

Name of Document	Appeals of Annual Review of Competence Progression (ARCP) and Withdrawal of National Training Number (NTN)
Category	Standard Operating Procedure (SOP) This SOP is applicable to doctors and dentists in training within NHS England.
Purpose	<p>This document is one of a suite of Standard Operating Procedures to support the management of trainees 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.</p> <p>Since 2020, Foundation Training is embedded within the Gold Guide. Therefore, the NHS England suite of SOPs applies to all doctors in training, including Foundation, unless specified otherwise.</p> <p>Within the SOP, whenever reference is made to the Postgraduate Dean, it refers to the NHS England English Dean/Postgraduate Dean or their nominated representative who will be responsible for managing the process on their behalf.</p> <p>Throughout the document, unless otherwise stated, the term ‘trainee’ refers to postgraduate doctors in training and also applies to postgraduate dentists in training and public health trainees with a medical or non-medical qualification.</p> <p>Within this SOP whenever reference is made to ARCP, in relation to dentistry this also refers to Review of Competency Progression (RCP).</p> <p>This SOP is intended to be a guide to encourage consistency of practice across England. Due to the complex nature of training, there will be occasions where Postgraduate Deans will apply their discretion in enacting this SOP to take account of individual circumstances and varying local structures (e.g. Lead Employer).</p> <p>English Deans are committed to equality, diversity and inclusion (EDI), with a duty to eliminate discrimination, promote equality and ensure inclusive opportunities are available to all with regards to age, disability, gender, ethnicity, sexual orientation, religion or belief in the design and delivery of all our services. English Deans aim to meet and exceed their statutory obligations under the Equality Act 2010 by adopting a continuous improvement approach.</p> <p>This suite of SOPs will be routinely screened against relevant Equality and Diversity documentation.</p> <p>It is recognised that not all sections of this SOP will apply to all training programmes.</p>

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1	27/06/2017	HEED	Document signed off at HEED
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4	28/04/2021	HEED	Document signed off at HEED
5	02/07/2021	HEED	Amendments - trainees raising concerns
6	11/10/2022	HEED	Document signed off at HEED
7	19/07/2023	HEED	Document signed off at PGMDE Operational Oversight Group
8	17/10/2024	English Deans	Document signed off at PGMDE Operational Oversight Group

Related Documents

- *Gold Guide 10th Edition: A Reference Guide for Postgraduate Foundation and Specialty Training in the UK:*
<https://www.copmed.org.uk/publications/gold-guide>
- *Dental Gold Guide: A Reference Guide for Postgraduate Dental Core and Specialty Training in the UK:*
<https://www.copdend.org/postgraduate-training/header-dental-specialty-training/new-edition-dental-gold-guide-2023/>
- *Standard Operating Procedure - Principles for Training of ARCP and ARCP Appeals Panel Members and Chairs*
- *Standard Operating Procedure – ARCP*

1. Introduction

This SOP applies to:

- Reviews of Annual Review of Competence Progression (ARCP) Outcome 2 and 10.1
- Appeals against Outcomes 3, 10.2 or 4.
- Appeals against decision to withdraw a training number (for reasons outside the ARCP process) GG10: 3.100 iii – viii.

The SOP outlines how the management and administration of ARCP Appeals should be approached for all trainees. The SOP is aligned to the principles outlined within 'A Reference Guide for Postgraduate Foundation and Specialty Training in the UK' (The Gold Guide (GG)) and 'A Reference Guide for Postgraduate Dental Core and Specialty Training in the UK' (The Dental Gold Guide (DGG)).

While the principles for managing appeals against ARCP outcomes in foundation training are consistent with the Gold Guide and standard operating procedures (SOPs), the governance arrangements differ because F1 doctors come under the governance of the UK university of primary medical qualification who may delegate management of F1 appeals to the local Foundation School. For F2 doctors, the governance is with the foundation school.

All requests for appeals and reviews should be made on the standard request form (Appendix A). Trainees can withdraw their appeal at any stage during the process.

Any reference to 'working day' in the SOP means any normal day of work, excluding Saturdays, Sundays and bank holidays.

