

# Annual Review of Competency Progression (ARCP) Review and Appeal Operational Guidance

**Yorkshire and the Humber Deanery**  
Workforce Training and Education, Yorkshire and Humber, NHS England



<b>Name of Document</b>	<b>Annual Review of Competency Progression (ARCP) Review and Appeal</b>		
<b>Category</b>	Standard Operating Procedure (SOP) - Trainee management		
<b>Purpose</b>	This document is one of a suite of Standard Operating Procedures to support the management of postgraduate doctors and dentists across England. This SOP is aligned to the principles of 'A Reference Guide for Postgraduate Foundation and Specialty Training in the UK' (The Gold Guide) and 'A Reference Guide for Postgraduate Dental Core and Specialty Training' (The Dental Gold Guide). Please refer to the most recent versions.		
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5	November 2019	Becky Travis	Updated in line with Medical and Dental Gold Guides, the UKFPO reference Guide and HEE SOP
6	January 2024	Jane Burnett	Rebranded to NHS England. Updated in line with National SOP.

## Document Status

This is a controlled document. Whilst this document may be printed, the electronic version posted on the SharePoint site is the controlled copy. Any printed copies of this document are not controlled.

This document is not intended to be interpreted as a policy statement. This is a local guidance document for faculty and staff in the Yorkshire and Humber Deanery to enable consistency of application; it is recognised there may be exceptional circumstances when deviation from this guidance may be required.

# Contents

## Document Status 2

1. Introduction .....	5
1.1. Overview.....	5
1.2. The purpose of this guidance .....	5
1.3. PGDiTs covered by this guidance.....	5
1.4. PGDiTs not covered by this guidance.....	6
1.5. Equality and Diversity .....	6
1.6. Withdrawal of Appeal.....	6
2. Review of the Original ARCP Outcome.....	6
2.1. Review Overview .....	6
2.2. PGDiT's Statement for Appeal.....	6
2.3. Timescales for an ARCP Review.....	7
2.4. The Format of the Review .....	7
2.5. Outcomes of an ARCP Review.....	7
2.6. Post-ARCP Review.....	7
3. Appeal Hearings.....	8
3.1. Appeal Hearings Introduction .....	8
3.2. Requesting an Appeal Hearing Following Review .....	8
3.4. Panel Membership.....	8
3.4.1 Panel membership – Foundation and Specialty PGDiTs .....	9
3.4.2 Panel membership – Dental PGDiTs .....	9
3.5. Access to HR Advice.....	9
3.6. Role of the Appeal Panel Chair.....	9
3.7. Postgraduate School Representative(s).....	10
3.8. Date and Location.....	10
3.9. Postponement Request(s) .....	11
3.10 PGDiT Representation.....	12
3.11 Engagement of Legal Representation.....	12
3.12 Conflict of Interest.....	12
3.13 Submission of Evidence by the PGDiT .....	12
3.14 Submission of Evidence by the Postgraduate School.....	13
3.15 Collation of Evidence and Additional Documentation.....	13
3.16 Arrangements at the Appeal Hearing.....	14
3.16.1 Virtual Appeal Hearings.....	14

3.16.2 In-Person Venue Arrangements .....	14
3.16.3 Briefing by the Appel Hearing Panel Chair .....	14
3.16.4 Recording the Appeal Hearing.....	15
3.17 Recommendations – Possible Outcomes of an Appeal .....	15
3.17.1 Foundation PGDiTs .....	15
3.17.2 Dental and Specialty PGDiTs .....	15
3.18 Communication of the Appeal Outcome.....	15
3.19 Employment Arrangements post-Appeal Hearing .....	16
4. Foundation Doctor Appeal Arrangements .....	16
4.1 FY1 Doctors.....	16
4.2 FY1 UK-Graduating Doctors .....	16
4.3 FY1 non-UK Graduating Doctors .....	17
4.4 FY2 Doctor .....	17
5. Withdrawal of a National Training Number .....	17
6. Appeal Panel Training Requirements .....	17
7. National and Regional ARCP Processes.....	18
8. Equality Impact Assessment (EIA) .....	18
9. Monitoring Compliance and Effectiveness.....	18
Appendix 1: PGDiT’s Statement for ARCP Review/Appeal.....	19
Appendix 2: Suggested Format of an Appeal Hearing .....	20
Appendix 3: Suggested Appeal Hearing Agenda and Checklist.....	23



# 1. Introduction

## 1.1. Overview

This guidance applies to doctors and dentists in training who request a review and/or appeal an Annual Review of Competency Progression (ARCP) Outcome 2, 3 or 4.

The appeal process is normally set out in two stages:

1. Review by the original ARCP Panel (only stage available for postgraduate doctor or dentist in training in receipt of an outcome 2).
2. Appeal Hearing.

Any reference to 'working day' in the guidance means any normal day of work, excluding Saturdays, Sundays and Bank/Public Holidays.

Within the guidance, whenever reference is made to the Postgraduate Dean (PGD) or Postgraduate Dental Dean (PGDD), it refers to the Dean or their nominated representative who will be responsible for managing the process on their behalf.

