



**Dental  
Professionals  
Hearings  
Service**

# **Case Management Procedures**

1 December 2023 (Version 1.0)



## Introduction

1. These case management procedures have been developed by the Dental Professionals Hearings Service (“the Hearings Service”) for use in fitness to practise cases which have been referred to a practice committee hearing.
2. These procedures have been developed to assist the parties, representatives, and decision-makers to understand the processes and arrangements used by the Hearings Service to effectively manage cases when referred for a hearing.
3. These procedures follow the principles of standard directions.
4. These case management procedures are intended to ensure:
  - (a) cases are listed expeditiously
  - (b) preparation follows the timetable set out in the Standard Directions
  - (c) the causes of delays are reduced
  - (d) panel hearing time is used effectively.
5. Case management is provided by Hearings Case Management Officers (HCMOs) employed by the Hearings Service. The Hearings Service is neutral in the process from referral to hearing, and responsible for the administration of practice committee hearings.
6. The Hearings Service does not participate in the investigation of fitness to practise concerns, and HCMOs have no direct knowledge of the substantive matters (e.g. charges or evidence) of cases.
7. Standard Directions are provided at [Appendix B](#). They set out the default directions all parties are expected to follow and provide the timetable for:
  - (a) the disclosure of evidence
  - (b) response timeframes for that disclosure
  - (c) expert meetings
  - (d) the preparation of bundles.
8. Standard Directions apply in all cases unless all parties agree to amendments with the HCMO at the outset of the case management process.

9. Case management procedures facilitate an open dialogue and effective communications during the preparation stage of a hearing. Each hearing will have a named HCMO, who will work with parties to agree and resolve any issues raised. Issues relating to the merits of the case or evidence will not be discussed at this stage. Communications during the preparation stage are likely to include, but are not limited to:
  - (a) the date of the hearing
  - (b) the time required to prepare for the case
  - (c) the attendance of witnesses and experts
  - (d) disclosure of evidence
  - (e) format of hearing.
10. Case management procedures provide a consistent way for parties to raise issues during case preparation, for example, to make requests for particular witnesses or experts to attend a hearing in person or concerns relating to the scheduled date of a hearing.
11. These procedures have been developed in the spirit of the Civil Procedure Rules, to deal with cases justly, but are not bound by them. The Hearings Service aims to achieve this by:
  - (a) ensuring both parties are on an equal footing
  - (b) dealing with cases in ways which is proportionate to their complexity
  - (c) ensuring cases are concluded expeditiously and fairly by panels
  - (d) allotting each case the appropriate resources.
12. Parties are expected to take a similar approach.
13. This procedure is not legally binding on any party to a hearing. Participation in the procedure is voluntary, but the process and hearings will proceed, even if only one party engages. It may be appropriate to deviate from these procedures, depending on the circumstances of a case, but this will only occur following discussion with the relevant HCMO.
14. If you have any queries about these procedures, please [contact us](#) at:

Hearings Case Management Officers  
Dental Professionals Hearings Service  
37 Wimpole Street  
London  
W1G 8DQ

Email: [listings@dentalhearings.org](mailto:listings@dentalhearings.org)

## Pre-hearing case management procedures

15. The Hearings Service is notified by the GDC that a case examiner has referred a case to a practice committee. The case management procedure begins when this referral is received.
16. Referred cases are allocated to a HCMO who will manage the procedure until the conclusion of the case, including the scheduling of the hearing.
17. The approximate timetable of the case management procedure is set out in [Appendix A](#).

