

RCSI

DEPARTMENT OF SURGICAL AFFAIRS

Document Title: Appeals Policy V2

Document Owner: [Caroline McGuinness]

Document Filename: [Appeals Policy v2]

CONTROLLED COPY/ MASTER COPY
STAMP HERE

OTHER
STAMP HERE

Revision Level	Revision Date	DCO/ECO Number	Description of Revision	Revision Author
0.0	March 2015	16-00008	Initial Release	Caroline McGuinness
1.0	21/06/18	16-00008	Update to formatting	Zoë Cruise
2.0	26/06/18	16-00008	Reissue with revision history section added	Padraig Kelly

NATIONAL SURGICAL TRAINING PROGRAMME:

APPEALS POLICY



RCSI SURGICAL
AFFAIRS



NATIONAL SURGICAL TRAINING PROGRAMME

APPEALS POLICY



Table of Contents

1.0	Purpose.....	1
2.0	Scope.....	1
2.1	In Scope.....	1
2.2	Out of Scope.....	1
3.0	Committee Structure.....	1
4.0	Power of Decision / Voting.....	2
5.0	Matters for Appeal.....	2
6.0	Submitting an Appeal.....	3
7.0	Grounds to Proceed.....	3
8.0	Procedures of Appeals Committee.....	3
9.0	Formal Committee Hearing.....	4
10.0	Powers of the Appeals Committee.....	4
10.1	Uphold the appeal. This may result in.....	4
10.2	Seek further information and reconvene.....	4
10.3	Reject the appeal.....	4
11.0	Communication of Decision.....	4
12.0	Confidentiality and Data Protection.....	5
13.0	Note for Prospective Appellants.....	5
13.1	Timescale for Appeals.....	5

1.0 Purpose

To have a mechanism in place to allow an appellant appeal results or decisions affecting the individual's application or progression through either a Surgical or Emergency Medicine Programme at Core or Specialty training run under the auspices of the Royal College of Surgeons. The College reserves the right to amend this Policy as it sees fit.

2.0 Scope

2.1 In Scope

The procedure laid out in this document applies to all RCSI registered applicants to the following programmes and Trainees on the;

- National Surgical Training Programme (Core & Specialty)
- National Emergency Medicine Training Programme

2.2 Out of Scope

(i) The decisions of individual Assessors and the Board of Examiners in all matters relating to the ordinary and conventional operation of academic judgement are final and cannot be appealed. For the purposes of this document, academic judgement is considered to be the professional and scholarly knowledge which members of College staff and/or external examiners draw upon in reaching an academic decision.

(ii) Appeals relating to the MRCS and FRCS examinations are outside the scope of this document. All the information regarding appeals for MRCS and FRCS examinations are available online through the intercollegiate website (<http://www.intercollegiatemrcsexams.org.uk>).

(iii) Appeals relating to terms and conditions of employment as per a trainees' contract with their employer – Health Service Executive (HSE). Employment in a training site is subject to the local recruitment and other employment policies.

3.0 Committee Structure

(i) Membership of the Appeals Committee (the "Committee") for a particular case will be selected by the Dean of Postgraduate Surgical Training/Emergency Medicine. In selecting members of the Committee, regard shall be had to the nature of the individual case, the discipline being studied by the appellant and the stage of the particular programme to which the appellant has progressed. In all cases, it shall be appropriate to have a member of the

public who is not a member or an employee of RCSI included in the membership of the Committee.

(ii) The Chair and Secretary of each Appeals Committee will be appointed by the Dean of Postgraduate Surgical Training/Emergency Medicine.

(iii) The Secretary of each Appeals Committee shall be the Associate Director, Head of Operations & Planning, RCSI Surgical Affairs or nominee.

4.0 Power of Decision / Voting

The Appeals Committee shall consist of a maximum of five members and a minimum of three members. The quorum for the Appeals Committee shall be three. The appointed Secretary will be in attendance to ensure the accurate recording and compliance with rules and regulations and will not have voting rights. There shall be only one decision of the Committee.