## 1.2. The purpose of this guidance

This guidance outlines the arrangements for ARCP Reviews and Appeals for Foundation, Medical Specialty, General Practice and Dental postgraduate doctors within the Yorkshire and the Humber Deanery

This guidance should be read in conjunction with the following:

- A Reference Guide for Postgraduate Specialty Training in the UK (Gold Guide v9) August 2023
- A Reference Guide for Dental Specialty Training in the UK (The Dental Gold Guide). September 2023
- English Deans Standard Operating Procedure for ARCP Appeals and Reviews. August 2023

## 1.3. PGDiTs covered by this guidance

This guidance applies to all postgraduate doctors and dentists in training (PGDiTs) appointed to GMC or GDC approved Specialty training programmes since 01 August 2007 and includes:

- PGDiTs in core programmes.
- PGDiTs in higher programmes.
- PGDiTs in appointed to run-through Specialty programmes.
- PGDiTs appointed to core, higher and run-through Specialty programmes who are Out of Programme with the permission of the PGD.
- Clinical Academics appointed to core, higher and run-through Specialty programmes (e.g. Academic Clinical Fellowships and Clinical Lectureships on these Specialty Programmes).
- Public Health PGDiTs with backgrounds other than medicine.



## 1.4. PGDiTs not covered by this guidance

- Locum Appointments for Training
- Dental Foundation PGDiTs.

## 1.5. Equality and Diversity

The Yorkshire and Humber Deanery is committed to ensuring that the principles of equality and diversity are always applied in the delivery of education and training. This guidance is based upon the principles of natural justice, fairness, equality and reasonableness, as supported by legislation, and should be applied with those principles in mind.

## 1.6. Withdrawal of Appeal

PGDiTs may withdraw an appeal at any stage of the process. If the PGDiT wishes to withdraw their appeal, they must write to the PGD/PGDD (or nominated representative) and the Yorkshire and Humber Deanery Programme Support Team; details will be provided in the PGDiT's ARCP outcome email/letter.

# 2. Review of the Original ARCP Outcome

## 2.1. Review Overview

PGDiTs in receipt of an ARCP outcome 2, 3 or 4 will have discussed their outcome with a member of the ARCP Panel during their post-ARCP feedback process. If the PGDiT disagrees with the decision, they have a right to ask for it to be reviewed.

A review is a process where the Panel who originally made the decision, return to it to reconsider whether it was appropriate.

For PGDiTs in receipt of an outcome 2, this is normally their only mechanism to appeal the outcome awarded by the ARCP panel. PGDiTs in receipt of an outcome 3 or 4 will normally have a Review and may progress to an Appeal Hearing if the original outcome remains the same and they remain dissatisfied with the decision by the Review Panel.

The PGD/PGDD can determine that a case proceeds directly to an Appeal Hearing (i.e. without a preceding ARCP Review).

## 2.2. PGDiT's Statement for Appeal

Statements for appeal should normally be made by the PGDiT in writing **within 10 working days** of being notified of the ARCP outcome. The deadline for an ARCP Appeal is normally stated on the ARCP outcome email/letter.

The statement is normally made by email to the Deputy PGD or PGDD and copied to the Programme Support Co-ordinator and the relevant Programme Support Team inbox. The statement should be accompanied by pro-forma (Appendix 1: PGDiT's Statement for Appeal). This document describes (from the PGDiT's perspective) their grounds for appeal, along with any evidence they wish to present to the Review and/or Appeal Hearing Panel relevant to the original panel's decision.



Additional evidence should normally be **submitted at least 10 working days in advance** of the Review and/or Appeal Hearing (as applicable).

PGDiTs should provide their availability at the point of appealing their ARCP outcome, to reduce risk of delay due to non-availability.

### 2.3. Timescales for an ARCP Review

The original ARCP Panel (the Review Panel) will review its decision usually within **15 working days of receipt** of the request from the PGDiT.

### 2.4. The Format of the Review

The original ARCP panel (with as many members as possible) will conduct a review virtually, which may include them reconvening to meet and discuss and/or correspondence through email.

The Review Panel will focus solely on responding to the grounds raised and will confirm an outcome.

### 2.5. Outcomes of an ARCP Review

There are two possible outcomes:

- a. The original outcome is upheld.
- b. It is decided that the outcome is not justified: a new outcome form will be issued indicating the agreed position following the review (e.g. to Outcome 1 or 6).

Where the Review Panel has modified the decision to an Outcome 1 or 2, this completes the appeal process.

The review of an Outcome 2 must not impose an increased sanction on the PGDiT (i.e. an Outcome 2 must not be changed to a 3 or 4).

The decision of the review of an Outcome 2 is final and there is no further appeal process.

PGDiTs in receipt of an Outcome 3 or 4 may request an Appeal Hearing.

### 2.6. Post-ARCP Review

After the review and **within 10 working days**, the PGD/PGDD will ensure that the PGDiT receives the decision of the Review Panel in writing.

If considered appropriate, a member of the Review Panel may meet with the PGDiT to convey the decision.