2. Review of Original ARCP Outcome

A review is a process where an individual or a group who originally made a decision, returns to it to reconsider whether it was appropriate. This does not require the panel to be formally reconvened and can be undertaken virtually. The review must take into account the representations of the trainee 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.

- a. The Postgraduate Dean will normally arrange for a review of the original decision to take place as the first part (Step -1 review) of an appeal process to determine whether the outcome should be altered, within 15 working days of receipt of the trainee's request, where practical.
- b. Where the review panel has modified the decision to an Outcome 1, 2 or 10.1 this completes the appeal process.
- c. Where the review panel does not alter the decision, or the panel modify the original recommendation from an Outcome 4 to an Outcome 3, the Postgraduate Dean will confirm with the trainee in writing whether or not they wish to proceed to an appeal hearing.

- d. If the trainee wishes for an appeal, they must submit a request for this within 10 working days of receiving the review outcome.
- e. The Postgraduate Dean may determine that a case proceeds directly to an appeal hearing (i.e., without the review stage) and communicate this to the trainee.
- f. If a decision is made not to undertake a review, the reason for this should be recorded and communicated to the trainee.

3. Review of Outcome 2 and 10.1

- a. As per the ARCP SOP, the trainee will have discussed their outcome.
- b. If the trainee disagrees with the decision, they have a right to ask for it to be reviewed.
- c. Requests for review must be made by the trainee in writing within 10 working days of receipt of the outcome.
- d. The request for review should be accompanied by a completed pro-forma (Appendix A) which describes, from the trainee's perspective, clearly what their grounds for review are, along with any evidence they wish to present to the review panel relevant to the original panel's decision. Additional evidence should normally be submitted at least 10 working days in advance of the review.
- e. The original ARCP panel will review its decision usually within 15 working days of receipt of the request from the trainee.
- f. The review panel will focus solely on responding to the grounds raised.
- g. Trainees do not attend the review.
- h. The panel may be undertaken virtually.
- i. There are two possible outcomes:
 - i. The original outcome is upheld,
 - ii. 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).
- j. The review must not impose an increased sanction on the trainee (i.e., an Outcome 2 must not be changed to a 3, 4 or 10.2).
- k. The decision of the review is final and there is no further appeal process.
- l. After the review, within 10 working days, the chair of the panel will ensure that the trainee receives the decision in writing. If considered appropriate, a member of the panel may meet with the trainee to convey the decision
- m. Only the final outcome following a review should be recorded on the trainee's electronic portfolio. A full record, however, is captured on the Trainee Information System (TIS) database.
- n. Copies of all documents should normally be retained (electronically if possible) within the trainee's file.

4. Appeal against Outcomes 3, 4 and 10.2

- a. When a trainee is awarded an ARCP Outcome 3, 4 or 10.2 they have the right to appeal the process that led to this decision.
- b. A trainee awarded Outcome 4 pending appeal would normally not have their Training Number removed until the appeal is heard, and the final outcome known.

- c. Appeal requests should normally be made in writing to the Postgraduate Dean within 10 working days of the trainee being notified of the decision (using Appendix A) and must specifically state the grounds for appeal.

5. Appeal (following conclusion of the review)

An appeal is a procedure whereby the decision of one individual or a group is considered by another (different) individual or group. An appeal can take into account information available at the time the original decision was made, newly submitted information relevant to the appeal and the representations of the appellant. Those involved in an appeal panel must not have played a part in the original decision or the review.

