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| **Policy Title** | **Appeals Policy: Postgraduate Training** |
| **Approvers** | SMG, Executive Board |
| **Author(s)** | Training and Faculties Office |
| **Applies to** | RCPI Postgraduate Trainees |
| **Policy Number** | TFO-006 |

**Purpose**

The purpose of this document is to provide an overview of RCPI’s process for the appeal of any training related decisions made by the relevant decision maker in relation to an individual’s Training Programme.

This Policy sets out the mechanism for an appellant to apply for the reconsideration, review and appeal of a training related decision made by the relevant decision maker to ensure that:

* + - the relevant processes were correctly followed by the relevant decision maker in reaching and reviewing a decision; and
    - proper consideration was given to evidence presented and made available to the relevant decision maker in relation to any reconsideration, review and appeal of a decision.

**Scope**

The Postgraduate Training Appeals policy of the Royal College of Physicians of Ireland applies to an RCPI decision relating to the delivery of the postgraduate training programmes. It applies to the process by which an individual appellant seeks review or reconsideration of a decision relating to them.

It is not appropriate to use Stage One or Stage Two of this policy to:

* + - * 1. Make a complaint about an individual’s conduct or performance;
        2. Make a complaint about interpersonal relationships;
        3. Bring a complaint as a group

RCPI has a number of policies and procedures in place which provide a mechanism through which different types of issues can be addressed. In particular, it may be more appropriate to progress your complaint through the *Grievance Policy, Anti Bullying Policy, Equal Opportunities Policy* or

other applicable policy. If you are not sure which policy applies to your circumstances, please contact Postgraduate Training and Education Office who will be able to assist you.

Examples of decisions which can be subject to a reconsideration, review or appeal under this Policy include (but are not limited to):

* Outcome of Annual/Interim Evaluation (including whether training credit has or has not been awarded)
* Application for Out of Programme Experience
* Training post allocation
* Recognition of prior learning

***Outside Scope***

Appeals relating to the decisions or outcomes arising from the RCPI Grievance or the RCPI Disciplinary process cannot be appealed under this policy. All appeals relating to the RCPI Grievance procedure or the RCPI Disciplinary process must follow the RCPI College appeals process.

Appeals relating to the appointment to the postgraduate training programmes cannot be appealed under this policy. All appeals relating to the RCPI recruitment and selection process, including shortlisting and interviews, must follow the separate RCPI Recruitment and Selection appeals process.

**Process**

The process consists of three parts:

* **Stage One** - Reconsideration of the original decision
* **Stage Two** – Review of the original decision
* **Stage Three** – Appeals process

At each stage of the process, the appellant is required to complete a Form (included at the back of this policy) which sets out their grounds for appeal which may include but are not limited to:

* That an error in the process occurred in the formulation of the original decision;
* That relevant and significant information, was not considered or not properly considered in the making of the original decision;
* That the original decision was clearly inconsistent with the evidence and arguments put before the body making the original decision;
* That irrelevant information was considered in the making of the decision;
* That required procedures outlined in RCPI policies were not observed in making the decision.

The Form may be accompanied by any additional materials that the appellant considers relevant to the appeal and, if required, continuation sheets outlining in further the grounds of appeal. Appellants

will be expected to provide all relevant documentation at the earliest stage of the process to ensure that matters can be efficiently resolved.

The appellant must, within the specified time frame, lodge their appeal Form (together with supporting documentation) with the Dean/Chair of the Training Body who will make arrangements for the appeal to be progressed in the manner set out in this procedure.

**Stage One – Reconsideration**

This means that the original decision maker will reassess all the facts and circumstances relating to the decision (including any additional material provided by the appellant or obtained by the original decision maker) and make a new decision or uphold their original decision.

An appellant who wishes to have a decision reconsidered must complete the *Consider, Review & Appeal a Decision Form – Stage One (Appendix One)*, including the submission of grounds of appeal,and submit to the Dean/Chair of the Training Body within **14 working days** of receipt of notice of the outcome of the original decision.

Appellants should also include with the form any relevant additional information and supporting documentation which they wish to be brought to the attention of the original decision maker in the reconsideration of the decision.

The Dean/Chair of the Training Body will advise the original decision maker that a request has been made for them to reconsider the original decision and provide them with the Form and any supplementary documentation submitted by the appellant.

If the original decision maker is no longer available to reconsider the decision, the Dean/Chair of the Training Body may, in their sole discretion, (i) identify an appropriate person to re-consider the matter; or (ii) progress the matter to Stage Two.

