



Appeals policy and procedure

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Contents

Contents.....	2
1.0 Purpose	3
2.0 Scope.....	3
2.1 Out of scope	3
2.1.1 Ordinary academic judgement	3
2.1.2 MICGP examinations	3
2.1.3 Terms and conditions of employment.....	3
3.0 Policy statement	4
3.1 General principles	4
3.1.1 Non-retaliation.....	4
3.1.2 The role of the support person	4
3.2 Matters which may be the subject of an appeal	5
3.2.1 Disciplinary action rulings	5
3.2.2 Progression review committee rulings.....	5
3.2.3 Grievance procedures	5
3.3 Grounds for making an appeal.....	5
3.3.1 Apparent procedural irregularity.....	5
3.3.2 Mitigating circumstances	5
3.4 Submitting an appeal	6
3.4.1 Timescale for submission	6
3.4.2 Application form.....	6
3.6 Hearings	6
3.6.1 Conduct of hearings.....	6
3.6.2 Adjournment.....	7
3.7 Rulings.....	7
3.8 Communication of decisions and data management	7
4.0 Related and supporting documentation	8
5.0 Contact	8
Appendix 1	9
Appeal application form	9

1.0 Purpose

This Policy on appeals relating to disciplinary actions and educational grievances (the “Policy”) applies in respect of decisions under the following Policies:

- Preliminary Decisions made by the Disciplinary Action Committee (DAC) under the Disciplinary Action Policy;
- Preliminary Decisions made by the Progression Review Committee (PRC) under the Progression Review Policy; and/or
- Procedural matters relating to a trainee grievance procedure

2.0 Scope

2.1 Out of scope

2.1.1 Ordinary academic judgement

This Policy does not apply to academic decisions made by ICGP academic staff (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.

The following decisions do not involve academic judgment and may be appealed under this Policy:

- Decisions about the fairness of procedures
- Where there is evidence of bias or maladministration by way of failure to follow policy and procedure.

2.1.2 MICGP examinations

Appeals relating to the outcomes ICGP examinations are beyond of the scope of this document; the Trainee is referred to the ICGP exam regulations.

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.

3.0 Policy statement

3.1 General principles

3.1.1 Non-retaliation

ICGP prohibits retaliation against a Trainee who, in good faith, submits an appeal under this policy.

3.1.2 The role of the support person

Where indicated by the policy below, a Trainee may request the presence of a support person; if not, they should be encouraged to do so. A support person may be a family member, a senior clinical colleague not involved in training, a union representative, or a legal representative.

The role of a support person may include but is not limited to:

- Assisting the Trainee in understanding the Appeals process
- Assisting the Trainee in understanding their rights and responsibilities
- Helping the Trainee to prepare for meetings or hearings
- Providing emotional support to the Trainee

The role of a support person is subject to clear limits:

- Support persons cannot interfere with or disrupt proceedings in any way and cannot speak on behalf of a Trainee, though the Trainee may confer with them
- Support persons must maintain confidentiality and respect the privacy of the individual

3.2 Matters which may be the subject of an appeal

3.2.1 Disciplinary action rulings

The following matters may be considered by the Appeals Committee:

- A final warning issued to a trainee by the DAC;
- The dismissal of a trainee from the National GP Training Programme.

3.2.2 Progression review committee rulings

The following matters may be considered by the Appeals Committee:

- The removal of a trainee from the National GP Training Programme.

3.2.3 Grievance procedures

The Appeals Committee may consider cases where an appellant feels that due process relating to educational grievances was not followed. Note that this relates to the conduct of the educational grievance procedure and not to the outcome of that procedure.

3.3 Grounds for making an appeal

3.3.1 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 through the Disciplinary Action Policy and/or the Educational Grievance Procedure.

3.3.2 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 of the Disciplinary Hearing, Progression Review Hearing, or during the educational grievance procedure.

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.

3.4 Submitting an appeal

3.4.1 Timescale for submission

Where a Trainee wishes to appeal a Preliminary Decision of the DAC or PRC and/or the outcome of the Educational Grievance Procedure ruling, he or she must submit an appeal in writing within fourteen (14) calendar days of notification of that decision.

