

MEDICAL ASSESSMENT REVIEW AND APPEAL PROCEDURE

CLASS 1, 2, 3 AND LAPL MEDICAL CERTIFICATION

1. PRIMARY ASSESSMENT OF FITNESS

Class 1, 2 and 3

An application for a Class 1, 2 or 3 medical certificate (required to act as a pilot or an air traffic controller) will be made to an Aeromedical Examiner (AME) approved by the Civil Aviation Authority (CAA) or, in the case of an initial Class 1 or 3 medical certificate, to an Aeromedical Centre (AeMC). The AME (or AeMC in the case of an initial Class 1 or 3 applicant), following consideration of any additional reports or information, may issue the certificate, or assess the applicant as unfit. This is an AME/AeMC primary assessment of fitness.

LAPL

An application for a Light Aircraft Pilot's Licence (LAPL) medical certificate will be made to the applicant's National Health Service or military General Practitioner (GP) or an Aeromedical Examiner (AME) approved by the Civil Aviation Authority (CAA). An applicant whose certificate has been denied by a GP may request that the application be referred to an AME. Borderline cases, including those that need operational limitations, must be assessed by an AME or AeMC. This is a GP/AME/AeMC primary assessment of fitness.

AMS Primary Assessment of Fitness

In some cases a primary assessment of fitness may be undertaken by a Medical Assessor of the Authority Medical Section (AMS) of the CAA. This may occur either -

- in borderline or complex cases the AME or AeMC decides to refer the decision to CAA AMS (Class 1 or 3 medicals)¹; or
- it is a case or medical condition that is required under the rules to be passed to CAA AMS for a primary assessment decision.

Any case which is subject to primary assessment by an AMS Medical Assessor will be considered against the relevant medical requirements. If further specialist opinion or investigations are required, the applicant will be advised what is required and how these can be obtained. The AMS Medical Assessor may need to direct the applicant to a specific physician depending on the nature of the medical condition.

Mitigating factors such as operational and other limitations may be taken into account as part of the assessment process.

The AMS Medical Assessor will consider the medical and other relevant reports and advise the applicant whether the medical requirements have been met and whether a medical certificate, with limitations as appropriate, can be issued.

2. AMS SECONDARY REVIEW OF FITNESS

A secondary review of fitness will be undertaken by the AMS on request by the applicant following denial of an application or the imposition of a variation or limitation at the primary assessment. Where the primary assessment of fitness was made by an AMS Medical Assessor the secondary review will be undertaken by a different AMS Medical Assessor.

¹ In complex or borderline Class 2 medical cases the AME or AeMC takes the primary assessment decision in consultation with the CAA AMS

The AMS secondary review will also include a review of the case by one or more independent specialist advisers who have not previously been involved in the clinical or certificatory assessment of the case. Input from operational or other experts may be required.

Where the AMS Medical assessor conducting the secondary review concludes there is a need for the provision of further test results or reports, these will be obtained and reviewed at this secondary review stage before a secondary review decision is made. The secondary review decision and the reasons for it will be sent to the applicant by the AMS Medical Assessor in writing.

If a considerable time passes or the medical situation has changed significantly, and, in the view of the AMS Medical Assessor conducting the secondary review, the circumstances of the case have changed substantially, that AMS Medical Assessor may determine that the provision of subsequent additional medical information is necessary and that once received, that information will be sent back to the person who conducted the primary assessment so that the case can be reassessed as a primary assessment stage decision.

3. APPEAL FROM DECISION OF SECONDARY REVIEW – THE FINAL APPEAL

Requesting a final appeal

If, following a secondary review, a certificate has been denied, varied or limited, the applicant will be informed in writing, advised the reasons for the decision and advised of their right to request a final appeal to the CAA's Chief Medical Officer.

Such an appeal may be on the basis that the applicant disagrees with the medical opinion reached and/or that he/she agrees with the medical decision but disagrees with the consequential decision on the appropriate action e.g. a limitation of licence privileges.

The [Request for Final Appeal](#) form is available on the CAA's website and should be completed and sent to the Chief Medical Officer.

Such Request for Final Appeal should normally be submitted within 14 days of receiving the secondary review decision from the AMS Medical Assessor. The CAA may allow an extension to this time limit if there is good reason for doing so. The maximum extension permitted is six months, otherwise the case will first undergo a further primary assessment by the AMS following the receipt of up to date specialist medical reports.

Brief grounds of the appeal should be set out on the form.

The names of any specialists who have been involved in the clinical care or assessment of the applicant should be stated on the Notice of Appeal form to avoid potential conflicts of interest.

A [consent form](#) (available on the CAA's Website) must be completed by the applicant for the release of personal medical information held by the CAA to the AMS representative(s) and the specialist advisers who will provide expert advice at the Final Appeal (together with the CMO, **the Panel**).

The Panel will usually meet in person at a hearing.

Therefore, the applicant should also confirm on the Notice of Appeal whether they wish to attend the Final Appeal in person at that hearing.

In some cases the Panel will advise the CMO in writing only and there will not be an oral hearing. Examples of reasons for this include -

- CAA has exceptionally agreed to take a very quick decision in order that (should a certificate be granted) the pilot is able to return to flying in time before their licence would expire, which would require them to undergo additional tests; or
- The underlying medical condition is rare and it is not possible to get the relevant experts all together in a reasonable timeframe.

The [Request for Final Appeal Form](#) should be signed and dated by the applicant and sent with the associated [consent form](#) to the Chief Medical Officer (Appeal), Medical Department, Civil Aviation Authority, Aviation House, Gatwick Airport South RH6 0YR.

The Chief Medical Officer may disallow an appeal if, in the opinion of the Chief Medical Officer, the request is frivolous or vexatious.