## Pre-Listing Questionnaire

18. The HCMO will send the Pre-Listing Questionnaire (PLQ) firstly to the GDC legal representative to estimate the hearing length and outline the number of witnesses anticipated for the hearing with their dates to avoid. The defence representative will be sent the GDC completed copy. The defence representative will be asked to complete the PLQ with their estimate of:
  - (a) the hearing length
  - (b) list of attendees
  - (c) any dates to avoid.
19. If the registrant is unrepresented a copy of the PLQ will not be sent to them to complete. Instead, the registrant will be sent a letter and a Listing Information Form (LIF) with a request for confirmation that the dates are suitable. This will also be sent to the GDC legal team for reference.
20. Where the HCMO is aware of the name and contact details of a representative for the registrant, they will send the PLQ directly to the representative (rather than the registrant), and will correspond with the representative only, unless the registrant requests otherwise.
21. The HCMO will specify the date by which the PLQ should be returned. If the PLQ is not returned by the stated deadline, the HCMO may proceed with listing the case. When this happens, all parties are expected to work towards this hearing date.
22. Parties must notify the HCMO if they cannot meet the deadline to return the PLQ. The HCMO is not under any obligation to follow up with the parties for a completed PLQ after the deadline has passed, but they may arrange an alternative deadline, if requested.
23. Parties should complete as much information as possible, and where necessary seek the advice of the HCMO. It is the responsibility of the parties to make the HCMO aware of any outstanding information they would like to have taken into account when the hearing is listed. For example, if a longer period is needed to prepare for the case the rationale for the request should be clearly evidenced.

24. HCMOs will try and accommodate dates to avoid for preferred counsel where given. However, if this causes a potential delay to the hearing, the parties may be asked to seek alternative counsel.
25. Guidance on completing the PLQ can be found within the form.
26. Parties are encouraged to communicate with each other before returning their questionnaires, and to share completed forms where possible.

### **Listing the hearing**

27. The Hearings Service expects to list all practice committee cases within nine months of a referral. However, there may be cases where this is not appropriate, such as where cases are identified as complex or straightforward.
28. If there is a significant difference in the time estimates of the parties, or some other reason why further discussion is necessary in order to list the hearing, the HCMO will contact the parties to discuss it before listing the hearing.
29. The HCMO will schedule a hearing date taking into account, as far as possible, the information provided by the parties on the PLQ. Every effort will be made to accommodate the wishes of the parties in respect of witness and expert availability, but this may not always be possible. The availability of the registrant, witnesses and experts will take precedence over counsel's availability.
30. In some situations, it may be necessary for a party to consider finding an alternative expert if they are unable to attend on the listed date.
31. If experts are identified as being required, parties should ensure that their experts have the availability to meet for a joint expert meeting prior to the hearing. Discussions on this issue should start at the earliest opportunity and should result in a firm date for that meeting, where possible, at least two weeks before the hearing start date.
32. All hearings will be listed as remote via Microsoft Teams unless there is a request for an in-person hearing.
33. Once provided with a hearing date, the parties are expected to make arrangements to ensure all participants involved in the hearing can attend on that date.

### **Listing Information Form**

34. Once the HCMO has identified a suitable hearing date, they will send the parties confirmation of the hearing date, along with a summary of key deadlines, using the Listing Information Form (LIF).
35. A copy of the Standard Directions with all relevant deadlines will also be sent with the LIF.

36. The LIF will contain the following information:
- (a) **Registrant details:** the full name and registration number of the registrant.
  - (b) **Case information:** the date of referral, the type of referral made and the GDC and hearings case number.
  - (c) **Hearing information:** details of the hearing start and end date, the total number of days the hearing is scheduled for, the date of the next teleconference call, and the format of the hearing (if known at that time). The HCMO will record whether the Standard Directions are in force or whether other arrangements have been agreed.
  - (d) **GDC presentation team key deadlines:** will be in line with the Standard Directions unless otherwise agreed. The GDC presentation team must send the HCMO and other parties an email confirming whether they are on track to meet the agreed disclosure deadline. This email should be sent no later than two weeks before the agreed disclosure date. If there is likely to be a delay, the GDC presentation team should set out the reasons for the delay and propose a new timetable for disclosure.
  - (e) **Defence key deadlines:** will be a date in line with the Standard Directions unless otherwise agreed. This will be three months from receipt of the GDC presentation team's disclosure. The defence must send the HCMO and other parties an email confirming whether they are on track to meet the agreed disclosure deadline. This email should be sent no later than two weeks before the agreed disclosure date. If there is likely to be a delay, the defence should set out the reasons for the delay and propose a new timetable for disclosure.
  - (f) **Representative information:** HCMO will complete this based on information provided by parties on the PLQ.
  - (g) **Record of teleconference call:** a summary of each teleconference call held in connection with a case will be recorded here and sent to parties after each call showing a history of all conversations.