- a. The formal appeal hearing should normally take place within 30 working days of the request for the Step 2 appeal. In exceptional circumstances (e.g. outstanding disciplinary, GMC/GDC or legal proceedings that might impact on the appeal outcome), the appeal hearing might be delayed beyond the 30-day limit. Any decision to delay an appeal hearing in such circumstances is at the Postgraduate Dean's discretion. However, where it has not been possible to hear an appeal within the 30-day period, appeals should normally be heard within one year of the decision that is subject to appeal. Where there have been reasonable endeavours to progress the appeal and the appeal has not taken place within one year of the decision date, then the original decision is final. The Postgraduate Dean has discretion to consider requests for a reasonable postponement of the appeal beyond a year from the decision date in exceptional circumstances.
- b. Appeal requests must specifically state the grounds for appeal.
- c. The panel may reconsider the original decision and any new evidence.
- d. If the grounds for appeal have previously been submitted for review by the original panel, clarification should be submitted in writing to confirm any changes or additional evidence that the trainee may wish to be heard at the appeal hearing. This should normally be submitted by the trainee within 10 working days before the scheduled appeal hearing date.
- e. Where the appeal is being made against a decision to withdraw a training number as defined in paragraphs GG10: 3.100iii – vii (note 3.100v is not subject to appeal, see GG10:3.102), the Postgraduate Dean will review the decision in the light of the information contained within the trainee's appeal request. If the Postgraduate Dean decides to reverse the original decision, then the trainee will not have their number withdrawn but if the Postgraduate Dean determines that there is insufficient reason to reverse the decision, the Postgraduate Dean will confirm with the trainee that they wish to proceed to an appeal hearing and this will then be arranged.

6. Pre-Appeal

6.1 Appeal Panel Membership

- a. The Postgraduate Dean will convene an appeal panel to consider the evidence and to form a judgement. The appeal panel will consider representations and evidence from both the trainee and from those who are closely involved in their training.
- b. No members of the original ARCP or review panel should be present on the appeal panel. Normally, panel members should not have been involved in any of the trainee's past assessments, but in very small specialties this may not be possible. In such cases, the trainee will be asked to confirm acceptance of the proposed panel member.
- c. The appeal panel should consist of no fewer than 3 individuals from the following list, but must include a Postgraduate Dean (or their representative) and a senior doctor/dentist from the same specialty as the trainee with knowledge of the relevant curriculum and required level of competence:
 - the Postgraduate Dean or a nominated representative as chair. On occasion it may be appropriate to have an external chair (see Appendix D)
 - a College/faculty representative from outside the locality and from the same specialty as the trainee
 - a senior doctor/dentist from within the same locality as the trainee and from the same specialty as the trainee
 - a senior doctor/dentist from the same locality as the trainee and from a different specialty to the trainee
 - a lay representative
 - a current trainee (except for appeals for dental trainees)
- d. Care must be taken to ensure that all panel members including the chair are selected on the basis of having no previous involvement in the case.
- e. Appeal panel members and chairs must have met the requirements for training for these roles as detailed within the SOP for ARCP and ARCP Appeals Panel Member and Chair Training.
- f. Additional panel observers should be invited so that shadowing opportunities are available as a useful part of training for future appeal panel members/chairs.
- g. Access to HR advice should be available, for example advice from lead employer/trainee employing organisation.
- h. Administrative support will be available to make a written record of the proceedings of the appeal.
- i. The Postgraduate Dean reserves the right to engage legal representation in connection with an appeal and to seek or provide legal expertise at an appeal hearing.
- j. Prior to the appeal hearing there should be due diligence to explore potential conflicts of interest or perception of bias.
- k. Where a trainee has raised concerns, it may be necessary to seek alternative panel members if they have knowledge of or have been involved in the training programme or assessments pertinent to the matter.
- l. Similarly, where concerns have been raised, appeals should include a lay member not previously involved with the ARCP outcome.
- m. Consideration must be given to any reasonable adjustments required to facilitate the participation for postgraduate doctor or dentist, postgraduate school representative,

panel member attendance or any other individual attending/participating, for panels held both virtually and in-person.

6.2 Representation for trainees

- a. Trainees have a right to be accompanied at an appeal hearing, to address it and to submit written evidence beforehand.
- b. Trainees should consider whether they wish to be accompanied by one individual; for example, by a friend, colleague or a representative of their professional body. They should consider this as soon as possible, and must supply the Postgraduate Dean with the name, contact details and the professional capacity (if applicable) of any representative or adviser who will be attending the appeals panel with them no later than five working days prior to the appeal. If a trainee wishes to bring support into the appeal panel process this is acceptable. However, given this individual is not integral to the process, dates will not be changed.
- c. If a trainee wishes to be accompanied by a lawyer, then legal representatives should be reminded by the chair that appeal hearings are not courts of law and the panel governs its own procedure including the questioning to be allowed of others by the legal representative.
- d. In addition to a representative (where chosen by the trainee to accompany them during the hearing), the appealing trainee may also wish to arrange for a friend or family member to provide support before and after the appeal hearing on the day. Only one person, however, may accompany the trainee during the appeal itself.