Yorkshire and Humber Deanery Programme Support will notify the following individuals/organisations with the outcome of the ARCP Review:

- Director of Postgraduate Medical Education (employer and placement provider where different).
- Training Programme Director.
- Head of School or Associate Dean.
- Educational Supervisor.

- Medical Staffing (employer and placement provider where different).
- Medical Staffing (including next placement provider where applicable).
- Yorkshire and Humber Overseas Sponsorship Team (where applicable).
- Revalidation Team (where applicable).

## 3. Appeal Hearings

### 3.1. Appeal Hearings Introduction

Appeal Hearings will normally follow an ARCP Review, and only PGDiTs in receipt Outcome 3 or 4 will be eligible for an Appeal Hearing. The PGD/PGDD can determine that a case proceeds directly to an Appeal Hearing (i.e. without a Review) and where applicable, the decision will be communicated to the PGDiT and the Yorkshire and Humber Deanery's Revalidation Team.

An Appeal Panel will reconsider the information that was available at the time the original decision was made, together with any newly submitted information from the PGDiT or their representatives. An Appeal Hearing is a procedure whereby the decision is considered by a new panel who have not reviewed the evidence before.

The PGD/PGDD (via the Revalidation Team) will convene an Appeal Hearing Panel to consider the evidence and to form a judgement. The Appeal Hearing Panel will consider representations and evidence from both the PGDiT and from those who are closely involved in their training.

An Appeal Hearing will normally take place **within 28 days of completion of the ARCP Review** (where applicable).

### 3.2 Requesting an Appeal Hearing Following Review

Following a Review Panel, the PGDiT will be asked by the PGD/PGDD to confirm in writing and **within 10 working days** whether they intend to progress to an appeal Hearing. Requests to progress to the next stage will be submitted to the Deputy Dean for the School.

If the PGDiT does not respond or confirm their intention by the deadline stated, the appeal will not proceed to an Appeal Hearing.

PGDiTs may submit further information to support their appeal for the Appeal Hearing within the timescales specified.

### 3.4. Panel Membership

**No members of the original ARCP or Review Panel should be present on an Appeal Hearing Panel for the same PGDiT.**

Care must be taken to ensure that all panel members (including the Chair) are selected based on having no previous involvement in the case. Normally, panel members should not have been involved in any of the PGDiT's past assessments. In very small specialties this may not be possible, and in such cases the PGDiT will be asked to confirm acceptance of the proposed panel member.

On occasion it may be appropriate to have an external Chair for the Appeal Hearing.



### 3.4.1 Panel membership – Foundation and Specialty PGDiTs

The Appeal Panel should consist of no fewer than 3 individuals and could comprise of the following:

- The PGD or a nominated representative as Chair.
- A College/Faculty representative from outside the locality and from the same specialty as the PGDiT.
- A senior doctor from within the same locality as the PGDiT and from the same specialty as the PGDiT (e.g. TPD, Educational Supervisor etc).
- A senior doctor from within the same locality as the PGDiT and from a different specialty to the PGDiT (e.g. TPD, Educational Supervisor etc).
- A current doctor in training from a different specialty to the PGDiT.
- A lay representative.

### 3.4.2 Panel membership – Dental PGDiTs

The Panel should constitute from all following representatives:

- The PGDD or a nominated representative as Chair.
- A senior clinician from the specialty with training experience (e.g. TPD, Educational Supervisor, etc).
- A senior clinician from a different specialty with training experience (e.g. RPD, Educational Supervisor, etc).
- A lay representative.

## 3.5 Access to HR Advice

Access to HR advice for the Appeal Panel will normally be available via phone and this will be co-ordinated by the Revalidation Team.

The nominated individual will provide advice to the Chair on equality and diversity matters and will not normally be sourced from the same organisation which employs the PGDiT.

HR representation from the PGDiT's employing organisation may also be arranged and this individual will be able to advise the Panel and PGDiT on any employment matters relating to the PGDiT's contract of employment and/or terms and conditions of service.

In both instances, the HR representatives are not required to attend in person; however they may do so if they wish or at the request of the Chair and should be available on the telephone as a minimum.

## 3.6 Role of the Appeal Panel Chair

The role of the Chair is to ensure that a fair and consistent approach has been delivered, a clear decision has been reached by the Panel after considering the information that has been received/presented and an appropriate record of the event and decision is made.



General examples of this include:

- Ensuring the submitted papers are complete and easily navigated.
- Dealing with timings and keeping the hearing on track.
- Agreeing the issues to be decided.
- Regulating the behaviour of attendees.
- Co-ordinating questions.
- Ensuring the process is understood.
- Leading the panel decision making process.
- Drafting the recommendation to the PGD/PGDD.

### **3.7 Postgraduate School Representative(s)**

Representative(s) for the Postgraduate School should be identified. Individuals who may be appointed to the role include a Head of School, Deputy Head of School, Training Programme Director, Deputy Training Programme Director or Educational Supervisor. Other individuals may be considered for the role, as deemed appropriate by a senior member of faculty.

Nominated school representative(s) will be required to provide a written summary explaining why the original and/or modified at review ARCP outcome was given. The statement should relate to the period of training that is under review and respond to the statement and grounds for appeal submitted by the PGDiT. Where relevant, any reasonable adjustments which have been put in place to support the PGDiT's training and the impact of these (in supporting the individual in meeting the required competency level) should be included.

