

## Requirement of Parties attending Pharmacy Oral Hearings

The purpose of these Rules is to ensure that parties attending pharmacy oral hearings act in accordance with natural rules of fairness and, as a consequence, will assist in the efficient and effective running of oral hearings.

In order to ensure fairness and so that parties are not prejudiced by late submission of information, all available evidence should be sent to NHS Resolution by the appellant with their full statement of case when they make their appeal. Likewise objectors should provide evidence during the statutory consultation process.

If a party wishes to introduce new evidence to be considered at the oral hearing, the following shall apply:

**In light of the General Data Protection Regulation, parties wishing to provide evidence containing personal data of third parties (such as, but not limited to, petitions and questionnaires) have an obligation, when collecting such evidence, to inform third parties that their data might be submitted or is being submitted to NHS Resolution, and to direct them to NHS Resolution's on-line privacy notice.**

### **14 days from when parties were advised of the date of the oral hearing by NHS Resolution**

- Parties should provide NHS Resolution with names of witnesses and a brief outline of what their evidence is likely to be.
- Parties should provide NHS Resolution with any documents (which are not already in the bundle).
  - Parties relying on such documents should produce these in full and be properly sourced and signposted.
  - All documents should be clearly titled, paginated and indicate the source of the material on the face of the document.
- If parties intend to rely on statistics, a clear map of the relevant area on which they are based should be provided to NHS Resolution.
  - For example (i) A-Z (ii) OS Maps (iii) AA Roadmap/similar (iv) Google download provided they are legible and printed to scale and (v) any map must be of at least A4 size and must include a scale.

### **21 days from when parties were advised of the date of the oral hearing by NHS Resolution**

- Parties should serve counter-documents to NHS Resolution.
  - Parties relying on such documents should produce these in full and be properly sourced and signposted.
  - All documents should be clearly titled, paginated and indicate the source of the material on the face of the document

- For parties making counter-statistical claims, a clear map of the relevant area on which they are based should be provided to NHS Resolution.
  - For example (i) A-Z (ii) OS Maps (iii) AA Roadmap/similar (iv) Google download provided they are legible and printed to scale and (v) any map must be of at least A4 size and must include a scale.

### **At the hearing**

#### **Acceptance of late evidence in very exceptional circumstances:**

- Parties should not try to circumvent these rules by introducing new evidence to the hearing.
- Documents should not be served for the first time at the hearing save in very exceptional circumstances.
- Before deciding whether, very exceptionally, to accept new evidence, the Committee will require:
  - An explanation as to why it was not received in accordance with the rules; and
  - An explanation of how and why the material is relevant; and
  - The opposing party's views on whether it should be accepted.
- Given these rules are issued to parties well in advance of the hearing, late instruction of representation will not be considered as an exceptional reason for introducing late evidence

### **Other matters**

- The Committee may be assisted by a summary of case/case outline which, if relied upon, should be provided to both the Committee and the other parties within the prescribed time limits.
- In exceptional cases such as where a point of law is in dispute, the Committee may request skeleton arguments.
- Where possible, parties should limit their submissions to no longer than 30 minutes.
- Parties should not repeat each and every aspect of their case which has already been made in written submissions.
- Parties should limit oral submissions to key facts and matters in dispute.
- Parties should limit their questioning of other parties.

Thank you for your co-operation in this matter.

### Document Control - Change Record

Date	Author	Version	Reason for Change
3/12/18	Business Services Manager, Primary Care Appeals	3	Inclusion of GDPR