Appeals Policy for ARCP / RITA panel
Outcomes
Foundation and Specialty Training

This document sets out the policy and procedure for appealing against the decision of the ARCP / RITA panel and replaces all previous policies.
Introduction

This policy is applicable to the ARCP process for both foundation and specialty training, and the RITA process for specialty training. It is based on the requirements for the ARCP process as set out in ‘The Guide to Postgraduate Specialty Training’, the “Gold Guide” (2010), and the Foundation Programme Reference Guide (2012). In addition, for specialty training the RITA process is determined by ‘The Guide to Specialist Registrar Training’, the “Orange Book” (1998).

For Foundation trainees, this policy will apply for those trainees in the East Anglian Foundation School.

For Specialty trainees this policy will apply to all East of England trainees in programmes in Health Education East of England.

This policy does not apply to trainees who are linked to training programmes managed by the Health Education England organisations in London.

If the trainee is not satisfied with an ARCP outcome/RITA award given to them, they will have the right to request a review or an appeal dependant on the ARCP outcome/RITA award given to them.

The 2010 edition of the Gold Guide defines the differences between Appeals and Review as follows:

**Review of ARCP Outcomes**

A review is a process where an individual or a group who originally made a decision return to it to reconsider whether it was appropriate. They must take into account the representations of the person asking for the review and any other relevant information, including additional relevant evidence, whether it formed part of the original considerations or has been freshly submitted.

**Appeal against ARCP outcomes**

An appeal is a procedure whereby the decision of one individual or a group is considered by another (different) individual or body. Again, an appeal can take into account both information available at the time the original decision was made, newly submitted information and the representations of the appellant. Those involved in an appeal must not have played a part in the original decision or the review.
Review of ARCP Outcome 2 /RITA D (Specialty training only)

Where a trainee is given an Outcome 2/RITA D, they can request in writing, a review of this decision. A review is not applicable in the case of an Outcome 3 or 4. The review is undertaken by the panel that originally made the decision. Requests for a review must be made to the Chair of the ARCP/ RITA panel within 10 working days* of being notified of their decision.

The Chair will arrange for an interview for the trainee and, as far as practicable, with all members of the original ARCP/ RITA panel within 15 working days* of receiving the written request for a review. Where all the members of the original ARCP/ RITA panel are not available, a minimum of the Chair and one additional member of the original panel must be present at the review discussion.

Any additional evidence that the trainee wishes the review panel to consider must be submitted within 5 working days* prior to the review taking place.

Upon completion of the review the Review Panel will retire to consider its decision in private. It may then decide to:

1. Reaffirm its previous decision;
2. Substitute its previous decision with a decision that Outcome 1 has been reached and complete an Outcome 1 form or an Outcome 6 form if the trainee has completed their training.

The review panel may amend the previous Outcome 2 documentation by way of deletion, addition or amendment.

A Health Education East of England administrator will be present at the review to make a written record summarising the discussion and the decision reached. A verbatim record will not be taken by the Health Education East of England administrator. The written record of the proceedings including the decision reached will be given to the trainee within 5 working days*. The appeal hearing will also be recorded.

The decision of the panel reviewing the ARCP panel Outcome 2/RITA D award is final and there is no further right of appeal.
Management Flowchart for Appeals Policy for Outcome 2 or RITA D

Outcome 2 / RITA D Award

- Trainee accepts decision and begins period of targeted training
- Trainee does not accept outcome
  - Trainee must make written request for a review to the chair of ARCP/RITA panel within 10 working days of the decision

A review of the decision must take place within 15 working days of the request

- Trainee submits any additional evidence 5 working days prior to review
- Decision reached. Notes of discussion sent to the trainee

No Further Right of Appeal
Appeals against ARCP outcome 3 or 4/RITA E stage 2 or 3

Trainees have a right of appeal if they are given an ARCP outcome 3 or 4 /RITA E stage 2 or 3. A trainee’s request for an appeal must be made in writing to the Postgraduate Dean or nominated representative within 10 working days* of the trainee being notified of the ARCP/RITA panel’s decision and must state the grounds for appeal.

For Foundation training an appeal against an ARCP outcome 4 by an F1 trainee who is a UK graduate would normally be the responsibility of the graduating medical school but for geographical reasons may be devolved to the local Foundation School and their linked educational organisation.

Foundation year 2 doctors can only appeal against an ARCP decision to remove them from the training programme without completion of the Foundation Achievement of Competence Document (FACD) if they can demonstrate that they have met all the required competencies and that the evidence was available at the ARCP but was not considered appropriately.

Review (Specialty Training only)

The Postgraduate Dean may decide that it is appropriate for a review to be held; in this case the chair of the ARCP panel will arrange for a review meeting with, as far as is practicable, all the members from the original ARCP panel within 15 working days* of receiving the written request for an appeal. This meeting can be a virtual meeting. Where all the members of the original ARCP/ RITA panel are not available, a minimum of the Chair and one additional member of the original panel must be present at the review discussion.

Any additional evidence that the trainee wishes the review panel to consider must be submitted within 5 working days* prior to the review taking place.