The Chair of the ARCP and/or ARCP Review Panel may also be required to identify a member of this panel to attend and present at an Appeal Hearing. The PGD/PGDD or Head of School may determine this is appropriate and will liaise with the Revalidation Team (and the nominated individual) accordingly to facilitate representation.

The School representative(s) will normally attend the Appeal Hearing and be expected to present and answer questions from the Appeal Panel, PGDiT and/or PGDiT representative. The School representative may also ask questions at the Appeal Hearing in accordance with the agenda.

### **3.8 Date and Location**

It takes a significant amount of planning to confirm an Appeal Hearing Panel due to the number and mix of panel member roles.

The Revalidation Team will liaise with the PGDiT, Chair, prospective and confirmed members of the Panel and the School Representative(s) regarding their availability.

If the PGDiT chooses to be accompanied to the Appeal Hearing, they will need to liaise with the individual(s) regarding availability. PGDiTs should report any concerns regarding their availability or the availability of individual(s) accompanying them, at their earliest opportunity to the Revalidation Team arranging the Appeal Hearing.



Delays to the Appeal Hearing may need to be considered on the ground of religious reasons and/or events, and where possible, should be communicated by the PGDiT with the Revalidation Team as early as possible.

In most instances, the Appeal Hearing will take place virtually. Where there are exceptional reasons for a face-to-face meeting submitted by any party, this will be at the discretion of the Appeal Hearing Panel Chair.

PGDiTs should notify the Revalidation Team if they determine that any reasonable adjustments are required for the Appeal Hearing. The Revalidation Team will make reasonable adjustment or take guidance from the Chair. They will communicate the outcome of any such request(s) to the PGDiT.

As soon as practicable after the date and time has been set, all relevant parties will be informed (including the PGDiT's employer).

### 3.9 Postponement Request(s)

Where postponement requests are made, this should be discussed by the relevant party with the Revalidation Team as soon as possible. The Revalidation Team will liaise with the Appeal Hearing Panel Chair accordingly.

The PGDiT or the PGD/PGDD may apply for a postponement of proceedings. In doing so, the reasons for the request should be submitted in writing to the Chair of the Panel.

The Appeal Hearing Panel Chair may postpone a hearing:

1. If appropriate documentation has not been circulated to the Panel and/or PGDiT within the stated timescales.
2. To consider additional evidence not previously made available to the Panel.
3. To request additional evidence/material crucial to the statement and grounds for the PGDiT's appeal.
4. In cases of sickness or other unforeseen absence of the PGDiT or panel member.

Where a postponement is justified, the Appeal Hearing Panel Chair will write to the PGDiT to explain the reasons and to confirm that an alternative date will be arranged, allowing time for the Panel and PGDiT to consider any additional evidence in detail.

Where possible, the Revalidation Team will make reasonable efforts to accommodate dates identified by the PGDiT regarding non-availability. It is recommended that the PGDiT also consults their representatives (where applicable) regarding their availability at their earliest opportunity.

Where a PGDiT or their representative is unavailable to attend, the Appeal Hearing will normally only be rearranged on one further occasion. Agreement to postpone due to unavailability, will need to be requested and agreed by the Appeal Hearing Panel Chair.

If the PGDiT or their representative is not able to attend the re-arranged Appeal Hearing, it may proceed in their absence. The PGDiT will be entitled to make representation in writing for the Appeal Panel to consider in their absence.



Where a PGDiT confirms their attendance and subsequently fails to attend on the day, reasonable efforts should be made to contact the PGDiT to ascertain the reasons. The Appeal Hearing Panel Chair will determine whether the hearing should proceed in the PGDiT's absence and may rely on the written submissions of evidence.

### 3.10 PGDiT Representation

PGDiTs have a right to be accompanied to an Appeal Hearing, to address it and to submit written evidence beforehand.

PGDiTs should consider being accompanied to the Appeal Hearing as soon as possible.

Where possible, the PGDiT should supply the Revalidation Team with the name, contact details and the professional capacity (if applicable) of any representative or adviser who will be attending the Appeal Hearing with them. The PGDiT may choose to be accompanied, for example, by a friend, colleague or a representative of their professional body.

It is the responsibility of the PGDiT to share with their representative any documentation they submit and/or receive in relation to the appeal.

Additionally, the PGDiT may also wish to bring a friend or family member who can arrive with them and provide support on the day, including after the Appeal Hearing

### 3.11 Engagement of Legal Representation

The PGD/PGDD reserves the right to engage legal representation in connection with an appeal and to seek or provide legal expertise at an Appeal Hearing.

If a PGDiT wishes to be accompanied by a lawyer, legal representatives should be reminded by the Appeal Hearing Panel Chair that an Appeal Hearing is not a Court of Law and the Panel governs its own procedures, including the questioning to be allowed of others, by the legal representative.

### 3.12 Conflict of Interest

In advance of the Appeal Hearing, the Appeal Hearing Panel Chair will ask all proposed panel members to make a declaration about any possible conflict of interest.

