

Light Aircraft Pilot's Licence Medical Appeals Procedure

Medical Fitness Assessment

An application for a Light Aircraft Pilot's Licence (LAPL) medical certificate (required to act as a pilot or an Air Traffic Controller) will be made to the applicant's National Health Service, or military, General Practitioner (GP) or an Aeromedical Examiner (AME) approved by the CAA. The GP or AME may issue the certificate or assess the applicant as unfit.

First Point of Appeal

An applicant whose certificate has been denied by their GP, has a right of appeal to an AME. The applicant should ask their GP to submit a Referral Form to an AME ([link](#)).

Second Point of Appeal

An applicant whose certificate has been varied or denied by an AME may appeal in the first instance to the Authority Medical Section (AMS).

Third Point of Appeal

If a certificate has been varied or denied by the AMS, the third point of appeal is to the Head AMS. The Head AMS may ask for the case to be reviewed by a panel of specialist advisers or consultants in the relevant medical specialty. The Specialist Review Panel may convene or may carry out its review by correspondence. In all instances, all relevant hard copy data will be made available to the members of the Panel. The Panel will report to the Head AMS who will make the fitness assessment on behalf of the CAA.

Mitigating factors such as operational and other limitations may be taken into account as part of the review process. Medical history, specialist examination, specialist reports and other assessments such as medical flight tests, etc will be available for the Panel meeting.

****The Medical Appeals Panel: Fourth Point of Appeal**

How to Appeal against a Medical Opinion

If the applicant wishes to appeal the Head AMS's decision on the basis that they disagree with the medical opinion, the appellant has a further right of appeal to the CAA Chief Medical Officer. Please note that if the appellant wishes to challenge the standard or the conduct of the examination or examination procedure, these types of appeal cannot be made to the Medical Appeals Panel - see section below on Regulation 6 reviews.

An appeal against the CAA's medical opinion must be made in writing to the CAA Chief Medical Officer within 28 days of receiving a copy of the AMS's decision. The CAA, at its discretion, may allow an extension to this time limit but only if there is good reason for doing so. The maximum extension permitted is six months.

Notice of Appeal

The notice of appeal should be given by completing the Notice of Appeal form available on application to the Head AMS. The appellant is responsible for active participation in the process and is expected to provide supporting evidence and to be prepared to attend a hearing at which their case is presented for consideration by the Medical Appeals Panel.

Detailed grounds of the appeal should be set out on the form, including the reasons that the appellant believes the medical opinion to be incorrect. All details that the appellant wishes to raise in support of their appeal should be stated. The names of any specialists who have been involved in the clinical care or assessment of the appellant should be stated on the form to avoid them being appointed to the Panel for the hearing. The CAA may ask for resubmission of the

notice of appeal if reasonable grounds for appeal are not provided. The CMO may decline to accept frivolous or vexatious applications.

Prior to the hearing it is important that all parties agree the question(s) to be addressed by the Panel. Where there is any doubt, the CAA Chair will try to resolve this to the satisfaction of all parties before constitution of the Panel.

Other Information Required

The appellant should submit details about themselves for the Panel including a contact address and telephone number and any date on which they, or their representative, would be unavailable to attend the hearing. A consent form is required for the release of personal medical information held by the CAA to members of the Panel available on application to the Head AMS. Subject to the provisions of the Data Protection Act, a copy of all the medical information sent to the Panel for the appeal will be copied to the appellant. The Notice of Appeal should be signed and dated by the appellant and sent with the associated completed forms to the Chief Medical Officer of the CAA.

The Medical Appeals Panel

Medical appeals are considered by a Panel chaired, and with technical assessors appointed, by the CAA CMO. Appointees are drawn from a pool of medical and operational specialists who are independent of the CAA. Panels will usually be convened at Aviation House, Gatwick.