Preparation for the Final Appeal

Where an appeal proceeds, the Chief Medical Officer will appoint two or more specialist advisers including at least one in the relevant medical specialty and, where appropriate, a flight operations specialist as a Medical Appeal Panel to provide expert advice to assist the CMO in making the CAA's decision .

The Final Appeal decision will be made by the CMO after either -

- The Chief Medical Officer has chaired a meeting of the Panel who provide their advice in person (and the applicant may also have chosen to attend that hearing in person); or
- The Chief Medical Officer has obtained advice from the Panel members by correspondence (as set out above).

Where an oral hearing will take place the applicant will be informed of the date of that hearing.

The AMS Medical Assessor who conducted the secondary review will prepare an AMS Final Appeal Brief. This will include the relevant medical records on the basis of which the secondary review was conducted, such as the medical history, specialist examination, specialist reports and other assessments such as medical flight tests.

The AMS Final Appeal Brief will also contain a summary of the reasons for the AMS secondary review decision and the reasons the applicant has requested the appeal set out in, and attached to, the Request for Final Appeal Form.

A copy of the AMS Final Appeal Brief will be sent to the applicant at least 30 days before the date the CMO will make the Final Appeal decision (whether or not the applicant has requested an oral hearing).

The applicant may submit written representations to the Chief Medical Officer, including their detailed grounds for appeal, up to 14 days before the date that the Final Appeal decision will be made. These should include any **additional** details that the applicant wishes to raise in support of their appeal. Note, if new arguments are raised at the hearing, it may be necessary to adjourn the appeal to a later date.

If new medical evidence is presented, the Chief Medical Officer may refer the case back to the AMS who conducted the secondary review to reconsider whether the certificate should be denied, varied or limited.

The AMS Final Appeal Brief and any subsequent written representations from the applicant will comprise the papers for consideration at the hearing. Those papers will be sent to the applicant, the AMS Medical Assessor that conducted the secondary review, the Chief Medical Officer and members of the Panel normally at least 7 days before the hearing.

4. THE FINAL MEDICAL APPEAL HEARING

Normally the CMO will convene a Panel and make a decision on the Final Appeal within 3 months of the request for an appeal being received.

The Final Medical Appeal Panel will be conducted by the Chief Medical Officer, who will sit as Chair of the Panel. The Final Medical Appeal Panel will usually meet at Aviation House, Gatwick

The CMO will decide, at their discretion, the constitution of the Panel. However, the Panel will normally comprise—

- **Chief Medical Officer of the CAA:** Chair;

- **One or more Consultants in the clinical specialty** relevant to the applicant's primary medical condition appointed by the Chief Medical Officer. Where the appeal relates to more than one medical condition, one or more specialists for each further condition will be appointed.
- **One or more consultant advisors experienced in aviation medicine or consultants in Aviation Medicine.**
- **Operational Expert(s) of the CAA:** Where the appeal relates to matters of a specifically operational nature, a CAA flight operations specialist (normally a senior Captain) will also be appointed to the Panel.

The hearing will also be attended by the **AMS Representative** who conducted the secondary review or where this is not possible by another CAA AMS representative.

If the applicant is attending an oral hearing they are entitled to attend with anyone they wish and be represented (including legally and medically and/or by their relevant professional union representative). Names of all attendees should be notified to the CMO at least 7 days in advance of the hearing. If the applicant is to have legal representation this should be notified to the CMO at least 30 days prior to the date of the Panel. In such cases the CAA AMS representative may attend with a legal representative.

The CMO may appoint a CAA legal advisor to the Panel to advise on matters of procedure only.

Should the applicant or the AMS wish to introduce new evidence or matters not contained in the hearing papers, the Chief Medical Officer will determine whether any Panel discussion and the Final Appeal decision needs to be delayed to enable sufficient time to consider the new material or to refer the case back to the AMS.

In the event that the Chief Medical Officer is unavailable, or conflicted, another AMS Medical Assessor, who will have had no involvement in the case, will act in his/her place.

The applicant will be invited to address the Panel and may ask that the CMO direct questions to the AMS representative who may, at their discretion, do so.

The AMS representative will be invited to address the Panel and may ask that the CMO direct questions to the applicant who may, at their discretion do so.

The Panel may question the applicant and the AMS representative.

At the conclusion of the oral hearing, the Chief Medical Officer and the Panel only will withdraw to discuss the case.

An aural record of the hearing will be made and a copy provided to the applicant free of charge on request. The discussions of the Panel and the Chief Medical Officer following the hearing will not be recorded.

5. THE DECISION OF THE CHIEF MEDICAL OFFICER

The Chief Medical Officer will make the final decision on fitness for certification on behalf of the CAA.

The applicant will be notified of the outcome of the appeal in writing normally within 10 working days.

The reasons for the decision and the views of the experts on which the decision maker has relied on reaching the decision will be set out in that decision.

6. COSTS AND CHARGES

The Panel's fees and expenses will normally be paid by the CAA. Any expenses incurred by the applicant, including the fees and expenses for medical reports are the responsibility of the applicant.

7. PROCESS FOR A REGULATION 6 APPEAL AGAINST THE CONDUCT OF AN EXAMINATION

An applicant may appeal to a Panel of CAA Board Members under Regulation 6 of the Civil Aviation Authority Regulations. Such an appeal is limited to determining whether any medical test or examination has been properly conducted. It is not an appeal against the medical decision of the Chief Medical Officer. If the Regulation 6 Panel concludes that a test or examination had not been properly conducted the only remedy it may provide for an applicant is to order that the test or examination be repeated.

8. COMMENTS ON PROCESS

Where an applicant considers that the CAA has not followed its own procedures, the applicant should write to the CAA's General Counsel².

Dr Sally Evans
Chief Medical Officer
UK CAA

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