### Standard Directions

37. The Standard Directions are set out in [Appendix B](#) of these procedures. A copy will be sent to parties at the same time as the LIF.
38. The Standard Directions set out the timetable which parties are expected to follow to ensure that the hearing can begin promptly on the first day.
39. If either party requires an extension to their disclosure date, a request should be sent to the HCMO, copying in the other party, no later than two weeks before their deadline. It should outline the reasons for the request, and a suggested new date which can then be discussed between parties, as appropriate.

40. The HCMO may approve short extension requests, however more lengthy requests may result in the need for a preliminary meeting for a more formal direction to be set by a committee.

### **Joint expert meetings**

41. As soon as it becomes clear that both parties are calling experts, they are expected to make arrangements for experts to meet and/or speak at least two weeks before the hearing. The discussion should narrow the issues and result in the production of a joint expert report. S.12 of the Standard Directions sets out this requirement.

### **Bundles for the committee**

42. Bundles should be discussed between parties for agreement. The agreed bundles should be sent to the Hearings Service by email (below) no later than 14 days before the hearing.

[HearingsCoordinators@dentalhearings.org](mailto:HearingsCoordinators@dentalhearings.org)

### **Preliminary meetings**

43. Preliminary meetings can be requested by either party, during any part of the process, leading up to the hearing date. The procedures for preliminary meetings can be found at [Appendix C](#). Preliminary meetings can be called to resolve issues such as:
  - (a) late disclosure
  - (b) witness attendance
  - (c) format of hearing
  - (d) joinder of cases or allegations
  - (e) abuse of process applications.
44. This list above is not exhaustive, and the preliminary meeting panel has the remit to consider most issues.
45. Preliminary meetings can be held with a full committee or a chair and a legal adviser only. The HCMO will discuss with the parties whether the preliminary meeting should be dealt with by the committee due to hear the substantive case, or if the matters to be considered may conflict them, in which case permission will be sought to have the matter dealt with by an alternative committee.

### **Teleconference calls**

46. Either party or the HCMO may propose a teleconference call at any time prior to the hearing. This will usually take place via Microsoft Teams as a conference call on video or audio.

47. If either party wishes to have a teleconference call before the case is listed, then they should indicate this on the PLQ or get in contact by email. The HCMO will make arrangements with the parties to hold a teleconference call as soon as convenient to all.
48. The purpose of the teleconference is to:
  - (a) review case preparation
  - (b) disclosure deadlines
  - (c) hearing length
  - (d) format of hearing
  - (e) timetable of hearing
  - (f) attendance of witnesses
  - (g) discuss any other issues that the parties would like to cover.
49. A teleconference will usually last around 15 minutes, depending on what needs to be discussed. It should be noted that if parties disagree about the format of the hearing that a preliminary meeting will be scheduled.
50. The first scheduled teleconference will take place approximately four to six weeks after the GDC presentation team's deadline for disclosure of its case to the registrant. The date of this teleconference call will have been provided in the LIF and sent to all parties at the time the hearing was listed. This teleconference will allow parties to discuss items such as hearing length, whether it will be a remote or in-person hearing, date for any joint expert meeting, and the number of witnesses.
51. The second scheduled teleconference will take place shortly after the defence deadline for disclosure of its case to the GDC. The date of this teleconference call will have been agreed by the parties at the first teleconference call. The purpose of this teleconference is to discuss the case further, finalise any details regarding hearing length, any admissions, hearing timetable, and the date that agreed bundles will be sent to the Hearings Service.
52. A further teleconference may take place before the hearing. The purpose of this call will be to confirm that all parties are, or will be, ready to proceed on the first day of the hearing and deal with any relevant administrative matters.
53. If the date and/or time of any call is not convenient to either party, it can be rescheduled by contacting the HCMO (copying in the other party) who will make arrangements to move the call to the next convenient date for all.
54. There is no set number of teleconferences which need to take place or their frequency in any particular case. The number and frequency will depend on the requirements of each case.