Each case will be considered by a Panel consisting of the CMO sitting with at least 2 technical assessors as follows:

- **Chair and sole decision maker:** Chief Medical Officer of the CAA (Note 1)
- **First technical assessor:** a Senior Specialist in Occupational and/or Aviation Medicine, normally a Consultant or equivalent with at least Membership of the Faculty of Occupational Medicine (MFOM);
- **Second technical assessor:** a Consultant in the clinical specialty relevant to the applicant's medical condition on which the appeal is based (Note 2)
- **Additional technical assessor:** where the appeal relates to more than one medical condition, a specialist for each condition will be appointed to the Panel of Medical Referees. Where the appeal relates to matters of an operational nature, a flight operations specialist will also be appointed to the Panel.

Note 1: In the rare event of illness of, or potential conflict of interest for the CMO the Head of AMS will act as the CMO for the purposes of a medical appeal, unless he/she has determined the secondary review outcome in which case another AMS Senior Management Grade (SMG) doctor will hear the appeal. Similarly, another AMS SMG will substitute for the Head of AMS in the event of illness or conflict of interest at the secondary review stage.

Note 2: The Consultant will not have had any previous role in the certificatory assessment of the appellant.

The appellant will be notified in writing of the date, time and place of the Panel. The notification will give at least 2 months' notice of the interview date and will include a map of the location, details about parking and transport facilities, and how to report on arrival.

Occasionally it may be possible to offer an appeal date with less than 2 months' notice. It will be for the appellant to decide whether to accept the earlier date. The notification will also give the names of the Panel members. This is to ensure the independence of the specialists appointed to the Panel. It is important that if the appellant is aware that any of the nominated Panel members have been involved previously with their case (e.g. a specialist who has at any time in the past been responsible for their clinical care or a Captain who is known personally to them or has a connection with their employer), the Chair of the Panel should be notified immediately.

Once the date has been accepted, postponement will not be allowed other than in exceptional circumstances for the appellant or their representative such as:

- because of illness (in which case a medical certificate would be required), or
- because attendance at a Court hearing, or for Jury Service is required, or
- in the case of family bereavement (a close relative).

Non-attendance without good reason will result in the appeal being determined by the Panel on such information as is then available to them. However, should the Panel wish to examine the appellant before arriving at their decision the meeting would be adjourned, in which case the appellant would be responsible for the fees of the non-CAA members of the Panel.

Submissions to the Panel before the Hearing

Apart from any medical examination on the day of the interview, the Medical Appeals Panel will wish to have, in advance, as much medical background to the case as possible. This is why the appellant's consent for the release of medical records is required.

Copies of the appellant's CAA medical record will be made available to the Panel Members. If the appellant wishes to submit additional material, such as written evidence or a statement, it should be sent to the Chair to arrive at least 14 days before the hearing.

Should the appellant or the AMS wish to introduce new evidence or matters not previously disclosed less than 14 days before the interview date, it will be for the Panel to determine whether an adjournment of the interview is necessary to enable sufficient time to consider the new material. If postponement of the interview is deemed necessary due to new matters introduced by the appellant, they would be responsible for postponement charges.

The Hearing

The rules of conduct of the appeal permit the appellant to bring one or more representatives to the hearing. Details of the representatives should be given to the Chair at least 14 days in advance of the hearing.

The AMS will be represented by a Medical Officer of the AMS, usually the Head of the AMS and may also elect to bring a Consultant Adviser in the relevant specialty to the hearing. (Note 3)

At the start of the hearing, the Panel Chair will confirm the medical questions to be decided. The Chair will also mention the medical records obtained and considered by the Panel in advance of the hearing. The Panel will then ask questions relevant to the case eg, details about medical conditions. The appellant will be given the opportunity to comment on issues relevant to the appeal but at this stage neither the applicant (or representative) nor the AMS representatives will normally be allowed to submit new evidence.