The Dean/Chair of the Training Body upon review of the request, may, in their sole discretion, (i) escalate the request directly to Stage Two; or (ii) determine that the nature of the request is more appropriate to be dealt with as a Grievance, and determine that it should be processed according to that Policy. The appellant will be notified of this decision.

The original decision maker will reconsider the matter as efficiently as possible and will generally communicate their decision to the appellant no later than three weeks following the receipt of the request to reconsider the decision from the Dean/Chair of the Training Body. Where it will not be possible to deliver a decision within this time period, the appellant will be notified of this fact in writing.

**Stage Two – Review**

Following written notification of the outcome of Stage One, the appellant may indicate to the Dean/Chair of the Training Body that they wish for the Stage One decision to be reviewed (i.e. for Stage Two of the Appeals Procedure to be activated).

This means that the Specialty Training Committee/Education and Training Committee will review all the facts and circumstances relating to the Stage One process (including any additional material

provided by the appellant or obtained by the Stage One decision maker) and make a new decision or uphold the Stage One decision.

An appellant who wishes to have a decision reviewed must complete the *Consider, Review & Appeal a Decision Form – Stage Two (appendix one)* , including the submission of grounds of appeal,and submit to the Dean/Head of the Training Body who will require the Specialty Training Committee/Education and Training Committee to review the decision made by the Stage One decision maker.

Appellants should also include with the form, any relevant additional information and supporting documentation which they wish to be brought to the attention of the Specialty Training Committee/Education and Training Committee in the review of the decision.

The Dean/Chair of the Training Body will advise the Specialty Training Committee/Education and Training Committee that a request has been made for them to review the decision and provide them with the Form and any supplementary documentation submitted by the appellant. This will include all documentation provided to the Stage One decision maker.

The Specialty Training Committee/Education and Training Committee will review the matter as efficiently as possible and will make reasonable endeavours to communicate their decision to the appellant no later than three weeks following the receipt of the request to review the decision. Where it is not be possible to deliver a decision within this time period, the appellant will be notified of this fact in writing.

**Stage Three – Appeal**

The appellant may appeal the decision once the previous stages of the process have been exhausted and a final decision has been made by the Specialty Training Committee/Education and Training

Committee.

An appellant who wishes to have a decision reconsidered must complete the *Consider, Review & Appeal a Decision Form – Stage Three (appendix one)*, including the submission of grounds of appeal,and submit to the Chair/Head of the Training Body. Appellants should also include with the form any additional information and supporting documentation which they wish to be brought to the attention of the Appeals Committee.

The appeal will be heard by the Appeals Committee. This means that the Appeals Committee will review all the facts and circumstances relating to the previous processes (including any relevant additional material provided by the appellant or obtained by the original decision maker) and make a finding in relation to the original decision. The appropriate finding will depend on the process, and

may include upholding a decision (in whole or in part), setting aside a decision or recommending an alternative course of action.

It is not within the remit of the Appeals Committee to overturn the rules and regulations of the training programme as outlined in the specialty Curriculum or Training Handbook. All changes to the rules of the training programme must be approved by the Board of the Training Body.

The Dean/Chair of the Training Body will appoint the Appeals Committee.

The Appeals Committee will consist of:

* Two Members[[1]](#footnote-1) of the Training Body;
* One External member

No person who has been concerned in any way with the decisions giving rise to the appeal will be eligible to sit on the Appeals Committee.

The Appeals Committee must set a date for the Appeal and inform the appellant of this date. The Appeals Committee will make reasonable endeavours to ensure that the date set is convenient for the Appellant to attend. However, if the appellant does not attend the Appeal Committee hearing without good reason for doing so, the Appeals Committee has the power to consider the case in the absence of the appellant.

The appellant may withdraw his/her appeal at any time up to and including the date set for the appeal.

The role of the Appeals Committee is to review the fairness of the decision, rather than to re-hear the complaint. The Appeals Committee will consider all the evidence available. However, in its sole discretion, the Appeals Committee may ask for additional information to be provided by either the appellant or other persons involved. The Appeals Committee may:

* + request further relevant documentation from the Trainee, Trainers, Employer etc;
  + meet with the Trainee for the purposes of clarification of evidence submitted
  + meet with any other relevant stakeholders for purposes of clarification of evidence submitted. This could include Trainers (previous or current), National Specialty

Director/Regional Programme Director, other Trainees/NCHDs, employers. A written record of any such meetings must be kept.