### **Facilitating teleconferences**

55. The HCMO will send an invite to the parties by email to join the call via Microsoft Teams for the scheduled date and time.

### **Record of teleconference calls**

56. A written summary of the matters discussed at each teleconference will be prepared by the HCMO and circulated to all parties. It will be limited to key aspects, that is agreed actions of the discussion only, and is not intended to be a verbatim record.
57. The parties who participated in the teleconference may request amendments to the record if they believe it to contain inaccuracies or omissions. Changes may be made if they relate to an omission or an inaccuracy in the record, but not for style or phrasing.
58. Parties will have five working days in which to notify the HCMO of amendments. After this time, it will be presumed that the record is accurate.

### **Requests to change the date or length of a hearing**

59. A party may need to request a change to the hearing dates or the length of the hearing during the case management process. Parties should make realistic time estimates in the first instance, and advise the HCMO at the earliest opportunity if their estimate changes, to avoid lost hearing days or delays.

### **Changing the length of a hearing**

60. If a party believes the hearing will take less time than scheduled, they should notify the HCMO and the other party of their revised estimate. If both parties agree that a hearing can be reduced in length, the HCMO will formally reduce the length of the hearing in the schedule.
61. If a party believes the hearing will take longer than scheduled, they should notify the HCMO and the other party as soon as possible and provide a revised estimate. If both parties agree a longer listing is required, the HCMO will first see if the existing listing can be extended.
62. Extensions will depend on factors such as whether a panel is available for the required length of time, and whether the parties' counsel, expert and/or witnesses are available for the additional time. If the hearing is expected to go into a further week, then it may not be possible to extend the listing.
63. If it is not possible to extend the listing, the hearing will need to be rescheduled. Alternatively, more days can be scheduled at an agreed later date and the hearing completed over a number of sittings; known as a "planned part-heard". This will be more common for cases over 10 days in length, and almost certainly be required for any cases requiring over 15 days. Parties should prepare for a planned part-heard hearing if the estimate is over 15 days.

## Changing the date of a hearing

64. If a party wishes to change the date of the hearing the procedure to be followed will depend on whether the Notice of Hearing (NOH) has been issued.
65. If the request comes prior to the NOH being issued, the HCMO will decide whether to agree to the request. Such requests should be made in writing to the HCMO, and include the reasons for the request; it should be copied to the other party. This type of request is referred to as a request to reschedule the hearing. The HCMO will decide whether a teleconference is needed to discuss this request.
66. If the NOH has been issued, and the request for the hearing to be postponed comes before the first of the scheduled dates, the application will be regarded as a postponement application. This will need to be put to the allocated committee for a decision on whether to approve the request. Parties should make their written request, fully reasoned and evidenced to the committee by sending it to the HCMO, who will put it before the committee. [Appendix D](#) gives the specific procedures on making a postponement application.
67. Once the hearing has begun, if either party is not in a position to proceed and makes an application on the first day of the hearing for postponement, it will be treated as an adjournment application and will be made directly to the panel in person.
68. The table below summarises the relevant terminology (as referenced in the Fitness to Practise Rules 2006) and the process to be followed where parties want to have a hearing relisted, depending on the stage the case has reached.

**Table 1: Terminology and relisting processes summary**

Notice of Hearing	Stage in Fitness to Practise Process	Application type or process	Relevant Rule	Who decides
Not Issued	Before hearing takes place	Reschedule Request - written invite to HCMO	None	HCMO
Issued	Before the hearing takes place (and any time prior to the first day of the hearing)	Postponement Application – full written and evidenced reasons to be put to the panel via the Hearings Service	Rule 58(1)	Committee
Issued	Once the hearing has begun	Adjournment Application – parties to make submissions directly to the committee	Rule 58(2)	Committee

69. Parties should not stand down counsel and/or experts or advise witnesses or registrants that a hearing is not proceeding until the HCMO has confirmed that the hearing will be relisted for a later date.