A Health Education East of England (HEEoE) administrator will be present at the review to make a written record summarising the discussion and the decision reached. A verbatim record will not be taken by the HEEoE administrator. The written record of the proceedings including the decision reached will be given to the trainee within 5 working days*. The appeal hearing will also be recorded.

Where the review panel change the outcome decision, this completes the appeal process. If the review panel do not change the outcome decision, a formal appeal hearing must be arranged.

Formal appeal hearing (Foundation and Specialty training)

A trainee’s request for an appeal must be made in writing to the Postgraduate Dean or nominated representative within 10 working days* of the trainee being notified of the ARCP/RITA panel’s decision and must state the grounds for appeal.

If the annual review panel has recommended that a specialty trainee should be withdrawn from the training programme, a formal appeal hearing will follow automatically and the Postgraduate Dean or there nominated representative should take the necessary steps to arrange it. An appeal hearing in these circumstances should proceed unless the trainee formally withdraws, in writing, from the programme at this stage. The Postgraduate Dean or their nominated representative should
always confirm the position in writing with the trainee where the trainee declines an appeal hearing.

The Postgraduate Dean or their nominated representative will arrange the appeal hearing, where possible, to take place, within 15 working days* of receipt of a request for a formal appeal hearing, or following completion of the review process. The appeal hearing will only be re-arranged in exceptional circumstances such as ill health. Where a trainee or their representative are unavailable to attend due to other commitments, the appeal hearing will only be rearranged on one further occasion. If the trainee or their representative is not able to attend the re-arranged appeal hearing, it will proceed in their absence. The trainee will be entitled to make representations in writing for the appeal panel to consider in their absence.

**Constitution of the Appeal Panel**

The Postgraduate Dean or their nominated representative will convene an independent panel to consider the evidence and form a judgement. The appeal panel should include:

<table>
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<tr>
<th>Specialty Trainee Appeal Panel</th>
<th>Foundation Appeal Panel</th>
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<tbody>
<tr>
<td>Postgraduate Dean or their nominated representative as chair</td>
<td>Postgraduate Dean or their nominated representative as chair; For F1 UK graduates ARCP outcome 4 appeal, Medical School Dean as chair</td>
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<tr>
<td>College/Faculty representative from an adjacent region</td>
<td>Foundation School Director from another Foundation School</td>
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<tr>
<td>Two senior doctors from the same Health Education East of England area as the trainee; one of whom should be in the same specialty as the trainee and one of whom should be from a different specialty from the trainee.</td>
<td>Two senior doctors from the same Foundation School as the trainee who provide educational or clinical supervision for Foundation training; For F1 UK graduates ARCP outcome 4 appeal, one senior doctor should be a medical school representative</td>
</tr>
<tr>
<td>A senior trainee from a different specialty</td>
<td>A foundation doctor in training in a different foundation school</td>
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<tr>
<td>- A representative from the HR department of Health Education East of England will be present to advise the Chair.</td>
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<tr>
<td>- Lay Representative</td>
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<tr>
<td>- Administrative support who does not form part of the appeal panel</td>
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The membership of the panel should not include anyone involved in either the review stage or any members of the original ARCP/RITA panel.

A Health Education East of England administrator will be present at the appeal hearing to make a written summary record of the discussion and the decision reached. The written summary will not be a verbatim record of the discussion. The Appeal hearing will also be recorded.

All members of the panel must have undertaken equality and diversity training within the past three years and be able to evidence this.
Trainee Representation

Trainees have the right to be represented at the formal appeal hearing. The trainee may be represented by a friend, colleague or a representative of their professional body. The trainee may be represented by a legal representative; however the legal representative must be reminded that the appeal hearing is not a court of law and the panel governs its own procedure, including the questioning allowed of others by the legal representative. The Trainee should inform the Health Education East of England of their representative’s name and contact details.

Evidence

Evidence (including Statement of Case, witness details, and supporting documentation) submitted less than 5 days prior to the meeting will only be considered by the panel at the discretion of the Chair. No new evidence will be allowed on the day of the appeal.

Statement of Case

The trainee and the Health Education East of England will be required to provide a written statement of case plus any supporting documentation to the Appeals Officer in enough time so that the statement and evidence folders may be sent out to the relevant parties no less than 5 working days* prior to the date of the appeal hearing. The HEEoE statement may be made by the Head of School for the specialty or the Foundation School Director, or their nominated representative. The author of the statement of case will normally act as the HEEoE representative at the appeal panel.

Any documentation submitted after this deadline will only be considered at the discretion of the Chair of the appeal panel.

Supporting documentation

The trainee and the appeal panel members will be provided with the following documentation pack at least 5 working days* prior to the appeal panel hearing:

- Timetable and seating plan for the appeal hearing
- Trainee’s written appeal
- Record of ARCP/ RITA panel including reasons for outcome given
- Copies of evidence used at ARCP/ RITA panel, e.g. Educational Supervisor’s report, report from Programme Director/FTPĐ, assessments undertaken in post
- Statement of case of both parties;
- Any other material evidence pertinent to the appeal
- Notes from the review discussion (if applicable)
- Historical record of the trainee’s progression in training to date, including ARCP/RITA outcomes.
Witnesses

The trainee and/or their representative would normally be expected to be present at the appeal hearing. Should the trainee wish to call any witnesses they must notify the Chair of the appeal panel no later than 5 working days* prior to the appeal panel hearing. Any witnesses notified after this deadline will only be considered at the discretion of the Chair of the appeal panel.