The PGDiT will also be provided with the opportunity to raise any concerns regarding conflict of interest with the Panel members. Where possible, this should be in advance of the Appeal Hearing as Panel constitution will normally be confirmed in advance.

In the event of a potential conflict of interest arising, the Appeal Hearing Panel Chair or PGD/PGDD will determine whether the individual should participate on the Appeal Hearing Panel.

### 3.13 Submission of Evidence by the PGDiT

The PGDiT may support their Appeal with further written evidence relevant to the original ARCP panel for consideration, but this must be **received at least 10 working days before the date of the Appeal Hearing** to allow sufficient time for all parties to review the submission(s).

This should be submitted in electronic format wherever possible and emailed to the Revalidation Team by the deadline.



This is the PGDiT's opportunity to present reasons for the Appeal, along with any evidence or clarification they wish to provide. This should cover the basis of the Appeal and build on their original statement and grounds for Appeal.

Where relevant, mitigating factors such as ill health, reasonable adjustments, domestic circumstances, or mitigation linked to the training environment such as a change in circumstances or the supervision available should be evidence to substantiate facts.

Submissions that reference mitigation or events that are not supported by written evidence will be considered by the Panel but will not usually be considered as verified. Examples of evidence to support mitigation referring to health may include an Occupational Health report, a GP or Hospital Consultant letter.

A copy of the PGDiT's evidence submitted will be shared with the Panel as well as the Postgraduate School representative by the Revalidation Team.

Any documentation submitted after the official deadline will only be considered at the discretion of the Chair of the Appeal Panel.

### 3.14 Submission of Evidence by the Postgraduate School

A nominated School representative will be required to provide a written summary detailing why the original ARCP outcome was given, which is relevant to the period of training that is being appealed and to respond to the grounds for appeal. Where relevant, reasonable adjustments were put in place for the PGDiT (and the impact of these in supporting the individual in meeting the required competency level) should be included.

The written submission should normally be submitted **at least 10 working days prior to the Appeal Hearing** date. It should be submitted in electronic format wherever possible and emailed to the Revalidation Team by the deadline.

A copy of this will be shared with the PGDiT and Appeal Hearing Panel members by the Revalidation Team.

Any documentation submitted after the deadline will only be considered at the discretion of the Chair of the Appeal Panel.

### 3.15 Collation of Evidence and Additional Documentation

The Revalidation Team will be responsible for collating submissions of evidence from the PGDiT and School representative.

In addition, the Revalidation Team will also produce/include:

1. An agenda for the Appeal Hearing (Appendix 3: Suggested Appeal Hearing Agenda).
2. A training timeline in respect of the PGDiT.
3. The ARCP outcome form which the PGDiT is appealing.
4. The outcome letter from the Review Panel to the PGDiT (where applicable).
5. The PGDiT's Statement for Review.
6. Any other documents which are relevant to the appeal.



All documentation will be collated and is known as the 'appeal pack'. Prior to circulation, the Appeal Hearing Panel Chair will determine if the information within the appeal pack is relevant and/or requires further detail prior to consideration by the Appeal Panel.

The appeal pack will be shared with the Appeal Panel, PGDiT and School Representative electronically, a minimum of 5 working days prior to the Appeal Hearing. This will normally be via a time limited link to a SharePoint folder.

Hard copy documents will not normally be provided. Any requests for hard copy documentation should be discussed with the Revalidation Team in advance of an Appeal Hearing and will only be provided in exceptional circumstances.

## 3.16 Arrangements at the Appeal Hearing

### 3.16.1 Virtual Appeal Hearings

Invitations to a virtual meeting will be sent to all parties involved **at least one week before** the Appeal Hearing. The virtual meeting will usually take place on Microsoft Teams.

Separate links to the parties will be sent by the Revalidation Team.

### 3.16.2 In-Person Venue Arrangements

Where face to face attendance has been agreed as meeting the threshold for exceptional circumstances by the Appeal Hearing Panel Chair, the following will apply.

- A room for the PGDiT and representative/individual(s) accompanying them will normally be made available one hour before the Appeal Hearing.
- A room for the School representative(s) will normally be made available to them one hour before the Appeal Hearing.
- The Revalidation team will be responsible for:
  - i. Setting up the room (including AV equipment).
  - ii. Providing the Chair with a copy of any relevant NHSE/College guidance.
  - iii. Providing the Chair with a hard copy of the appeal pack.
  - iv. Producing name plate for the Appeal Panel.
  - v. Producing door signs.

Appeal Hearing will normally take place on NHSE premises however, where an Appeal Hearing does not take place on NHSE premises, the Revalidation Team will liaise with the provider.

### 3.16.3 Briefing by the Appeal Hearing Panel Chair

The Appeal Hearing Panel Chair will be responsible for following the agenda (Appendix 2: Suggested Appeal Hearing Agenda) and to follow the principles of the Appeal Hearing (Appendix 3: Suggested Appeal Hearing Agenda and Checklist).

At the beginning of the Appeal Hearing, the Chair should undertake the following:

- Ensure that all panel members introduce themselves and confirm their role in the Appeal Hearing.