If medical examination is required, the hearing will be adjourned for the appellant to be medically examined, normally in a separate examination room in the UK CAA's Gatwick Aeromedical Centre. While the examination takes place, the other attendees will be asked to wait in the reception area or waiting room. Only the appellant and the medical Panel members will be present during the examination. The length of the examination will depend upon the type of medical condition involved.

After the examination, the hearing will be re-convened in the interview room. The Chairman will inform the appellant and the CAA staff representative(s) whether the Panel members have any further questions. Both parties will then be given the opportunity to make further comments or raise questions with the Panel members.

The hearing will then be concluded and the Panel Chairman will inform the attendees that the Panel will discuss the case between themselves and reach a decision on the relevant medical questions. A hearing typically lasts approximately 2 hours but it will of course depend on the individual case.

Note 3 The Consultant Adviser to the CAA will not have had a previous role in the clinical care of, or in giving advice to, the appellant as a private patient.

The Decision of the Panel

The Medical Appeals Panel will not inform the appellant of its decision on the day of the hearing. The Chair will provide a detailed report of proceedings and a decision on the relevant medical issues within 10 working days of the hearing. If an extension to this limit is required for provision of further information, this will be notified to the appellant at the hearing.

Costs and Charges

The Panel's fees and expenses will normally be paid by the CAA.

The CAA does not levy a charge on the appellant for the appeal. But any expenses incurred by the appellant, including the fees and expenses of representatives and any qualified medical practitioner(s) attending the interview on behalf of the appellant are the responsibility of the appellant.

A summary of the Medical Appeals Panel process is available [here](#). **

Process for a Regulation 6 review of the Conduct of an Examination

Regulation 6 Appeal

An applicant may request a review of the conduct of an examination by a Panel of CAA Board Members under Regulation 6(5) of the Civil Aviation Authority Regulations 1991. 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 choose to provide for an applicant is to order that the test or examination be repeated. Details of the Regulation 6 review procedure are at <http://www.caa.co.uk/docs/3/Reg6Guidance2006v2.pdf>.

Dr Sally Evans
Chief Medical Officer
UK CAA
17 September 2012

****Summary of Medical Appeals Panel Process**

Constitution:

- The Chief Medical Officer (CMO) chairs the hearing and is the sole decision maker. The CMO sits with such technical assessors as the CMO considers appropriate. This will include:

- One specialist in each relevant medical specialty (not 'internal' Civil Aviation Authority (CAA) specialists);
- One specialist in occupational/aviation medicine (minimum Member of the Faculty of Occupational Medicine, no Aeromedical Examiners) and/or
- Plus an operational expert as appropriate.

Appeals Process:

Application

- Formal application to Chief Medical Officer (CMO) to include reasonable grounds (if not, CMO can ask to resubmit) and consent form for release of medical records to Panel. CMO may decline to accept frivolous or vexatious applications.
- Panel to be convened within 3 months.

Hearing Preparation

- Appellant and CAA staff can submit statements and/or additional material up to 14 days in advance of hearing.
- Medical records and notice of appeal (with supporting evidence) circulated to members at least 7 days in advance of hearing.

The Hearing:

- Location: Normally Aviation House (examination occasionally may be required in AeMC).
- Other attendees:
 - a. Appellant.
 - b. Appellant's representative or own medical adviser.
 - c. Doctor from the CAA's Aeromedical Section (AMS) (usually Head AMS).
 - d. Consultant adviser to the AMS (when required)
- Process:
 - a. Introduction and arrangements for hearing (Chair)
 - b. Opening statement from appellant & representative.
 - c. Opening statement from AMS representatives
 - d. Questioning by the Panel.
 - e. Clinical examination (if required).
 - f. Further points of clarification from Panel.
 - g. Final statement/summary from AMS representatives.
 - h. Final statement/summary from appellant/representative.
 - i. Close.
- Report:
 - a. Prepared by the Chair summarising evidence submitted and considerations of the Panel.
 - b. Normally within 10 working days.
 - c. Additional information may be requested in exceptional circumstances.
 - d. The Chair's medical decision is final. **