



**TRIBUNALS SERVICE
PRIMARY HEALTH LISTS – FIRST TIER**

Case Number: 15233

**Listed at: Newcastle.
On: 8th March 2010**

**Mr T Jones Judge of the First-tier
Dr G Sharma Professional Member
Mr Rhodes Member**

BETWEEN

**DR U STEIN
(GMC Professional Registration Number: 6111159)**

Appellant

and

Northumberland PCT (“The PCT”)

Respondent

Appearances:

The Appellant did not appear.
There was no appearance for the PCT.

**APPEAL AGAINST REMOVAL OF THE APPELLANT FROM THE PCT’S
PERFORMERS LIST**

The hearing and the appeal

1. On the date and time appointed for the hearing, we convened a hearing with a quorate Panel. The panel was satisfied that the Appellant was aware of the hearing, and having allowed additional time for any late appearance of either of the parties, the Panel resolved to proceed and to hear the appeal.

2. On 7th September 2009 the PCT decided to remove the Appellant from its performance list. Pursuant to Regulation 10 (6) of the Performers List Regulations the PCT exercised its discretion to remove the Appellant from this list as there was no evidence he had performed any services within the area within the last 12 months. The Respondents case is set out at R1 of the bundle of papers before us and makes further reference to Regulation 9 (7) as to the appraisal process not being followed in the preceding two years.

3. The Appellants case is set out within the bundle at pages A1 – A19 and has been read and considered fully by the Panel. This is to the effect that the Appellant would like to stay on a performers list so he might yet provide his family with an income. He acknowledges his unfamiliarity with the NHS procedures may have occasioned difficulties; he says “I am asking to be kept on the Northumberland performers list for another three months or until I have been included...” in other Performers Lists he goes on to mention. He has resolved to work in another PCT area and no longer lives in this PCT area.

Our Conclusions

4. We find, as conceded in some measure by the Appellant (as noted above), that the Respondents decision was against the appropriate standard, and remains on the papers before us, a proper and proportionate decision in light of the want of evidence as to the Appellant providing services within the PCT’s areas within the preceding 12 months and an absence of the Appellant engaging with the appraisal process of the PCT.

Decision

Appeal Dismissed.

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Judge of the First-tier Tribunal
Mr T Jones
Dated 8th March 2010