The Appeals Committee will review the matter as efficiently as possible and will make reasonable endeavours to communicate their decision to the appellant no later than three weeks following date of the Appeal meeting. Where it will not be possible to deliver a decision within this time period, the appellant will be notified of this fact in writing.

The Appeals Committee’s decision will be reported in writing to the Training Body Board. The Training Body will review the decision and communicate to the outcome to the Trainee.

The decision of the Appeal Committee under Stage 3 will be final.

**Review**

This Policy shall be subject to review every three years from the date of approval of this document by the RCPI Executive Board.

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| **Approved By:** | **Date** |
| Senior Management Group | 12/06/19 |
| RCPI Executive Board | 14/06/19 |
| **Review** |  |
| Review by RCPI Executive Board | March, 2022 |

RCPI is GDPR compliant should you have any queries on GDPR please contact [dataprotectionofficer@rcpi.ie](mailto:dataprotectionofficer@rcpi.ie).

**Appendix One – Appeals Policy: Postgraduate Training - Stage One Reconsider**

*Please read the Appeals Policy – Postgraduate Training carefully before completing this form.*

**Name**

**RCPI ID Number**

**Training Programme**

**Address for Correspondence**

**Email**

**Contact Number**

**Please list the decision/outcome you are appealing:**

**Indicate the grounds for appeal:**

1. That the rules and regulation of the training programmes have not been properly implemented
2. That circumstances exist which may not have been specifically covered by the training programme regulations
3. That there is new, attested, documented and relevant information, that was not made available to the original decision maker for justifiable reason, and therefore not considered

**Statement of Appeal:**

**Additional Information Provided**

Please list any items attached e.g. medical certificates or additional sheet(s)

**Please specify the change you seek in your result as a consequence of this Appeal?**

I, the undersigned, understand that the above personal data and other personal data including my training record, are circulated to relevant RCPI staff and Training Committee for the purposes of investigating this appeal and communicating with me regarding the appeal.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Completed forms should be returned to the Dean/Chair of Postgraduate Training and Education, Royal College of Physicians of Ireland, electronically and in hard copy

**Appeals Policy: Postgraduate Training – Stage Two Review**

*Please read the Appeals Policy – Postgraduate Training carefully before completing this form.*

**Name**

**RCPI ID Number**

**Training Programme**

**Address for Correspondence**

**Email**

**Contact Number**

**Please list the decision/outcome you are appealing:**

**Indicate the grounds for appeal:**

1. That the rules and regulation of the training programmes have not been properly implemented
2. That circumstances exist which may not have been specifically covered by the training programme regulations
3. That there is new, attested, documented and relevant information, that was not made available to the original decision maker for justifiable reason, and therefore not considered

**Statement of Appeal:**

**Additional Information Provided**

Please list any items attached e.g. medical certificates or additional sheet(s)

**Please specify the change you seek in your result as a consequence of this Appeal?**

I, the undersigned, understand that the above personal data and other personal data including my training record, are circulated to relevant RCPI staff and Training Committee for the purposes of investigating this appeal and communicating with me regarding the appeal.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Completed forms should be returned to the Dean/Chair of Postgraduate Training and Education, Royal College of Physicians of Ireland, electronically and in hard copy

**Appeals Policy: Postgraduate Training – Stage Three Review**

*Please read the Appeals Policy – Postgraduate Training carefully before completing this form.*

**Name**

**RCPI ID Number**

**Training Programme**

**Address for Correspondence**

**Email**

**Contact Number**

**Please list the decision/outcome you are appealing:**

**Indicate the grounds for appeal:**

1. That the rules and regulation of the training programmes have not been properly implemented
2. That circumstances exist which may not have been specifically covered by the training programme regulations
3. That there is new, attested, documented and relevant information, that was not made available to the original decision maker for justifiable reason, and therefore not considered

**Statement of Appeal:**

**Additional Information Provided**

Please list any items attached e.g. medical certificates or additional sheet(s)

**Please specify the change you seek in your result as a consequence of this Appeal?**

I, the undersigned, understand that the above personal data and other personal data including my training record, are circulated to relevant RCPI staff and Training Committee for the purposes of investigating this appeal and communicating with me regarding the appeal.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Completed forms should be returned to the Dean/Chair of Postgraduate Training and Education, Royal College of Physicians of Ireland, electronically and in hard copy

1. Member here denotes a Member/Fellow of the Training Body in good standing. External Member denotes an individual external to the RCPI with appropriate legal, governance or procedural skills [↑](#footnote-ref-1)