- Confirm that Appeal Panel members have completed the training requirements as set out in Section 5 (Appeal Panel Training Requirements).
- Explain the process to be undertaken during the Hearing.
- Ensure that the documentation was received by all relevant parties, and they have had an opportunity to consider the evidence in detail.

#### 3.16.4 Recording the Appeal Hearing

A staff member from the Yorkshire and Humber Deanery (usually the Revalidation Team) will be present to take minutes of the Appeal Hearing. Minutes will not be taken during the Appeal Panel pre-meeting and deliberation of outcome.

### 3.17 Recommendations – Possible Outcomes of an Appeal

The Appeal Panel is not at liberty to further impose additional sanctions i.e. changing an Outcome 3 to an Outcome 4.

The Panel may normally make **one** of the following decisions:

1. Reaffirmation of the original decision. This means that the original ARCP outcome (decision) remains.
2. Substitute the previous decision with a different outcome in accordance with the relevant guidance.

#### 3.17.1 Foundation PGDiTs

Either:

- ARCP3 or 4 changed to ARCP1 (or 6 if PGDiT has completed their foundation training).
- ARCP4 changed to ARCP3 (accompanied with an action plan and any other requirements made clear).

#### 3.17.2 Dental and Specialty PGDiTs

Either:

- ARCP outcome 3 or 4 changed to ARCP 1 (or 6 if PGDiT is in a Dental Higher Specialty programme and has completed their training).
- ARCP outcome 3 or 4 changed to ARCP 2.
- ARCP outcome 4 changed to ARCP 3 (accompanied with an action plan and any other requirements made clear).

### 3.18 Communication of the Appeal Outcome

The Panel will normally agree the outcome the day of the Hearing. If this is not possible, the Panel will reserve their decision for a later date and all parties will be notified accordingly.

Where possible, the Panel will feed back to the PGDiT directly after the Appeal Panel. The PGDiT and following contacts/stakeholders will be notified in writing **within 5 working days of the outcome of the Appeal Hearing**:

1. Director of Postgraduate Medical Education (employer and placement provider where different).
2. Training Programme Director(s).
3. Head of School/Associate Dean.
4. Educational Supervisor.
5. Medical Staffing (employer and placement provider where different).
6. Medical Staffing (next placement provider where known).
7. Yorkshire and Humber Deanery Sponsorship Team (where applicable).
8. Revalidation Team (where applicable – not for Dentistry).

Minutes of the Appeal Hearing will be shared with Panel members, the PGDiT and School Representative who attended and/or participated in the Appeal Hearing **within 10 working days** of the Appeal Hearing date. Minutes will not normally be shared with individual(s) who have accompanied the PGDiT (as applicable); the PGDiT will be responsible for sharing documentation accordingly.

Following the ARCP Appeal Hearing's decision there is no further internal avenue of appeal. The decision is final.

If the Appeal Hearing overturns the original ARCP outcome, all relevant parties will be made aware of the new outcome and any new recommended actions.

It is the role of the original ARCP Panel Chair to amend the relevant ePortfolio with the revised outcome.

### **3.19 Employment Arrangements post-Appeal Hearing**

PGDiTs who are employed in a Training Programme should continue to attend work. PGDiTs are strongly recommended to discuss implications of the Appeal Outcome with their employer at the earliest opportunity. Employers will be notified of the Appeal Hearing outcome.

PGDiTs will be signposted to support available within Yorkshire and Humber Deanery (e.g. counselling and access to careers advice).

## **4. Foundation Doctor Appeal Arrangements**

### **4.1 FY1 Doctors**

FY1 doctors are not normally able to appeal an ARCP outcome due to non-statutory leave more than the permitted 20 days unless the amount of time of non-statutory leave itself is being contested.

### **4.2 FY1 UK-Graduating Doctors**

FY1 doctors in receipt of an outcome 4 who have graduated from a UK-based Medical School/University and wish to appeal the outcome, should submit their appeal to the PGD within Yorkshire and Humber Deanery who will liaise with the Medical School/University accordingly.





The Medical School/University will normally conduct the appeal process. The graduating UK medical school should write to the F1 doctor, setting out the process for an appeal, which will typically be heard by the graduating medical school. NHS England/NES/HEIW/NIMDTA/the foundation school, in partnership with the University/Medical School, should offer the F1 doctor career counselling.

While the principles for managing appeals against ARCP outcomes in foundation training are consistent with the Gold Guide and standard operating procedures in training organisations across the UK (NHS England, NES, HEIW and NIMDTA), the governance arrangements differ because F1 doctors come under the governance of the UK university of primary medical qualification.

### 4.3 FY1 non-UK Graduating Doctors

FY1 doctors who are in receipt of an outcome 4 and graduate from a Medical School/University outside the UK and wish to appeal the outcome, should do so to Yorkshire and Humber Deanery Foundation School.

Appeals for non-UK graduating FY1 doctors will be in accordance with the arrangements set out in this guidance document.

However, if a F1 doctor graduated outside of the UK, NHS England/NES/HEIW/NIMDTA/the Foundation School where the doctor undertook the extended training should hear the appeal. The FSD should write to the doctor, setting out the process to appeal.

