

## Appeals against panel decisions

Reference: APP-1    Last Updated: 03/02/2021

A nurse, midwife or nursing associate can appeal against the outcome of a final hearing to the court.

In the case of a final substantive order, the nurse, midwife or nursing associate can appeal to:<sup>1</sup>

- The High Court in England and Wales
- The High Court Justice in Northern Ireland
- Court of Session in Scotland.

In the case of an order to remove a person from the register or an order to amend the register where an entry has been fraudulently procured or incorrectly made, a nurse, midwife or nursing associate can appeal to the county court or in Scotland to a sheriff.<sup>2</sup>

If the nurse, midwife or nursing associate wants to appeal against a final committee decision (or a decision on [review](#)), they have to do so within 28 days, unless the court decides that there are exceptional circumstances to justify extending the time period.<sup>3</sup> This 28 day period starts from the day after the date on the letter informing the nurse, midwife or nursing associate of the outcome of the hearing. If the last of the 28 days falls on a day when the court office is closed, such as a weekend or bank holiday, then we consider that the next working day will be the last day of the appeal period.

### Interim orders

If a nurse, midwife or nursing associate appeals the outcome of a final hearing, they might be on an interim order until the appeal is determined. For more information about this see our guidance on:

- [Interim orders after sanction](#)
- [Early reviews of a substantive order following an appeal](#)

### Appeals by the Professional Standards Authority (PSA)

The Professional Standards Authority (PSA) [routinely reviews all our fitness to practise decisions](#) along with those of other health and social care regulators. It has the power to appeal against a final decision by one of our practice committees if it considers it is not sufficient for the protection of the public.<sup>4</sup>

The PSA may only do this during a 40 day period, which begins on the last day of the nurse, midwife or nursing associate's appeal period.<sup>5</sup> In situations where the nurse, midwife or nursing associate does not have a right to appeal, the PSA has 56 days, beginning on the day after the date on the letter informing the nurse, midwife or nursing associate of the outcome of the hearing.<sup>6</sup>

We may refer a panel's decision to the PSA in circumstances where we consider a decision is not sufficient to meet our objectives. Our objectives are to:

- Protect the health, safety and well-being of the public
- Maintain public confidence in the profession concerned
- Maintain proper standards and conduct for members of that profession.

We will make this decision in line with the [PSA Section 29 Process and Guidelines](#).

1 Articles 29(10), 38(1)(a) and (4) of the Nursing and Midwifery Order 2001 ('the Order')

2 Articles 26(13) and 38(1)(b) of the Order

3 R (on the application of) Adesina & Ors v The Nursing Midwifery Council [2013] EWCA Civ 818

4 s29(4) National Health Service Reform and Health Care Professions Act 2002

5 s29(6)(a) National Health Service Reform and Health Care Professions Act 2002

6 s29(6)(b) National Health Service Reform and Health Care Professions Act 2002