6.3 Conflicts of interest

- a. In advance of the appeal hearing, all proposed panel members will be asked to make a declaration with regard to any possible conflict of interest.
- b. Where there are concerns regarding conflicts of interest, these must be raised to the chair prior to the appeal.
- c. In the event of a potential conflict of interest arising, the panel chair (or Postgraduate Dean) will determine whether the individual should hear the appeal.

6.4 Setting the Appeal Panel Date

- a. It takes a significant amount of planning in order to confirm an appeal panel, due to the number and mix of panel member roles.
- b. In setting the date for a formal appeal hearing, where possible, the trainee and their representative should be consulted on their availability before a final date is secured. Delay to the appeal hearing may need to be considered on the grounds of religious reasons/events.
- c. Postgraduate School representative and the external representative's availability will be sought as part of this process.
- d. As soon as practicable after a date has been set, all relevant parties will be informed (including the trainee's employer).

6.5 Postponements

- a. If the trainee cannot attend the date, this should be discussed with the panel chair as soon as possible.
- b. The trainee or Postgraduate Dean may apply for a postponement of proceedings. In doing so, the reasons for requesting the postponement should be submitted in writing to the chair of the panel.
- c. The appeal panel chair may postpone a hearing:
 - i. If appropriate documentation has not been circulated to the panel and / or trainee within the stated timescales
 - ii. to consider additional evidence not previously made available to the panel
 - iii. to request additional evidence / material crucial to the grounds for the trainee's appeal
 - iv. In cases of sickness or other unforeseen absence of the trainee
 - v. If the panel is not quorate
- d. Where a postponement is justified, the panel chair will write to the trainee to explain the reasons and to confirm that an alternative date will be arranged, allowing time for the panel and trainee to consider any additional evidence in detail.
- e. Where a trainee or their representative are unavailable to attend, the appeal hearing will normally only be rearranged on one further occasion.
- f. If the trainee or their representative is not able to attend the re-arranged appeal hearing, it may proceed in their absence. The trainee will be entitled to make representations in writing for the appeal panel to consider in their absence.
- g. Where a trainee confirms their attendance and subsequently fails to attend on the day, reasonable efforts should be made to contact the trainee to ascertain the reasons. The panel chair will determine whether the hearing should proceed in the trainee's absence relying on the written evidence submitted.

6.6 Evidence and documentation

- a. Full documentation relating to the appeal must be made available to the panel, trainee and the Postgraduate School representative(s) at least 5 working days prior to the hearing. Additional information submitted after this time may be considered at the chair's discretion.
- b. The evidence within the 'bundle/information pack' should be limited to the grounds for appeal. The panel chair determines if the information is relevant or requires further detail prior to being considered by the panel. Where a trainee includes documentation pertaining to their own health, in submitting such evidence (unless expressly stated otherwise) they are giving their consent for this documentation to be securely shared with appeal panel members.
- c. All information relating to the appeal should be retained as per the relevant Records Management Policy.
- d. The trainee and Postgraduate School representative(s) will be responsible for ensuring documentation is submitted.

6.6.1. Evidence submitted from the trainee:

- a. The trainee may support their appeal with further written evidence relevant to the original ARCP panel consideration, but this must be received at least 10 working days before the Appeal Panel meets.
- b. This must be submitted in electronic format.
- c. This is the trainee's opportunity to present reasons for the appeal, along with any evidence or clarification they wish to provide.
- d. This should cover the basis of the appeal and build on the trainee's original request for an appeal.
- e. Where relevant, mitigating factors such as ill health, reasonable adjustments, domestic circumstances or mitigation linked to the training environment such as changing circumstances or the supervision available should be evidenced to substantiate claims.
- f. 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 a GP, Occupational Health, or hospital consultant letter. (Note 6.6 b above)
- g. A copy of the trainee's evidence submitted will be shared with the panel as well as the Postgraduate School
- h. Any documentation submitted after the official deadline will only be considered at the discretion of the chair of the appeal panel (see 'Role of Chair' below)