### 4.4 FY2 Doctor

Reviews and appeals for FY2 doctors follow the arrangements set out within this guidance.

## 5. Withdrawal of a National Training Number

PGDiTs in receipt of an outcome 4 (following appeal) will be referred to PGD/PGDD by the Appeal Hearing Panel Chair. The Chair will communicate with the PGD/PGDD the outcome of the Appeal Hearing and recommendations.

The PGD/PGDD will consider removal of the PGDiT's training number in accordance with relevant specialty guidance. The withdrawal of the training number, and the reasons why, will be detailed in a letter to the PGDiT **within 10 working days of the Appeal Hearing**.

## 6. Appeal Panel Training Requirements

Guidance about training requirements for panel members and panel chairs is contained within the NHSE Standard Operating procedure for Principles for ARCP and ARCP Appeals Training (2023).

To be part of an ARCP Appeal Panel, panel members must be trained for the role. Where possible, a panel member should observe another ARCP Appeal prior to participating as a full member.

Panel members must have knowledge of the ARCP principles contained within:

- [GMC Promoting excellence: Standards for medical education and training](#)
- Relevant specialty guidance (Dental Gold Guide or Postgraduate Medical Reference Guide).
- SOPs for ARCP, Appeals and Revalidation.

All panel members must be trained appropriately in equality and diversity and this training must be **refreshed every 3 years**. Panel members will normally be asked to confirm completion of the required training and if they need to complete the training, contact should be made with the Revalidation team co-ordinating the Appeal.

Appeal Hearing Panel members will be reminded about training requirement prior to the Appeal Hearing.

## 7. National and Regional ARCP Processes

Several very small specialties have moved towards regional or national ARCP panels.

Should a PGDiT appeal an outcome 2,3 or 4, the review and appeal processes are normally the responsibility of the host PGD/PGDD and will be considered by all processes described within this guidance.

## 8. Equality Impact Assessment (EIA)

Under the Equality Act, the need for public bodies in England to undertake or publish an equality impact assessment of their policies, practices and decisions was removed in April 2011 when the 'single equality duty' was introduced. Public bodies must still give "due regard" to the need to avoid discrimination and promote equality of opportunity for all protected groups when making policy decisions and are required to publish information showing how they are complying with this duty.

## 9. Monitoring Compliance and Effectiveness

This Operational Guidance will be reviewed in accordance with updated or new guidance published by COPMeD, COPDEND, NHS England, the General Medical Council, the General Dental Council, or any other organisation as applicable. New iterations of this guidance will be ratified by the Postgraduate Dean's Senior Team within the Yorkshire and Humber Deanery.



## Appendix 1: PGDiT's Statement for ARCP Review/Appeal

Please complete this form electronically.			
<b>Name</b>	Click or tap here to enter text.	<b>GMC/GDC Number</b>	Click or tap here to enter text.
<b>Email Address</b>	Click or tap here to enter text.	<b>Mobile Number</b>	Click or tap here to enter text.
<b>Training Programme</b>	Click or tap here to enter text.		
<b>Current Stage of training</b> <i>e.g. CT1; ST6 (adjusted for any sick, maternity and other leave or Out of Programme [non-training] periods of time, extensions etc)</i>			Click or tap here to enter text.
<b>How far through that training year are you?</b> <b>(to the nearest month, whole time equivalent)</b>			Click or tap here to enter text.
<b>ARCP Panel Date</b>	Click or tap to enter a date.	<b>ARCP Outcome received</b>	Click or tap here to enter text.
<b>What are your grounds for review/appeal?</b> <i>Please summarise this concisely. PGDiTs may provide additional evidence at this stage (e.g. evidence of mitigating circumstances or other evidence relevant to the original panel's decisions) and this must be received as part of the request for the review so that the panel is able to consider it in detail.</i>			
Click or tap here to enter text.			
<b>What are you hoping as an outcome to the review/appeal?</b> <i>Please summarise this concisely. Clarity at this stage may help identify action that can be taken to prevent the need for a full appeal process.</i>			
Click or tap here to enter text.			
<b>Do you have any planned leave or dates you cannot attend an appeal hearing on in the upcoming weeks?</b> <i>This is to ensure a review/appeal date is arranged as swiftly as possible. Please take into consideration the availability of your chosen representative if applicable. The Yorkshire and Humber Deanery will always try to accommodate your representative's availability, but this may not always be possible.</i>  <i>E.g. I have child care commitments every Monday, I have leave between XX/XX/XXXX – XX/XX/XXXX.</i>			Click or tap here to enter text.
Please return this completed form to the individuals identified on your ARCP outcome letter by the deadline specified ( <b>within ten working days from your ARCP outcome notification</b> ).			



## Appendix 2: Suggested Format of an Appeal Hearing

1. Led by the Appeal Hearing Panel Chair, all parties will each introduce themselves before the Panel begins.

2. Pre-meeting – the Panel convenes to confirm the appeals panel process.

In this pre-meeting the Panel discuss the training and process requirements. The PGDiT and School representative(s) will not be present for this part of the agenda.

