



Appeals Policy for GP Training

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Contents

Contents.....	2
1.0 Purpose.....	3
2.0 Scope.....	3
2.1 Out of Scope	3
3.0 Policy Statement	4
3.1 General Principles	4
3.2 Grounds for Making an Appeal.....	5
3.3 Submitting an Appeal	6
3.4 Hearings	6
3.5 Rulings.....	6
3.6 Communication of Decisions and Data Management	7
4.0 Related and Supporting Documentation.....	7
5.0 Contact	7



1.0 Purpose

The purpose of this policy is to ensure consistent and fair consideration of issues at appeal and to outline the circumstances and means under which a GP Trainee on the National Specialist Training Programme in General Practice (GP Training Programme) may submit an appeal.

2.0 Scope

This Policy and corresponding procedures apply to decisions related to GP Training under the following conditions:

- Procedural irregularity;
- Maladministration or unfair application of a policy.

2.1 Out of Scope

2.1.1 Ordinary Academic Judgement

This Policy does not apply to academic decisions made by academic staff (e.g. scheme directors, assistant scheme directors), or affiliate trainers where decisions are subject to ordinary academic judgement. Academic judgment is a judgment that is made about a matter where only the opinion of an academic expert is sufficient. A decision regarding assessment, competency, or progression will usually involve academic judgement.

2.1.2 MICGP Examinations

Appeals relating to MICGP exams are beyond of the scope of this document. The reader is referred to the relevant MICGP exams policy.

2.1.3 Terms and Conditions of Employment

Any issue arising, including an appeal of a decision relating to terms and conditions of employment and/or traineeship, contracts, industrial relations and all other issues relating to the Trainee's employment must be considered under the relevant contract of employment and the appropriate Staff Policies and Procedures. Any such disputes are not considered under this Policy.

2.1.4 Invalid Grounds for Appeal

Invalid grounds for appeal include, but are not limited to:

- The GP Trainee considers their efforts were undervalued
- Disagreement with a CPC recommendation
- Disagreement with a decision or finding consistent with GP Training policies and procedures
- Lack of understanding or awareness of a policy, procedure, guidance or other relevant support documentation
- Unreasonably late claims
- Grievances and complaints which have not been evaluated under the relevant policies and procedures
- Employment-related issues

3.0 Policy Statement

3.1 General Principles

- The College is committed to fair, consistent training and assessment based on solid academic judgement
- Valid and reliable decisions are made taking into account all available evidence
- In reaching a decision on whether to uphold or dismiss a request for appeal, the Appeals Committee will act reasonably and objectively, observing the principles of natural justice. Decisions will be made on the balance of probabilities.
- Any person directly involved in the trainee's progression, progression review, educational grievance and/or disciplinary action proceedings is not eligible to respond to, investigate or adjudicate in the appeal process.
- Any person called upon to respond to, investigate or adjudicate in the appeal process will be free of conflict of interest. Any potential or actual conflict of interest will be disclosed to the Secretary or nominated person chairing proceedings.
- By virtue of participating in the GP Training Programme, GP Trainees are deemed to have understood and agreed to respect and abide by the Training Agreement, including all relevant policies, procedures.

3.1.1 Non-retaliation

The Irish College of GPs (the College) prohibits retaliation against a Trainee who, in good faith, submits an appeal under this policy.

3.1.2 Vexatious or Mischievous Submission for Appeal

Any submission for appeal found to be vexatious or mischievous may be the subject of disciplinary action. This includes but is not limited to instances whereby a submission is found to be without merit, where false information is submitted, or where the appeal is made with the intention of causing distress or disruption.

3.1.3 Confidentiality and Data Protection

All aspects outlined in this policy must be carefully documented by those implementing it. Appeals will be handled with due consideration to confidentiality for Trainee's, College staff and faculty. Information will be disclosed only on a need-to-know basis and within the rights to privacy afforded to the Trainee by the General Data Protection Regulation (GDPR). Trainee's personal data must be processed in accordance with the College Data Protection Policy.

3.2 Grounds for Making an Appeal

3.2.1 Maladministration or Apparent Procedural Irregularity

Appeals will be considered where the Trainee can demonstrate that there has been, on the balance of probability, an alleged procedural irregularity in the progress of an issue or maladministration of a policy, which the Trainee reasonably believes has adversely affected their performance or hinders their progression through the GP Training Programme.

The Trainee must provide evidence demonstrating that the College appears to have materially failed to follow its own conventions or policies properly, and which the appellant reasonably believes may have had a bearing on the outcome of the decisions they are appealing.

3.2.2 Mitigating Circumstances

Appeals will be considered by the Appeals Committee where new evidence of mitigating circumstances is advanced to it which was not known or available at the time the decision at issue was made.

Evidence of mitigating circumstances may be advanced where:

- There is new evidence of a material nature that has become available only after the initial ruling was made or;
- Said new evidence was available but not produced to decision makers at the time of ruling and the appellant can provide a satisfactory explanation for his or her failure to produce this evidence.

Such evidence must be provided by the Trainee when appealing and include a written statement outlining the evidence, along with any supporting documentation and reason for not submitting it previously.



3.3 Submitting an Appeal

A Trainee must submit an appeal in writing within fourteen (14) calendar days of notification of the decision they wish to appeal using the Appeals Application Form along with the application fee. The fee is refundable if the appeal is successful.

The Trainee must include with their submission all relevant documentation, evidence or other information for consideration.

Any appeal that does not conform to this standard will not be considered.

The reader is referred to the Appeals Procedures for GP Training for more detail.

3.4 Hearings

Committee deliberation is conducted on the basis of the materials submitted by the Appellant Trainee and the relevant College policies, procedures or any other documents the rules of fairness dictate. An Appellant Trainee has the right to attend any meeting of the Committee or to make oral submissions to the Committee undertaking the review.

The Appellant Trainee may request the presence of a support person and may also submit evidence to support their case.

3.5 Rulings

In reaching a decision on whether to uphold or dismiss an appeal, the Appeals Committee will act reasonably and objectively, observing the principles of natural justice. Decisions will be made on the balance of probabilities.

The Chair and members of the Appeals Committee will have equal voting rights. The Committee will aim to reach a consensus decision wherever possible. In exceptional circumstances, a majority decision will be accepted.

The Appeal Committee may issue one of the following rulings:

- That the Appeal is upheld
- That the Appeal is rejected
- Adjourn pending more information
- That the Appellant Trainee has produced new evidence of mitigating circumstances that was not available to the Disciplinary Action Committee and/or the Progression Review Committee at the time



of the ruling under appeal (see 3.3 above), and that the case will be returned to that Committee for rehearing.

Determinations of the Appeals Committee are final.

3.6 Communication of Decisions and Data Management

A written record of any meetings related to a request for appeal must be kept in a secure SharePoint folder with restricted access. Access will be provided on a need-to-know basis.

Trainee Appellants will be notified in writing of the outcome of the hearing by the Committee Secretary on behalf of the Chair. Records of Appeals are kept on file by the College for seven (7) years from the date of the decision in compliance with the General Data Protection Regulation (GDPR).

4.0 Related and Supporting Documentation

- Appeals Procedures for GP Training
- Appeals Application Form
- Appeals Investigation Report Template
- Terms of reference for the Appeals Committee of GP training

5.0 Contact

Quality Assurance and Enhancement

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