6.6.2. Evidence submitted from Postgraduate School:

- a. Postgraduate School representative(s) will be required to provide a written summary of why the original ARCP outcome was given to respond to the grounds for appeal.
- b. Where relevant, reasonable adjustments put in place for the trainee and the impact of these in supporting the individual in meeting the required competency level should be included.
- c. This should normally be submitted to the Deanery convening the panel at least 10 working days prior to the appeal hearing date.
- d. A copy of this will be shared with the trainee in addition to the appeal panel members.
- e. Any documentation submitted after the official deadline will only be considered at the discretion of the chair of the appeal panel (see 'role of chair' below).

7. Procedure at the formal appeal hearing

- a. Appendix B describes a suggested outline agenda for an ARCP Appeal Hearing. Appendix C describes a suggested ARCP Appeal Hearing Check list.
- b. Access to the electronic portfolio will be arranged. The trainee should be notified of this. Access should be withdrawn as soon as practicable after the appeal hearing.
- c. In addition to the formal outcome of the appeal, an appropriate summary of proceedings will be made available to all parties no later than 10 working days after the appeal panel.

- d. Electronic recordings of appeals are not normally permitted. Should a trainee wish to make an electronic recording of proceedings, a request can be submitted but this must be in advance of the appeal hearing. The decision to allow electronic recording will be made at the chair's discretion.
- e. Human Resources/the trainee's employer will be kept updated regarding the progress of the appeal.
- f. The panel should at all times give consideration as to the trainee's 'Fitness to Practise' and any concerns should be raised with the Postgraduate Dean.

7.1 Role of the chair at the formal appeal hearing

- a. 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 that an appropriate record of the event and decision is made. General examples of this include:
 - Ensuring the submitted documentation is complete and easily navigated.
 - Dealing with timings and keeping the hearing on track
 - Agreeing issues to be decided
 - Regulating the behaviour of attendees
 - Coordinating questions
 - Ensuring the process is understood
 - Leading panel decision making process
 - Drafting the recommendation to the Postgraduate Dean
- b. At the beginning of the appeal hearing, the chair should do the following:
 - Ensure that all panel members introduce themselves and confirm their role in the appeal hearing
 - Explain the process to be undertaken during the hearing including the expected etiquette of all attendees (e.g., use of virtual platform)
 - Ensure that the documentation was received by all relevant parties, and they have had an opportunity to consider the evidence in detail
 - Ask the panel and the trainee if they agree to proceed.
- c. Additional evidence submitted outside of the agreed timescales may be considered at the discretion of the chair.

7.2 Conducting the formal appeal hearing

Suggested process:

(Note: Appendices B and C provide, in addition, a suggested agenda and checklist)

- a) Led by the chair, all parties will each introduce themselves before the panel begins.
- b) Pre-meeting – the panel convenes to confirm the appeals panel process.

In this pre-meeting the panel discuss the process requirements. The trainee and school representative(s) will not be present for this part of the agenda.

- c) The trainee enters the panel with any accompanying individuals [if declared]. The school representative(s) enter at the same time.

Once settled, the panel chair will provide a brief introduction to the appeal (including format), and panel members will be asked to introduce themselves. The school representative and the trainee (and any accompanying individuals) will also introduce themselves at this stage. If anyone is unclear about any aspect of the agenda, they have the opportunity to seek clarification.

- d) The trainee (or accompanying individual) presents case.

This is the trainee's opportunity to present their appeal to the panel, covering which aspect of the educational process and subsequent ARCP outcome or NTN removal 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 trainee to summarise their appeal. It is important for the trainee to remember that the panel has evidence that has already been submitted as part of the appeal and the panel will have read the submissions. The appeal presented by the trainee 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, trainee statements, on average, last between 10 and 30 minutes.

- e) Opportunity for panel members to ask questions of trainee.

The panel has the opportunity to clarify with the trainee anything relating to the appeal, training, statements and evidence. This is the panel's opportunity to ask questions of the trainee 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.

- f) Opportunity for school representative to make any clarifications of fact.

The school rep has the opportunity to clarify anything relating to the trainee's presentation.

- g) The school representative(s) presents case for award of original ARCP outcome and NTN removal.