3. PGDiT enters the Panel room with representative. School representative(s) enters at the same time.

The PGDiT and their representative (where applicable) will be shown to their seats. Once settled, the Appeal Hearing Panel Chair will provide a brief introduction to the day (including format), and panel members will be asked to introduce themselves. School representative and the PGDiT (and any representative) will also introduce themselves at this stage. The Appeal Hearing Panel Chair will confirm with all in attendance if they are happy to proceed. If anyone is unclear about any aspect of the agenda, they can seek clarification.

4. PGDiTs (or the accompanying individual) presents case.

This is the PGDiT's opportunity to present their case to the Panel, covering which aspect of the educational process and subsequent ARCP outcome they are appealing against, along with any supporting evidence they would like to highlight or talk through, including any mitigation.

There is no specific template or guidance for this stage, it is an opportunity for the PGDiT to summarise their case. It is important for the PGDiT to remember that the Panel has evidence that has already been submitted as part of the case and the Panel will have read the submissions.

The case presented by the PGDiT should be referenced to the written submissions provided in advance to the Appeal Panel. There is no time limit for this part of the process, however as a guide, PGDiT statements, on average, last between 10 and 30 minutes.

5. Opportunity for panel members to ask questions of PGDiT.

The Panel can clarify with the PGDiT anything relating to the appeal, training, statements and evidence. This is the Panel's opportunity make any clarifications of fact with the PGDiT and (if applicable) of any persons called to speak on their behalf. This questioning may address any perceived inconsistencies in the evidence, points of clarity or could challenge any assertions made in the evidence.

6. Opportunity for School representative to ask questions of PGDiT.

The School representative can clarify anything relating to the PGDiT's appeal, training, statements and evidence.

The PGDiT should answer these questions, rather than an accompanying individual.



## 7. School representative presents the case for award of original ARCP outcome.

This is the School's presentation of the case, responding to the grounds of the appeal. This may cover key aspects about the training including (but not limited to) a summary of progress, competences, exam progress, support, reasons for the latest ARCP outcome for which the PGDiT is appealing, mitigation and areas of satisfactory progress.

The School representative will summarise the key points of the case relating to the training programme. It is important for the School representative to remember that the Panel has evidence that has already been submitted as part of the case and the Panel will have read the submissions.

The case presented by the School should be referenced to the written submissions provided in advance to the Appeal Panel.

## 8. Opportunity for panel members to make any clarifications of fact with the School representative.

The Panel can clarify anything relating to the School summary. The School representative will answer these questions. The Panel may request clarification from the programme or School in relation to any central key points that are raised either when considering the appeal paperwork prior to the hearing or during the Panel itself.

This questioning may address any perceived inconsistencies in the evidence, points of clarity or challenge any assertions made in the evidence. During the appeal, if additional clarification is required on points of fact that the designated School representative cannot provide, it may be necessary to halt the hearing, potentially to a later date.

## 9. Opportunity for PGDiT to ask questions of Postgraduate School.

The PGDiT can clarify anything relating to the School's presentation.

## 10. The PGDiT, their accompanying individual, and School representative leave the room (at the same time).

Both parties will be invited to make any final comments or clarifications before the Panel retires to consider its decision. The Appeal Hearing Panel Chair should ask the note taker whether any part of the proceedings so far need clarification in the interests of an accurate record being produced. There will be designated rooms or areas where individuals can wait.

## 11. The Panel members discuss the case and reach a majority decision. The Appeal Hearing Panel Chair will have the final decision.

The PGDiT, their accompanying individual and the School representative will not be in the room during panel discussions. The time it takes for the Panel to discuss the appeal and reach a decision does vary, however this would not usually be longer than 1-2 hours. The Panel shall record their recommendation. This does not have to be a unanimous decision.

## 12. The PGDiT, their accompanying individual and School representative are invited into the room to be informed of the outcome.



The Appeal Hearing Panel Chair will briefly summarise the outcome and any reasoning or recommendations (where applicable) that the Panel have made. Once the Appeal Hearing Panel Chair has delivered the outcome, this concludes the proceedings of the day.

13. Following the ARCP Appeal Hearing, the PGDiT will receive a letter within five working days, summarising the conclusion of the appeal and actions to take.

The Panel should always give consideration as to the PGDiT's 'Fitness to Practise' and any concerns should be raised with the PGD/PGDD.



## Appendix 3: Suggested Appeal Hearing Agenda and Checklist

Section	Item	Timing
1	<b>Appeal Panel Chair's Briefing and pre-discussion.</b>	
2	<b>Case Presentation</b> <ul style="list-style-type: none"> <li>• The PGDiT (or their representative) presents case.</li> <li>• Opportunity for panel members to ask questions of the PGDiT.</li> <li>• Opportunity for School Representative to ask questions of the PGDiT Management case presented by School Representative</li> <li>• Opportunity for panel members to ask questions of School Representative</li> <li>• The PGDiT, their representative (where applicable) and School Representative leave the room</li> </ul>	
3	<b>Panel Discussion</b> (PGDiT and School Representative not present)	
4	<b>Outcome Delivery</b>	