Practice Direction: Standard Case Management Directions for Principal Fitness to Practise Hearings before the Fitness to Practise Committee

1. Application and Scope

1.1 This Practice Direction is issued under Rule 22 of the General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010 (‘the Rules’) by the chair of the Fitness to Practise Committee (‘the Committee’) and is of general application to proceedings of the Committee.

1.2 The overriding objective of the Practice Direction is to enable the Committee to deal with fitness to practise cases expeditiously, fairly and justly. Consequently all parties must assist the Committee to further the overriding objective and co-operate to implement the standard case management directions, and shall inform the secretary to the Committee without delay of any circumstances which are likely to give rise to a failure to comply.

1.3 Rule 14 places disclosure obligations on the General Pharmaceutical Council and the registrant concerned in fitness to practice cases. The Practice Direction sets out the Committee’s general requirements on the parties where the time limit in the Rule is defined by the term ‘as soon as reasonably practicable’ in Rule 14 (1) and (2). The Practice Direction shall take effect on 31st January 2011 and sets out the standard case management directions which shall apply following referral of a fitness to practise allegation to a principal hearing before the Committee.

1.4 The Practice Direction applies to allegations referred to the Committee by the Investigating Committee including where the referral is made as a result of a failure to comply with undertakings, in accordance with Rule 10(2) or by the Registrar under Rule 6(6) and (7). The Practice Direction does not apply to the hearing of applications for interim orders.

1.5 The standard case management directions may be subject to further case management directions issued by the Chair of the Committee in accordance with Rule 21 and, where appropriate, will apply as modified by those directions.

2. Standard Case Management Directions

2.1 The following standard case management directions shall apply: (These should be read in conjunction with the Rules, which set out certain obligations on the parties with regards to disclosure of information and evidence etc).

(i) The General Pharmaceutical Council (‘the GPhC’) shall comply with its obligations of disclosure set out in Rule 14(1) no later than twelve weeks from the referral date (i.e. the date of service of a notice on the registrant concerned of a decision to refer an allegation to the Committee).

(ii) The registrant concerned shall comply with their obligations under Rule 14(2), namely to serve on the secretary to the Committee an agreed time estimate, and a copy of the duly completed listing questionnaire, no later than eight weeks after service by the GPhC of the material set out in Rule 14(1).
3. **Modification of the standard case management directions**

3.1 A party wishing to vary any of the standard case management directions set out above or to obtain any additional directions, must apply in writing to the secretary of the Committee for amended case management directions to be issued in accordance with Rule 21. Such application shall:

(i) be made without delay and, in any event, before the expiry of the time limit for compliance with any direction for which variation is sought; and

(ii) where applicable, specify the reasons for the party’s inability to comply with any direction for which variation is sought.

4. **Failure to comply with the standard case management directions**

4.1 Any failure to comply with the standard case management directions, without a prior application having been made for amended directions in accordance with paragraph 3 above, may result in:

(i) the chair of the Committee issuing directions of their own volition in accordance with Rule 21

(ii) the Committee drawing such inferences as it considers appropriate in respect of the failure by a party to comply with the case management directions, in accordance with Rule 21(5)

(iii) the Committee not allowing any evidence that has not been served in accordance with these case management directions to be adduced at a hearing, in accordance with Rule 24(9)

(iv) the Committee making an order at the conclusion of the principal hearing that the party in default pay all or part of the other party’s costs or expenses occasioned by the default in accordance with Rule 46.

Signed......................................................

Chair of the Fitness to Practise Committee

Date..........................................................