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 trainee is appealing, mitigation and areas of satisfactory progress. The school representative(s) 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. Indeed, the case presented by the school representative(s) 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, the school's statements, on average, last between 10 and 30 minutes.

- h) Opportunity for panel members to ask questions of the school representative(s).

The panel has the opportunity to clarify anything relating to the school summary. The school representative will answer these questions. The panel may request clarification from the school in relation to any central key points that are raised either when considering the appeal documentation 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(s) cannot provide, it may be necessary to halt (or postpone) the hearing as required, potentially to a later date.

- i) Opportunity for trainee to make any clarifications of fact.

The trainee has the opportunity to clarify anything relating to the school representative's presentation.

- j) If the trainee representative is of a legal background or any panel member starts advocating in a legal manner the chair should stop the process
- k) The trainee, trainee's accompanying individual (where present), and school representatives leave the panel 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 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. Where held in person, there will be designated rooms or areas where individuals can wait.

- l) The panel members discuss the appeal and reach a decision.

The chair will make the final decision. The trainee, their representative (if applicable) and the school representative(s) 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 records their recommendation. This does not have to be a unanimous decision.

- m) The trainee, their accompanying individual (if applicable) and school representative(s) are invited back to the panel to be informed of the outcome.

The panel chair will briefly summarise the outcome and any reasoning or recommendations (where applicable) that the panel have made. Once the panel chair has delivered the outcome, this concludes the proceedings of the panel.

- n) If at any time during the Hearing the panel constitution changes and the panel is no longer quorate, the hearing must be stopped.

7.3 Recommendations - Possible outcomes of an appeal

- a. 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.
- b. The panel may normally make one of the following decisions:
 - i. Reaffirmation of the original decision. This means that the original ARCP outcome or NTN removal (decision) remains.
OR
 - ii. Substitute the previous decision with a different outcome
- c. An appeal panel is not at liberty to further impose additional sanctions, i.e. changing an outcome 3 to an outcome 4

8. Following the appeal process

- a. Where possible, the panel will feed back to the trainee directly after the appeal panel. The trainee will be notified in writing within 5 working days of the outcome of the appeal hearing.
- b. Following the ARCP appeal hearing decision there is no further internal avenue of appeal. The decision is final.
- c. If the appeal hearing overturns the original ARCP outcome, all relevant parties must be made aware of the new outcome and any new recommended actions now required.
- d. Where an outcome 4 is upheld, the panel chair will send a written recommendation to the Postgraduate Dean that the trainee should be removed from the training programme, including the reasons why, within 10 working days of the appeal hearing. Only the final outcome following an appeal should be recorded on the trainee's electronic portfolio. A full record, however, is captured on the Trainee Information System (TIS) database. The Appeal Panel Chair is responsible for the completion of any new ARCP outcome form. The administrative arrangements to facilitate this are by local arrangement.
- e. Employers need to be made aware of the outcome confirmed by the appeal panel. Trainees should be encouraged to discuss the implications with their employer's HR department.
- f. Consideration should be given to ensuring any support mechanisms are in place to help the trainee through career decisions.

9. National and Regional ARCP Panels

- a. As detailed in the ARCP SOP, a number of small specialties have moved towards regional or national ARCP panels.

- b. Where this is the approach, in addition to informing the trainee, the national/regional ARCP Panel chair must ensure all ARCP outcomes that reflect insufficient progress are conveyed to the local Educational Supervisor, Training Programme Director (TPD) and Postgraduate Dean. This is to ensure that any concerns around the educational environment can be addressed and so that appropriate local trainee support can be implemented.
- c. The trainee must be informed of their right to request a review of an outcome 2 or 10.1. The original administering NHS England Office/Deanery will support the ARCP Panel chair in conducting the review as per the approach detailed above in this SOP. The chair of the panel must ensure the review outcome is sent in writing to the trainee, local TPD and Postgraduate Dean.
- d. Where an outcome 3, 4 or 10.2 is awarded the trainee must be informed of their right of appeal which must be submitted in writing to their Postgraduate Dean. Any subsequent appeals should then be managed as detailed above in this SOP.

