

THE FINAL MEDICAL APPEAL FOR APPLICANTS FOR, AND HOLDERS OF, A MEDICAL CERTIFICATE

Requesting a final appeal for Applicants for, and Holders of, a Medical Certificate

If, following a Secondary Review, a certificate has been refused, 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:

- 1) the applicant disagrees with the medical opinion reached
- 2) the applicant agrees with the medical decision but disagrees with the consequential decision on the appropriate action (e.g. a limitation of licence privileges).

A request for final appeal must be made using the [Request for Final Medical Appeal Form](#) which is available on the CAA's website <https://www.caa.co.uk/Our-work/Make-a-report-or-complaint/Appeals>.

The applicant must provide his/her consent for the release of personal medical information held by the CAA to the Medical Assessor representative(s) and the specialist advisers who will provide expert advice for the CAA at the final appeal hearing, together with the Chief Medical Officer (the "CMO") and the other Panel Members.

The applicant must indicate his/her grounds of appeal on the '[Request for Final Medical Appeal Form](#)'. For example, if an applicant disagrees with the Medical Assessor decision, he/she must indicate what part of the decision he/she disagrees with, and why.

The Chief Medical Officer may disallow an appeal if, in the opinion of the Chief Medical Officer, the request is frivolous, vexatious or the applicant fails to explain clearly why he/she appeals against the secondary review.

The applicant must indicate on the [Request for Final Medical Appeal](#) Form the names of any specialists who have been involved in his/her clinical care or assessment to avoid potential conflicts of interest in the selection of Panel Members.

The final appeal hearing will usually take place in person. Therefore, the applicant should also confirm on the [Request for Final Medical Appeal Form](#) whether they wish to attend the final appeal hearing in person.

Please note that 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](#) (and applicable evidence) and the [Consent Form](#) should be completed and sent to the Chief Medical Officer (Appeal), Medical Department, Civil Aviation Authority, Aviation House, Gatwick Airport South RH6 OYR.

Timescales for requesting a final appeal

A request for a Final Medical Appeal should normally be submitted within 28 days of receiving the Secondary Review decision from the 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 Initial Decision by a Medical Assessor following the receipt of up to date specialist medical reports.

Preparation for the final appeal hearing

Where a final appeal proceeds, the Chief Medical Officer will appoint two or more Panel Members including at least one Consultant in a relevant medical specialty and, where appropriate, a flight operations specialist. These will constitute the Medical Appeal Panel to provide expert advice to assist the CMO in making the final appeal decision.

The final appeal decision will be made by the CMO after either -

- The CMO has chaired a hearing with the Panel (which the applicant may attend), in which case the Panel will provide their advice to the CMO after the hearing in person or
- If there is no oral hearing, the CMO has obtained advice from the Panel members by correspondence (as set out above).

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

The Medical Assessor who conducted the Secondary Review will prepare a Final Medical Appeal Brief. This will include the decision and 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 Final Medical Appeal Brief will also contain a summary of the reasons for the Secondary Review Decision and the reasons the applicant has requested the appeal set out in, and attached to, [the Request for Final Medical Appeal Form](#).

A copy of the Final Medical Appeal Brief will be sent to the applicant at least 30 days before the date of the hearing.

The applicant may submit written representations to the CMO, including their detailed grounds for appeal, up to 21 days before the Final Medical Appeal hearing.

Note: If new arguments are raised at the hearing it may be necessary to adjourn the appeal hearing to a later date so that these arguments can be properly considered by the Panel.

Note: If new medical evidence is presented prior to or during the Hearing, the Chief Medical Officer may refer the case back to the Medical Assessor who conducted the secondary review or, if substantial new evidence is presented, to refer back to the Medical Assessor who undertook the Initial Decision for a further Initial Decision, to reconsider whether the certificate should be suspended, revoked, varied or limited.

The Final Medical 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 Medical Assessor who conducted the secondary review, the Chief Medical Officer and members of the Panel normally at least 14 days before the hearing.

The final appeal hearing

Normally the CMO will convene a Medical Appeal Panel, and make a decision on the final appeal, within 4 months of the [Request for Final Medical Appeal](#) being received. The Panel will be conducted by the Chief Medical Officer, who will sit as Chair of the Panel. The 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.

Additional experts may be invited:

- 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 Medical Assessor who conducted the Secondary Review or, where this is not possible, by another CAA Medical Assessor representative.

If the applicant is attending an oral hearing they are entitled to attend with anyone they wish and be represented (by medical and/or legal and/or 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 be legally represented this should be notified to the CMO at least 14 days prior to the date of the Panel. In such cases the CAA Medical Assessor 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, the Medical Assessor or the Panel 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 Medical Assessor for a further Primary or Secondary Review of the case. In the event that the Chief Medical Officer is unavailable, or conflicted, another Medical Assessor, who will have had no involvement in the case, will act in his/her place.

In the event of a hearing, the applicant will be invited to address the Panel and may ask that the CMO direct questions to the Medical Assessor representative(s) who may, at their discretion, do so. The Medical Assessor representative(s) 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 Medical Assessor representative(s). At the conclusion of the oral hearing, the Chief Medical Officer and the other Panel members 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.

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 normally be notified of the outcome of the appeal in writing within 10 working days. The reason for the decision and the advice of the experts on which the decision maker has relied on reaching the decision will be set out in that decision. Where appropriate, the CMO may consider one or more limitations should be applied to a medical certificate or that a medical certificate should be suspended or revoked.

Costs and charges of the Final Medical Appeal

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 and fees for the applicant's medical and legal representatives are the responsibility of the applicant.

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

An applicant may request a review of the conduct of an examination by a Panel of CAA Members pursuant to Regulation 6 of the Civil Aviation Authority Regulations 1991. Such a review 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 review panel concludes that a test or examination had not been properly conducted, the only remedy it may provide for an applicant is to request that the test or examination be undertaken again.

5. COMMENTS ON PROCESS

Where an applicant considers that the CAA has not followed its own (published) procedures, the applicant should write to the office of the General Counsel at OGC@caa.co.uk.

Dr Sally Evans
Chief Medical Officer
UK CAA

1 April 2018