to adhere to Practice Committee directions (as opposed to the Standard Directions) are explained at paragraph 55 below.

Admissibility of hearsay evidence

44. 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"¹⁷. 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).
45. 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 hearing¹⁸.
46. Factors to be considered include: the reasons for the absence of the witness, and whether or not the evidence is sole and decisive¹⁹ (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 evidence²⁰, or is part of the totality of the evidence supporting the charge²¹.

¹⁵ A registrant statement is not mandatory in sexual misconduct cases.

¹⁶ (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.

¹⁷ As set out in section 1(2) of the Civil Evidence Act 1995.

¹⁸ See [Nursing & Midwifery Council v Ogbonna \[2010\] EWCA Civ 1216](#)

¹⁹ See *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin).

²⁰ See *Ward v Nursing and Midwifery Council* [2014] EWHC 1158

²¹ See [Njie v NMC \[2014\] EWHC 1279](#)

Special measures

47. 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, but 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.
48. 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.
49. 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.
50. 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.

Rescheduling and postponement of the substantive hearing

51. A listing for a Practice Committee hearing can be rescheduled administratively by the GDC HCMO and the parties (usually by agreement). However, where 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.
52. Further detailed guidance on postponements can be found in the [Guidance to the Practice Committee including Indicative Sanctions Guidance](#) (updated December 2020).

Delay as a factor in decision making

53. It is widely accepted that 'justice delayed is justice denied'²². 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.
54. 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.
55. While to impose a stay is exceptional²³, 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, particularly 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. In their consideration of the impact of delay on proceeding with the hearing, the Committee members or Chair must have regard of fairness to the registrant being of prime importance, but fairness to the GDC and to the interests of the public must also be taken into account²⁴.

Complying with Preliminary Meeting Directions

56. Where a party fails to comply with directions for service of evidence given at a Preliminary Meeting, without good reason, and seeks to present such evidence at the hearing, a Practice Committee may refuse to allow that party to admit the evidence in question²⁵.

Witness Summons

57. 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.

²² 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/>

²³ See [The Council for the Regulation of Health Care Professionals v General Medical Council & Saluja \[2006\] EWHC 2784 \(Admin\)](#)

²⁴ See [GMCv Adeogba \[2016\] EWCA Civ 162](#) when considering factors related to adjournment.

²⁵ See Rule 57(7)

Version record:

Version number	Date	Summary
V1	21 February 2022	Revised for remote Preliminary Meetings in light of the COVID-19 pandemic and other minor updates. Public consultation from 27 January to 21 February 2021.

[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\(1\)](#)

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 statement²⁶], 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.

²⁶ 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]²⁷ 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.

²⁷ Subject to hearing dates.

Appendix 2 – EXAMPLE ONLY

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

Registrant Details	
Registrant's full name	
GDC Registration Number	
Case Information	
Referral date	
Type of referral	
GDC case number(s)	
Hearing scheduled start 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	
<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?	
Defence	Y/N
GDC	Y/N

Supplementary notes

1. Please return this form to 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 – EXAMPLE ONLY

Permission form for a Preliminary Meeting Rule 51(1)

Registrant Details	
Registrant's full name	
GDC Registration Number	
Case Information	
Referral date	
Type of referral	
GDC case number(s)	
Hearing scheduled start date	
Panel Information	
Dentist panel member(s)	
Lay panel member	
DCP panel member(s)	
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 discussed 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) <ul style="list-style-type: none"> • Yes • No 	<input type="checkbox"/> <input type="checkbox"/>
We agree that the Preliminary Meeting should be heard by (*select one option): <ul style="list-style-type: none"> • Another set of panellists on our behalf • The members of our Practice Committee • The Chair of our Practice Committee (sitting alone) 	<input type="checkbox"/> <input type="checkbox"/> <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	

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 who will send a copy to the parties and to the Practice Committee to hear the Preliminary Meeting if it is not you.