10. Appeal against withdrawal of NTN outside of the ARCP Outcome 4 process

Where the Postgraduate Dean removes the NTN for reasons other than ARCP (as outlined in SOP 'Removal from the training programme or withdrawal of the NTN'), normally another Postgraduate Dean external to the training organisation should chair the appeal panel. Such panels should be administered as per the principles in this SOP.

APPENDIX A: SUGGESTED TEMPLATE - TRAINEE'S GROUNDS FOR ARCP REVIEW/APPEAL

Name	
GMC/GDC/Public Health no.	
Specialty	
Training Programme	
Your current stage of training (adjusted for any sick, maternity and other leave or Out of Programme (non-training) periods of time, extensions etc. e.g. CT1; ST6)	
How far through that training year are you (to the nearest month, whole time equivalent)?	
ARCP panel date	
Outcome received	
What are your grounds for review/appeal? <i>Please summarise this concisely. You may provide additional evidence at this stage (e.g. evidence of mitigating circumstances or other evidence relevant to the original ARCP panel's decision) 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>	
What are you hoping as an outcome to the review/appeal? <i>Please summarise this concisely. Clarity at this stage may help identify action that can be taken to obviate the need for a full appeal process.</i>	

APPENDIX B: SUGGESTED ARCP APPEAL HEARING AGENDA

Date / Time	
To be held at/held remotely	
Chair	
Senior doctor/dentist (within the specialty)	
Senior doctor/dentist (outside the specialty)	
Doctor/Dentist in training representative	
Lay Representative	
College/Faculty Representative (outside locality and from same specialty)	
HR	
Note taker	
Observer	
Representative(s) from Postgraduate School	
Trainee	
Trainee's accompanying individual	

The timetable runs as follows:

- One hour: Pre-meeting – the panel convenes to confirm the appeals panel process.
- Trainee enters with accompanying individual [if declared]. (Management case representative(s) enter at same time).

The panel then continues with the following format.

1. Trainee – oral case
2. Panel – questions
3. School representative – questions
4. School representative – oral case
5. Panel – questions
6. Trainee– questions
7. Final comments before parties leave the hearing
8. Panel deliberation
9. Outcome and feedback communicated to the trainee and school representative

APPENDIX C: SUGGESTED ARCP APPEAL PANEL CHECKLIST

To support fairness and consistency, and facilitated by the panel chair, the following steps will be considered at all appeal panels as panel members consider their decision.

Initial discussions with the panel members

Invite panel members for initial comments, covering what the proceedings / evidence tells the panel.

Coming to a decision: Likely options available to the panel

Have you eliminated any outcomes that are not applicable to the appeal? This may help the panel focus on the options available.

- Reaffirmation of the original decision.
- Substitute the outcome with one of the following (and, if appropriate; outline an action plan and any other requirements).

Satisfactory Progress	1. Achieving progress and competences at the expected rate (clinical / academic)
ARCP Outcomes reflecting insufficient progress	2. Development of specific competences required - additional training time not required
	10.1. The 'no fault' equivalent to an Outcome 2
	3. Inadequate progress by the trainee - additional training time required
	10.2. The 'no fault' equivalent to an Outcome 3
	4. Released from training programme with or without specified competences
Recommendation for completion of training	6. Has gained all of the required competences for the completion of training (clinical / academic)

Building on initial discussion and reasoning for the decision

Considering the options above, invite panel members to summarise their thoughts and recommended outcomes. The checklist below can be used to support discussions and the recording of the outcome and any actions.