5.0 Matters for Appeal

(i) The Appeals Committee shall have authority to hear the following appeals;

- Appealing an outcome in the Selection process
- Appealing an outcome in the Progression process
- Discontinuation or Removal from a programme in accordance with the conditions of the training programme
- Appealing an outcome in the CAPA or ARCP process
- Appealing an outcome in the Annual review process
- Appealing a decision taken in relation to Less Than Full-Time Leave (LTFT) including Exceptional Leave and OOP leave (Out of Programme)
- Appealing a decision in relation to training post allocation
- Any other matter that the Dean of Post Graduate Surgical Training/Emergency Medicine shall deem appropriate

(ii) The Appeals Committee shall only entertain an appeal if there is evidence advanced to it of **exceptional circumstances**. “*Exceptional Circumstances*” is defined as new evidence of a material nature that only became available after the original decision was rendered or, if the said new evidence was available but not produced to the decision makers before the original decision was rendered, the appellant provides a satisfactory explanation for his/her failure to produce such new evidence to the original decision makers.

(iii) In seeking to appeal the original decision, the appellant shall provide evidence of such exceptional circumstances including a signed written statement setting out the relevant evidence together with supporting documentation referred to in the statement and attached to such written statement.

(iv) In considering an appeal, the Appeals Committee may have regard to whether there is evidence of apparent material procedural irregularity on the part of RCSI in any of the

processes outlined in 5.0 (i) above, i.e. evidence that RCSI appears to have materially failed to have followed its own conventions or regulations properly, and which the appellant reasonably believes may have had a bearing on the outcome of the decisions taken above.

6.0 Submitting an Appeal

An appeal should be submitted in writing to appealsadmin@rcsi.ie within 14 days of the communication of the formal notification of the decision the subject-matter of the appeal application. There is a fee of €150.00 for an appeal, refundable if an appeal is successful. The Appeals Secretary will inform the relevant Hospital based Director, Programme Director or Head of School/Faculty/ Institute that such an appeal has been lodged, and will also inform the Dean of Post Graduate Surgical Training, at the next available opportunity.

7.0 Grounds to Proceed

(i) The procedural grounds (or basis) upon which an appeal is considered suitable to proceed to a formal hearing before an Appeal Committee, is a decision which will be made by the Grounds to Proceed Committee, consisting of the Secretary and two senior members of College staff.

(ii) Each appeal application will be considered by the Grounds to Proceed Committee and if, in the view of the Grounds to Proceed Committee, the application fails to disclose a *prima facie* case of exceptional circumstances the application for appeal will be refused and any fee forfeited.

The Secretary will ensure the Appellant is informed if an application to appeal has been granted or refused to proceed.

8.0 Procedures of Appeals Committee

Following the formation of the Appeals Committee, the Secretary will gather the relevant papers and documentation and may confer confidentially with any third party who may be of assistance to the appeal.

A copy of the written appeal, including any documentary evidence will be provided to the Committee. All documentation provided to the Committee will also be provided to the Appellant. A committee meeting will be convened and the Appellant informed of the date and time of the meeting.

The appellant has the right to present their appeal at the hearing and will be invited to attend by the Secretary. Attendance in person by the appellant at the hearing is mandatory unless otherwise agreed in writing in advance by the Chair of the Committee. An appellant who has previously indicated that they will attend, but who fails to appear without good reason will have their case dismissed.



The appellant will be advised in advance of the hearing of the right to be accompanied by a representative or member of staff of choice from RCSI to support the Appellant. Alternatively, a parent, guardian, family member or sponsor may be invited by the Appellant to attend.

If the appellant does not nominate somebody to attend then the Dean of Postgraduate Surgical Training may nominate a Trainee advocate to attend.

9.0 Formal Committee Hearing

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

- Conduct introductions and explain the functions of the Committee
- Explain the possible outcomes from the decisions of the Committee
- Invite the appellant and, if applicable, his/her advocate, to make a statement in her / his own words and allow members of the Committee to direct questions to the appellant.
- Invite any other person(s) who may be able to provide expert advice on specific aspects of the appeal to make a brief statement with members of the committee being allowed to ask questions after each statement. The Appellant or his/her advocate will be invited, through the Chair, to ask questions
- Once satisfied that all parties have had a full opportunity to make statements and ask questions, invite the appellant and advocates to then withdraw
- Ensure that the contact details of the Appellant and advocates are taken and are available to the Committee
- Chair and facilitate discussion of the appeal and ask for a decision to be made
- Formally notify the Irish Surgical Postgraduate Training Committee (at the next convened meeting) of the outcome.

10.0 Powers of the Appeals Committee

The Appeals Committee may;

- Uphold the appeal. This may result in the appellant being re-assessed at the next available opportunity (which may include repeating the year or waiting a year to be assessed).
- Seek further information and reconvene.
- Reject the appeal.