3.4.2 Application form

A valid Appeal must be submitted using the standard application form set out in Appendix 1. Any Appeal which does not conform to this standard will not be considered. All relevant documentation, evidence or other information to be relied upon by the Appellant Trainee must accompany the Application for consideration. All documentation which was before the DAC, the PRC, or, where appropriate, under the Educational Grievance Procedure will also form part of the Appeal.

Upon receipt of the Appeal, the Secretary to the Appeals Committee will inform the following in writing:

- The Trainee's Scheme Director
- The Chair of the Disciplinary Action Committee (where a disciplinary action is appealed)
- The Chair of the Progression Review Committee (where a progression review ruling is appealed)
- The Chair of the Appeals Committee

The Secretary will also acknowledge the receipt of the Appeal from the Trainee in writing.

3.6 Hearings

3.6.1 Conduct of hearings

Hearings will take place at ICGP, or an alternate venue nearby. The Appellant Trainee will be given at least fourteen (14) calendar days' notification in writing of the place, date and time of the Appeal Hearing. The Appellant Trainee may request the presence of a support person and may also submit evidence to support their case.

On notice of the hearing, all relevant parties, including the Appellant Trainee, will be provided with copies of all documentation relevant to the case under consideration.

The Chair of the Appeals Committee will attend to the following:

- Conduct introductions and explain the functions of the Committee;
- Explain the possible outcomes of the hearing;
- Invite the Appellant Trainee to present their Appeal;
- Allow members of the Committee to direct questions to the Appellant;
- Ask the Appellant Trainee and support person to withdraw; and
- Chair and facilitate a discussion on the appeal and ask the Committee to make a decision on the appeal at hand.

3.6.2 Adjournment

The Chair can adjourn a hearing where:

- It becomes obvious that the hearing will last unreasonably longer than scheduled.
- There is disruption to proceedings by one or other party, including the trainee and any support person in attendance.

3.7 Rulings

The Appeal Committee may issue one of three rulings:

- That the Appeal is upheld
- That the Appeal is rejected
- 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.

3.8 Communication of decisions and data management

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 ICGP for seven (7) years from the date of the decision in compliance with GDPR.



4.0 Related and supporting documentation

- Disciplinary Action policy
- Disciplinary Action procedure
- Progression Review policy
- Progression Review procedure
- Educational Grievance policy
- Procedure for appeals relating to disciplinary action and educational grievances
- Terms of reference for the Disciplinary Action Committee of GP training
- Terms of reference for the Progression Review Committee of GP training
- Terms of reference for the Appeals Committee of GP training

5.0 Contact

GP Training Quality Assurance and Enhancement

gae.training@icgp.ie

Appendix 1

Appeal application form

Please refer the Appeals Policy prior to completing this application. Appeals must be submitted within fourteen (14) calendar days of the receipt by the Appellant of the ruling under appeal.

Trainee Appellant Name	
Date of birth	
Year of enrolment	
Training scheme	
Scheme director	
Ruling under appeal	
Date of ruling under appeal	
Grounds for appeal	
Do you wish to be accompanied by a support person?	
If yes, please provide the name and contact details of the support person	

Appeals must be accompanied by documentation relevant to the ruling under appeal, including documentation which was before the Disciplinary Action Committee, the Progression Review Committee or, where appropriate, under the Educational Grievance Procedure. The Trainee Appellant must also include



documentary evidence of mitigating circumstances where this forms the grounds for their appeal (see section 3.3.2 of the Appeal Policy).

Trainee appellant signature

I have read and understood the Appeals policy, have outlined grounds for appeal, and have enclosed all documentation in my possession relevant to the ruling under appeal.

Signed: _____

Date: _____

Please submit this application as follows:

By post to:

GP Training
Irish College of General Practitioners
4 / 5 Lincoln Place
Dublin 2
DO2 XR68

By email to:

gptraining@icgp.ie