ARCP Appeals Guidance

Health Education England, Wessex

Author: Mrs Anna Parsons, Revalidation and Professional Support Manager

Groups consulted: Deanery Leadership Team
Approved by: Deanery Leadership Team - 24 March 2016
Version: Final - replaces Appeals & Complaints Guidance 2014, in respect of ARCP appeals only
Date of next review: March 2018
Right of Review or Appeal

Trainees have the right to request a review or to appeal an ARCP decision that has led to the award of an ARCP outcome 2, 3 or 4. This guidance document will outline the process for a Trainee to request either a **Step 1 Review** or a **Step 2 Appeal hearing**.

Please note that this guidance document should be read in conjunction with the current “A Reference Guide for Postgraduate Specialty Training in the UK”.

**Step 1 Review**

A Step 1 Review can be held for ARCP outcomes 2, 3 or 4 at the request of the Trainee.

The Postgraduate Dean will attempt to obtain written confirmation from the Trainee where a request for an appeal following an ARCP outcome 4 is not made.

The Review is an opportunity for the same ARCP panel to reconsider their original decision.

Requests for a Step 1 Review must be made in writing to the Postgraduate Dean within 10 working days from the date the Trainee receives written confirmation of the outcome of their ARCP. **The Trainee must make it clear what is being disputed and are permitted to submit additional evidence relevant to the original ARCP panel’s decision. This must be received as part of the review request.**

Where practicable the Review will be held within 15 working days of receipt of the request.

The trainee will not be present at the Review but will be invited to a face to face meeting with the panel or representative following the decision.

**For a Review of an ARCP outcome 2 the decision of the panel is final.**

**Step 2 Appeal hearing**

A Step 2 Appeal hearing can be held for ARCP outcomes 3 & 4 at the request of the Trainee.

The Postgraduate Dean will attempt to obtain written confirmation from the Trainee where a request for an appeal following an ARCP outcome 4 is not made.

Requests for a Step 2 Appeal hearing must be made in writing to the Postgraduate Dean within 10 working days from the date the Trainee receives written confirmation of the outcome of their ARCP or Step 1 Review (where applicable). **The Trainee must make it clear what is being disputed.**
The Postgraduate Dean will arrange for a Review to be held to reconsider the original decision. The review will follow the process outlined in the Step 1 Review.

Where the Review Panel does not alter the decision of the original ARCP Panel, The Postgraduate Dean will confirm with the Trainee that they wish to proceed to the Step 2 Appeal hearing.

The appeal hearing will take place where practicable within 15 days of receipt of the request for the Step 2 appeal.

The Step 2 Appeal hearing is to consider the decision made by the original ARCP Panel or Step 1 Review Panel. The Appeal Hearing panel may consider newly submitted information and representation from the Trainee and from the School involved with the Trainee’s training.

**The Appeal panel will consist of:**

- Postgraduate Dean or Representative (Chair)
- College / Faculty Rep
- HR Rep from the relevant Trust
- Consultant from within Specialty & within Wessex
- Consultant from outside specialty & within Wessex
- A Trainee representative from outside specialty
- Lay Advisor

*(For Foundation Trainees refer to the “UK Foundation Programme Reference Guide”)*

Membership of the panel should not include anyone involved in the original ARCP panel.

A recording of the hearing will be made and a copy will be available for the Trainee if they wish following the hearing.

Trainees have the right to be represented at the Appeal. They may wish to be represented by a friend of colleague or a representative from a professional body. If a Trainee wishes to be presented by a lawyer, the legal representative must be reminded that Appeal hearings are not courts of law and the panel govern the procedure including the questioning of others by the legal representative.

Trainees will be invited to submit additional evidence to support their grounds of appeal against the award of the original ARCP outcome. This evidence must be relevant and only related to the period of training covered by the ARCP in question. The Chair of the Appeal panel has the right to disregard anything they deem not relevant.

To ensure completeness and accuracy, Trainees must submit 10 x copies of their supporting evidence.

The School programme Team will also submit a statement of case and supporting evidence.

Both the Trainee and the School must submit all evidence within 5 working days of the appeal hearing.
Format of the appeal hearing

The chair will orchestrate proceedings according to the agreed format as detailed in the published Timetable.

The panel will normally come to a decision on the day and the Trainee will be notified within 5 working days of the appeal hearing.

In some circumstance it may be appropriate to inform the Trainee on the day; however this will be agreed in advance.

Please note that the Appeal Hearing panel decision is final.