## Cancelled hearings

70. There are three reasons why a hearing may be cancelled following a referral to a practice committee:
  - (a) The registrant has successfully applied to the GDC for voluntary removal from the Register.
  - (b) The decision to refer the matter to a committee has been returned to the GDC case examiners to review the original decision, and the case has been closed (Rule 6E).
  - (c) The registrant has been erased from the Register on another case.
71. The HCMO will only cancel a hearing listing when formally notified by the GDC that it can be for one of the reasons listed above. Until such time, the assumption is that parties will be ready to proceed on the scheduled hearing date. This assumption is made to ensure that a hearing can proceed as planned, in the event that an application or referral is unsuccessful. It avoids the need to find new hearing dates or delaying the matter unnecessarily.
72. The date of the reassessment by case examiners will be set by the GDC. Regardless of whether an assessment date for the application has been set, the Hearings Service will treat the case as it would any other, and proceed with the case management procedure and the listing of the practice committee hearing, if this has not already taken place.

## Unrepresented registrants

### Participating in case management

73. It is important that all parties are on an equal footing in the fair and expeditious disposal of the case, and this extends to registrants who are unrepresented. Unrepresented dental professionals are encouraged to participate in the case management procedure, but it cannot be unduly delayed, where a registrant has been given a fair and proper opportunity to engage and does not do so at all or in a timely manner.
74. It is recognised that participating in a hearing may be daunting to an unrepresented registrant. The HCMO will work to ensure that they are sent all relevant documentation, and any explanatory information in a timely manner.
75. Registrants are encouraged to contact the HCMO with questions about the procedure (although the HCMO is neutral and cannot discuss the merits of the case itself). If a registrant needs additional teleconferences to properly prepare themselves for the case, they should make a request to the HCMO. This can be with the HCMO only or include the GDC presentation team.

### **Support for registrants and witnesses**

76. The Hearings Service has a designated Participant Support Officer who offers additional practical or emotional support to registrants as well as witnesses taking part in a hearing. If either party believes any of their witnesses would benefit from this type of assistance, they should contact the Participant Support Officer at [support@dentalhearings.org](mailto:support@dentalhearings.org)
77. We encourage all registrants under investigation to seek independent legal advice from their indemnifiers, membership bodies or independent lawyers.

Date: 1 December 2023

## Appendix A: Case management procedure timetable

Referral date	Day 1
PLQ sent to GDC legal representative	1 week after referral date
Return date for PLQ from GDC legal representative	10 to 14 days after issue date
PLQ sent to the defence legal representative	Upon receipt of completed questionnaire from the GDC
PLQ returned by the defence legal representative	10 to 14 days after issue date
Listing of hearing (HCMO sends PLQ with hearing dates and disclosure deadlines to parties with Standard Directions) (PLQ now called the LIF)	Within 1 week of PLQ return date and/or within 1 month of referral date
Update requested by HMCO on progress of disclosure from the GDC legal representative or case holder	4 weeks before disclosure is due to be served
GDC legal representative disclosure deadline	4.5 months from referral date if Standard Directions apply, or date agreed at the outset
First teleconference call	1 month after GDC disclosure deadline
Update request sent from HCMO to defence legal representative (or registrant if unrepresented)	4 weeks before defence disclosure is due to be served
Defence legal representative disclosure to the GDC	3 months after GDC disclosure if Standard Directions apply, or as agreed
Second teleconference call	On or just after the defence disclosure deadline is due
Update requested by HMCO to parties regarding any joint expert meeting taken place or due to be held, and when bundles will be ready for panel	By email shortly after second teleconference (dependent on time to start of hearing)
Agreed bundles are provided to the Hearings Service	14 days prior to the first day of the hearing
Case management summary sent to panel (copy to parties for reference)	1 week prior to hearing
Start of hearing	7 to 10 months post referral date for cases where Standard Directions apply (may vary depending on complexity of the case)

## Appendix B: Standard Directions

### V0.1 as agreed 11 June 2014

#### Disclosure of the Council's case

1. By no later than [insert date, 4.5 months after the CE referral 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>1</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

<sup>1</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].

