

### Oral Hearing Procedure

This guide has been designed to assist Committee Members and those appearing before Committee in the way in which Oral Hearings are conducted. It is not intended to be prescriptive and Committee is entitled to deviate from this guide but in doing so Committee will ensure that no party is omitted from any part of the process.

#### **Stage I**

1. Chairman should remind parties under what statute the Committee is constituted – “NHS LA Directions 2013”  
Full - Regulation Sch 3, Part 3 para 8 and by NHS LA (Functions relating to Pharmaceutical & Local Pharmaceutical Services) (England) Directions 2013, para 3 & 4.
2. Chairman should introduce the Committee members.
3. Chairman should confirm names of those present and in what capacity.
4. Chairman should advise of any observers and if from NHS Resolution, that they will not contribute to decision making.
5. Chairman should confirm Committee members have declared no interests.
6. Chairman should ask all parties to switch off mobile phones.

#### **Stage II**

7. Chairman should advise parties of the Procedure but that the Committee can deviate from it.
8. Chairman should confirm that parties understand the Procedure.
9. Chairman should inform parties that Committee may, if the need arises, use mobile device to check legislation, case law and/or any other factual matters.
10. Chairman should check that all parties have received a full set of papers.
11. Chairman should check that no new documentary evidence is to be produced at the hearing that has not been submitted beforehand and circulated to all parties. If new documentary evidence is produced at the hearing:
  - a. Committee shall rely upon the Requirement of Parties attending Pharmacy Oral Hearings document notified to parties and available on line.
  - b. Chairman should invite the opinion of other parties, which will include consideration of adjournment to give parties time to review the documentation and consider their response.

#### **Stage III**

12. Chairman should allow parties to raise any preliminary matters.
13. Chairman should advise of observations from site visit.
14. Chairman should invite parties to comment upon this in their oral submissions.
15. Chairman should remind parties which Regulations the Committee will have regard to e.g. 31 & 18 or 24 (and 26 for any change of ownership) and seek agreement as to which matters are not in dispute.

## **Stage IV**

### **The applicant's case**

16. The applicant should then make his/her case.
17. Parties to ask questions of the applicant.
18. Committee to ask questions of the applicant.

### **The applicant's witness(es)**

19. The witness should then give evidence.
20. Parties to ask questions of the witness.
21. Committee to ask questions of the witness.

### **NHS England**

22. NHSE to make its case for or against the application
23. Applicant to ask questions of NHSE
24. Party 1 to ask questions of NHSE
25. Party 2 to ask questions of NHSE
26. Committee to ask questions of NHSE

### **Party 1 (opposing the application)**

27. Party 1 to make his/her case.
28. Applicant to ask questions of Party 1.
29. NHSE to ask questions.
30. LPC representative to ask questions.
31. Committee to ask questions of Party 1.

### **Party 1 witness(es)**

32. The witness should then give evidence.
33. The applicant to ask questions of the witness
34. Committee to ask questions of the witness.

### **Party 2**

35. Party 2 to make his/her case.
36. Applicant to ask questions of Party 2.
37. NHSE to ask questions.
38. LPC representative to ask questions.
39. Committee to ask questions of Party 2.

### **Party 2 witness(es)**

40. The witness should then give evidence
41. The applicant to ask questions of the witness
42. Committee to ask questions of the witness

## **Stage V**

43. Chairman should remind parties that the Committee has read and heard all evidence.
44. Chairman to invite final submissions if parties wish to make them, in order:

- a. Party 1
- b. Party 2
- c. NHSE
- d. Applicant

## **Stage VI**

45. Chairman to conclude the hearing and advise that the Committee (hearing the oral submissions) will make a decision which will be notified to parties by the NHS LA in approximately 4 weeks.

Date	Author	Version	Reason for Change
14 June 2018	Business Services Manager, Primary Care Appeals	3	Rebrand of NHS LA to NHS Resolution