Health Education East of England would normally be represented by the Head of School or their nominated representative to present Health Education East of England’s statement of case. Health Education East of England may also call the following witnesses:

- Chair of ARCP/ RITA panel
- One further member of the ARCP/ RITA panel
- Educational Supervisor / Training Programme Director / Foundation Training Programme Director

Hearing Procedure

The Chair should explain the format of the appeal hearing which will be as follows:

- Appeal Hearings will be recorded
- The panel should review the documentation in closed session;
- The trainee, their representative (if present) and the Health Education East of England representative will be invited to attend the panel;
- The trainee and/or their representative address the panel first and call any relevant witnesses;
- The Health Education East of England representative will then be given the opportunity to clarify matters arising from the trainee’s statement;
- The Health Education East of England representative should then address the appeal panel second and call any relevant witnesses;
- The trainee and/or their representative will then be given the opportunity to clarify matters arising from the Health Education East of England representative’s statement;
- Once the trainee and/or their representative have presented their statement of case both parties will have a further opportunity to ask questions;
- The panel will then also have the opportunity to ask questions of both parties and any witnesses;
- The witnesses will then be asked to leave the room;
- Both parties will be invited to make brief closing statements to the panel;
- The trainee, their representative and the Health Education East of England representative will be asked to leave the room;
- The panel will then deliberate in closed session and make a decision;
- The panel will normally make a decision on the day of the hearing. If this is not possible the panel will reserve their decision for a later date to be notified to the parties;
- The decision of the panel must be unanimous;
- The trainee will be informed of the decision by the Health Education East of England on behalf of the panel Chair in writing within five working days* of the appeal hearing;
- The panel are required to maintain confidentiality and should not communicate the outcome.

Appeals Policy
Updated May 2014
Health Education East of England
Please note that either party may ask the Chair of the appeal panel to adjourn during proceedings.

Decision

Upon completion of the appeal hearing the Appeal Panel will retire to consider its decision in private. It will then make one of the determinations as outlined below:

1. Confirmation of the original decision
2. Substitute the previous decision with the recommendation of an Outcome 2 or 3 and complete an Outcome 2 or 3 form outlining the further steps that must be taken and develop an action plan, including identification of the criteria against which achievement of competences will be assessed and a revised indicative date for completion of training; or
3. Rarely, it may be appropriate to substitute the previous decision with the recommendation of an Outcome 1 or 6, and complete an Outcome 1 or an Outcome 6 form.

Where the Appeal Panel proposes, either by reaffirming the previous decision or by developing an action plan, that a further period of training is required, such period may not exceed 12 months when aggregated with any previous extensions granted in respect of the trainee. This 12 month period may be exceeded only in exceptional circumstances as determined by the Postgraduate Dean up to a maximum total period of 24 months. This will be a maximum of 6 months for trainees on Core Training (CT) programmes and for trainees on GP training programmes, with a possible extension of up to 12 months only in exceptional circumstances.

The trainee will be notified in writing of the decision within 5 working days* with a formal report being provided as soon as is practicable. This will be sent by the Health Education East of England on behalf of the Chair of the appeal panel. A copy of the proceedings will be sent to the trainee and, as appropriate, their representative with a further copy kept on file.

The decision of the appeal panel is final and there is no further right of appeal.

EQUALITY ACT 2010

Health Education East of England (HEEoE) is committed to equality and diversity within the organisation and this policy is in line with the Equality Act 2010. HEEoE will ensure that the application of any part of this policy does not discriminate, either directly or indirectly, against anyone on the grounds of race, disability, sex, gender reassignment, sexual orientation, religion or belief, age, pregnancy or maternity, marriage or civil partnership.

*For the purpose of this policy, working days are Monday to Friday excluding Bank and Public Holidays
Management Flowchart for Appeals Policy for Outcome 3 / 4 or RITA E Stage 2 / 3

Outcome 3 / 4 or RITA E Stage 2 / 3

Trainee Accepts Decision

Trainee does not accept decision and appeals in writing within 10 working days

Postgraduate Dean decides to arrange a review

A review of the decision must take place within 15 working days of the request to appeal

Trainee submits any evidence 5 working days prior to review

Decision reached, notes of discussion sent to trainee

Original outcome changed

No Further Right of Appeal

If original outcome upheld, Postgraduate Dean will arrange an appeal hearing

Postgraduate Dean decides to take request straight to appeal

Appeal Hearing arranged, where possible within 15 working days of written request for appeal

Documentation sent to panel and appellant within 5 working days of appeal hearing

Appeal Hearing

Decision reached, Outcome sent to trainee within 5 working days

No Further Right of Appeal
## DOCUMENT HISTORY

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<td>January 2010</td>
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