- (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.

### **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>2</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.

## Appendix C: Preliminary Meeting Procedures

### Scheduled preliminary meetings

1. Rule 51 of General Dental Council (Fitness to Practise) Rules 2006 allows for a practise committee to consider matters relating to a hearing prior to that hearing taking place if it would assist them to do so. Further details can be found in the [Preliminary Meeting Guidance](#).
2. Rule 51(4) gives a non-exhaustive list of directions that a practise committee may consider giving.
3. Examples of matters considered by practice committees at preliminary meetings include directions as to disclosure of documents and skeleton arguments, joinder of further allegations under Rule 25, the format of the hearing where this cannot be agreed informally with the HCMO, witnesses giving evidence via Microsoft Teams, referrals to another practice committee and directions as to whether witness statements can serve as evidence-in-chief.

### Requesting a preliminary meeting

4. The HCMO will identify a suitable date(s) for a preliminary meeting and agree a final date with the parties.
5. Preliminary meetings are usually allocated half a day of panel time.
6. A preliminary meeting will be assumed to be dealt with on the papers. If parties wish to attend and/or be represented at a preliminary meeting they should notify the HCMO.
7. Preliminary meetings are private meetings. They are not open to the public to attend.
8. Preliminary meetings may be held by telephone conference if convenient to do so.
9. While the [Preliminary Meeting Guidance](#) refers to a practice committee, preliminary meetings may be held by a chair alone if appropriate to do so (Rule 51(5)).
10. Preliminary meetings are usually held by a committee other than the one due to hear the substantive case. This is to avoid prejudicing that committee in advance of the hearing.
11. Where a different committee will hear a preliminary meeting, permission must first be given by the chair due to hear the substantive hearing. The HCMO will arrange for a request to be sent to the relevant chair for their approval.

### **Preliminary meetings where a registrant is not engaging**

12. If the GDC wishes for a committee to consider matters at a preliminary meeting and the registrant is not engaging, the following procedure should be followed:
  - (a) The GDC should write to the registrant notifying them that a preliminary meeting has been requested, including any date for the meeting (if provided by the HCMO), setting out the direction that it is seeking and any material that they propose to put before the committee.
  - (b) The registrant should be given a date by which they should respond with any submissions of their own, and advised that if the date passes without a response, then the preliminary meeting will proceed with only GDC submissions.

### **Submissions for the committee holding a preliminary meeting**

13. Parties are required to send any submissions, skeleton arguments and documentation in electronic format to the HCMO in advance of the preliminary meeting.
14. The HCMO will arrange for any papers submitted to be uploaded to committee laptops or tablets in advance of the hearing.

## Appendix D: Procedures on making postponement applications under Rule 58(1) of The General Dental Council (Fitness to Practise) Rules Order of Council 2006

### General notes on postponement applications

1. A postponement application is made under Rule 58(1) in situations where a Notice of Hearing (NOH) has been sent to the registrant under Rule 13 (before the hearing has commenced), and one or both parties wish to postpone the hearing.
2. If the NOH has not been sent to the registrant, please refer to the procedure for rescheduling a hearing.
3. It will be the committee scheduled to hear the case that will decide the postponement application [Rule 58(5)], whether it is dealt with in advance (on the papers), or on the first day of the hearing.
4. A postponement application on the first day of the hearing will be treated as a preliminary application and dealt with under Rule 17(4).
5. A hearing will be deemed to have opened and the committee seized of the matter only after any preliminary applications, admissions or preliminary matters of law have been dealt with under Rule 17(4) and once the factual inquiry has commenced under Rule 19(1).