Final Checklist

<p>Does your decision balance the need to protect patients/maintain public confidence in the profession whilst giving due weight to the relevant information available?</p> <ul style="list-style-type: none"> • The competency of the trainee (which competencies have or have not been met?) • The fairness of the process / original decision • Evidence presented and what that tells us 	
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<p>Have you considered all the information available to the panel, including written evidence and oral presentations of the appeal from both the school and the trainee?</p> <ul style="list-style-type: none"> • The trainee's reason(s) for the appeal • Documentation pertaining to trainee's own health (where relevant) • The levels of support offered / provided to the trainee • The fairness of the process / original decision • Evidence presented 	
<p>Have you used guidance/policy documents to support your decision making? (Examples: Gold Guide, ARCP/Appeals Policy, Relevant Royal College or Faculty regulations / guidance, GMC guidance)</p> <ul style="list-style-type: none"> • Exam fails, and any national or College regulations which are appropriate to consider 	
<p>Have you balanced your decision to take into account the impact of any decision on the trainee?</p> <p>Any mitigation declared and the impact that has had / is likely to have</p>	
<p>Have you considered the principle of proportionality (that the outcome and recommendations are proportionate to the appeal) in reaching your decision?</p>	
<p>Are you able to give clear reasons for the decision and any actions?</p> <p>If you are considering supporting an original outcome, have you considered if any changes are required to the reasons and/or competences which need to be developed / recommended actions.</p>	
<p>Have you considered if any remediable or reasonable supporting measures could be put into place alongside the outcome to support the trainee?</p>	
<p>Are all conditions that you have recommended workable, appropriate, reasonable and measurable?</p>	
<p>Have you enabled each panel member to discuss and put forward their thoughts and recommended outcomes?</p>	

APPENDIX D - EXTERNALITY FOR APPEAL PANEL HEARINGS GUIDANCE

1. Background and context

There may be situations where it is appropriate for an appeal hearing to have an independent chair outside of the host deanery. Such situations might include

- A conflict of interest for members of education faculty and training programme management, including the Postgraduate Dean e.g. a complaint by the trainee.
- Decisions subject to the Postgraduate Dean's discretion e.g. where the Postgraduate Dean has removed the national training number (NTN) for other reasons (as outlined in the Gold Guide) and it is not appropriate for the appeal to be heard by a nominated representative line managed by the Postgraduate Dean.
- Where the longevity and complexity of cases would benefit from an independent chair.

2. Agreed principles

2.1 The Gold Guide sets out the governance and overarching principles for the appeals process with operational detail that defines how appeals will be managed included in agreed standard operating procedures (SOPs) in NHS England, NES, HEiW and NIMDTA.

2.2 As outlined in the NHS England SOP for appeals, it is the responsibility of the Postgraduate Dean to convene an appeal panel which would be constituted as follows:

- *the Postgraduate Dean or a nominated representative as chair.*
- *a College/Faculty representative from outside the locality and from the same specialty as the trainee.*
- *a senior doctor/dentist from within the same locality as the trainee and from the same specialty as the trainee.*
- *a senior doctor/dentist from the same locality as the trainee and from a different specialty to the trainee.*
- *a lay representative.*
- *a current trainee.*

2.3 In practice, a similar procedure for escalating concerns and appointment of an alternative Responsible Officer (RO) has been used by Postgraduate Deans in this situation. The wording and procedure are helpful as it provides a defensible position.

3. Agreed steps to appoint an external chair

3.1 Where there is a perception of bias or conflict of interest for the Postgraduate Dean (as defined in RO Regulations (2014) and amendments) or the training programme management team, then the Postgraduate Dean will nominate a suitable representative to chair the appeal panel in accordance with NHS England Appeals SOP.

3.2 The Postgraduate Dean would scope for availability and capacity to chair an appeal from national organisations such as the Conference of Postgraduate Medical Deans (COPMED) and English Deans.

3.3 Once agreed, the nominated representative as chair has governance responsibility for the appeal hearing and proceedings as detailed in the Gold Guide and standard operating procedures in each of the devolved nations (NHS England, NES, HEiW and NIMDTA).

3.4 Once governance responsibility for the ARCP appeal process has been passed to the Postgraduate Dean's nominated representative as chair; normally, there should be no further discussion/communication about the appellant from that point.

3.5 The appeal panel hearing would normally be held and administered within the trainee's Deanery. However, there may be occasions where it is appropriate, and to provide transparency and externality, when the appeal panel hearing is conducted outside of the host Deanery. In that event the appeal should normally be held in the Deanery of the independent appeal panel chair.

4. Suggested guidance and governance arrangements for external appeals

4.3 Where the appeal hearing is held outside of the host (appellant's Deanery), that office should continue to have administrative responsibility for and provide support to the appeal hearing. Operational management to "run the appeal" might be delegated to the Deanery (by mutual agreement) where the appeal panel hearing takes place.