11.0 Communication of Decision

The formal determination of the Appeals Committee will be given to the appellant in writing.



Should the appellant not be prepared to accept the decision of the Appeals Committee, he/she has the right to make an appeal to the Independent Appeals Commissioner on the grounds as set out in the Byelaws of The Royal College of Surgeons in Ireland (Charters Amendment Act, 2003), approved by the Minister for Education and Science, 12th October 2010.

Such a complaint must be made in accordance with these Byelaws within 6 months from the date of the Appeals Committee's decision and be submitted together with the appropriate fee to the RCSI Legal Counsel. Please refer to the RCSI Independent Appeals Commissioner Policy for further information.

12.0 Confidentiality and Data Protection

A record of all decisions made under this Policy will be kept for eight (8) years following the decision.

13.0 Note for Prospective Appellants

If an appellant should have any questions about the correct procedure for appeal, he/ she is advised to contact Surgical Training Manager within the Department of Surgical Affairs Department by emailing (appealsadmin@rcsi.ie).

13.1 Timescale for Appeals

Any appeal must be submitted in writing within fourteen (14) days of the date of notification of the relevant results or relevant decision.

RCSI aims to deal with appeals as soon as practicable. However, prospective appellants should be aware that it may take some time before an appeal is resolved. An appellant may be asked to provide further information before his/her appeal can be considered by the Appeals Committee.

All email correspondence will be through the appellant's official RCSI email address (if applicable) or confirmed alternative correspondence.

If the appellant elects to submit his/her appeal by post, such appeal and all supporting documentation, including the administration fee, should be sent to:

Appeals Administrator
Department of Surgical Affairs
Royal College of Surgeons in Ireland
121 St Stephen's Green
Dublin

If a trainee elects to submit his/her appeal by email, it should be sent (with any necessary supporting documentation attached) to appealsadmin@rcsi.ie. The administration fee (€150) can be paid online by clicking here: [Appeal Payment](#) (<https://exams.rcsi.ie/>) or by sending a bank draft made payable to above.





Appeal Application Form

Family Name	
First Name	
RCSI Trainee Number (if applicable)	
Date of Birth	
Full Address for Correspondence	
Contact Phone Number	
E-Mail Address	

Faculty	
Name of Programme on which you are registered or applied to.	
Modules, examinations or Selection process against which you are submitting your appeal	

For an appeal to be considered, you must meet the following criteria.



Please tick the box.

RCSI Appeal Regulations allow an application for review to be submitted on the following grounds:

The Appeals Committee shall only entertain an appeal if there is evidence advanced to it of **exceptional circumstances**. “*Exceptional Circumstances*” is defined as new evidence of a material nature that only became available after the original decision was rendered or, if the said new evidence was available but not produced to the decision makers before the original decision was rendered, the applicant provides a satisfactory explanation for his/her failure to produce such new evidence to the original decision makers.

In seeking to appeal the original decision, the appellant shall provide evidence of such exceptional circumstances including a signed written statement setting out the relevant evidence together with supporting documentation referred to in the statement and attached to such written statement.

If your issue does not fall within the grounds stated above then your appeal will not have grounds to proceed.

Please provide comprehensive information to support your appeal. Please continue on to separate page(s) as required.



Please provide comprehensive information to support your appeal. Please continue on to separate page(s) as required.



Section 2 - Checklist of relevant documentation

- | | | | | |
|---|-----|----------------------------------|----|-----------------------|
| Medical evidence enclosed | yes | | no | <input type="radio"/> |
| Supporting evidence enclosed | yes | <input checked="" type="radio"/> | no | <input type="radio"/> |
| Any other relevant documentation enclosed | yes | <input type="radio"/> | no | <input type="radio"/> |

Signature..... Date.....

RCSI Surgical Affairs
Royal College of Surgeons in Ireland
Coláiste Ríoga na Máinleá in Éirinn
121 St Stephen's Green, Dublin 2
Tel: +353 1 402 2719
Fax: +353 1 402 2459
Email: surgicalaffairs@rcsi.ie

EDUCATIONAL EXCELLENCE IN SURGERY MEDICINE PHARMACY PHYSIOTHERAPY NURSING & MIDWIFERY
RESEARCH LEADERSHIP POSTGRADUATE STUDIES SPORTS & EXERCISE MEDICINE DENTISTRY RADIOLOGY