### Postponement applications on paper

6. Where there are five or more working days before the first day of the hearing, the presumption will be that the matter will be dealt with on the papers (by correspondence without a meeting), unless one or both parties object.
7. Where one party wishes to make their submissions orally to the panel, the matter will be decided on the first day of the hearing, before the case opens. Parties should notify the HCMO that they wish to have the application dealt with orally.
8. The final decision on whether an application will be dealt with on the papers shall remain with the HCMO taking into account, amongst other things:
  - (a) fairness to the parties
  - (b) the potential injustice that may result from a decision made on the papers
  - (c) the availability of the panel and advisers, particularly over weekends and holidays
  - (d) the number of days before the hearing is scheduled to start
  - (e) the practicalities of contacting and receiving a response from the panel and advisers if they are not convened in person.

### Procedure for making a postponement application

9. A postponement application, with any supporting documentation, should be sent to the HCMO in the first instance and copied to the other party (where possible). It should be submitted electronically if possible, so that it can be circulated by email to relevant parties.
10. The HCMO will request the views of the other party regarding the request.
11. If the parties agree that the application may be dealt with on the papers, the Hearings Service will decide whether it is practical to do so.
12. If the matter can be dealt with on the papers, the HCMO will request a response to the application from the other side, usually within the following time limits:

Days before hearing starts	Time for a response from other party
Two working days or less	24 hours (one day)
Five working days or less	48 hours (two days)
More than five but less than 10 working days	72 hours (three days)

13. The following requirements also apply:
  - (a) The response should be copied to the other party.
  - (b) No further submissions will be allowed unless either party raises something new that could not have reasonably been raised earlier. Parties should ensure all submissions are made at the earliest possible stage.
  - (c) Once the HCMO has received the postponement application and the response from the other party (if engaging), they will send the papers to the panel by email and request they consider the matter on the papers.
14. If the committee makes a decision on the papers, the HCMO will notify the parties by email of the decision, including the reasons for the decision as soon as reasonably practicable.
15. If an application is not successful, it is open to the party making the application to make a further application orally on the first scheduled day of the hearing.
16. In the event that parties agree to an application being dealt with on the papers, in advance, and there are five working days or fewer before the first day of the hearing, the HCMO will decide whether it is possible to put the matter to the committee at short notice, having established the availability of those due to make the decision.
17. If the HCMO agrees that it is practicable they will make reasonable efforts to contact the committee and adviser(s) by email, and invite them to make a decision on the papers before the first day of the hearing.

18. Before contacting the committee and adviser(s) to put an application before them, the Hearings Service will normally require both the postponement application and the other party's response to it.
19. In situations where a registrant is unrepresented, and has not been engaging in the process, the Hearings Service may put the GDC's application alone before the committee, but not before inviting the registrant to make submissions and allowing them time to respond.
20. The following issues may delay a response from the committee, and result in the matter having to be dealt with on the first day of the hearing, despite the Hearings Service's reasonable efforts to accommodate the parties' wishes for an application to be dealt with on the papers:
  - (a) The committee members may not be available due to work, holiday or other reasons, or may not read their emails until after business hours.
  - (b) In circumstances where the committee takes legal or medical advice, the adviser(s) may not be available to respond to questions immediately.
  - (c) Any advice given by the advisers to the committee must be circulated to the parties via email for comment.
  - (d) The panel may not be able to discuss the matter with each other.
21. If it has not been possible to gather responses from all the committee members before the first day of the hearing, or they have sought advice from the adviser(s) but not received it before the first day of the hearing, then the committee will meet on the opening day to decide the matter. The parties will be required to attend.
22. The committee, having looked at the papers, may decide they are not able to make a decision based on what has been submitted by the parties. If this is the case, the parties will be required to attend on the first day and make the postponement application orally.

### **Postponement applications with parties present**

23. Where parties cannot agree to a postponement application being dealt with on the papers, the presumption will be that the matter will be dealt with on the first day of the hearing, before the case opens.
24. The HCMO will notify the committee in advance that a postponement application will be forthcoming on the first day of the hearing.
25. The HCMO will not email the postponement application, any response or related documents to the committee in advance of the hearing.
26. The HCMO will email the postponement application, any response or related documents to the legal adviser before the hearing, so they are aware of the reasons for the postponement application.