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| **Policy Title** | **Appeal Policy: Recruitment and Selection** |
| **Approvers** | SMG, Executive Board |
| **Author(s)** | Training and Faculties Office |
| **Applies to** | Applicants to RCPI Postgraduate Training Programmes |
| **Policy Number** | PTE007 |

**Purpose**

These Regulations apply to all applicants for the Postgraduate Training Programmes administered by the Royal College of Physicians of Ireland.

The purpose of this policy is to have a mechanism in place to allow a candidate appeal results or decisions affecting the individual’s application to an RCPI postgraduate training programme

Applicants to the training programmes should note that by virtue of applying to the postgraduate training body they are deemed to have understood and agreed to respect and abide by all relevant regulations, including these Appeals Regulations.

Throughout these Regulations, the Director of Training may delegate any of the duties ascribed to him/her to another appropriate member of College staff.

Any dispute as to the interpretation of these Regulations shall be referred, in the first instance, to the RCPI Register and is subject to the general appeals policy of the College whose decision in the matter shall be final.

Applicants are assured that they have the opportunity to raise matters of legitimate concern through these Appeal Regulations without risk of disadvantage or criticism. Towards this end, the RCPI recognises the importance of confidentiality when handling appeals, and will maintain an appellant’s anonymity as far as is possible during any investigation. However, it will occasionally be necessary to disclose an appellant’s identity to progress an investigation, and moreover this will be done as a matter of routine should any hearing by an Appeals Panel be necessary. Applicants who are not willing for their identity to be disclosed in this way should notify the Director of Training.

**Scope**

An ‘appeal’ is defined as a request for a review of a decision made by or on behalf of a Recruitment and Selection Panel in either the Shortlisting Process or the Interview Process subject to grounds listed below.

An applicant who has applied for a place in any of the RCPI Postgraduate Training Programmes may, in the circumstances set out below, have the right of appeal against the decision of the Recruitment and Selection Panel. The **only** grounds for appeal are that:

* There is clear evidence RCPI appears to have materially failed to follow its own conventions or regulations properly, and which the appellant reasonably believes may have had a bearing on the outcome of the decisions taken or adversely affected an applicant’s performance or result
* There is clear evidence 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.
  + 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 an appeal is upheld the normal recourse offered is that any errors are amended or in exceptional circumstances an applicant may be re-interviewed as deemed necessary by the Director of Training and Education for the relevant Training Body.

Any expression of a specific concern about the provision or quality of a service by the RCPI, including issues such as staff conduct, disputes about the regulations, other procedures or the application thereof is defined as a ‘complaint’ and as such will not be considered under these Regulations.

It is recognised that on occasion it may be initially unclear whether a case constitutes an appeal or a complaint; hence RCPI reserves the right to reclassify appeals to complaints or vice-versa at any stage in proceedings, after consulting with the person appealing or complaining. Such reclassification will always be done so that the matter can be considered in the most appropriate and fair way, and applicants will not be required to resubmit their cases following any reclassification.

**Process**

The recruitment and selection appeals process normally operates on a progressive basis but the candidate may request to commence the process at any stage of this policy.

There are two stages to the appeals process:

Stage One – Informal Review

Where possible and appropriate, RCPI will make every effort to initially address the issues through the informal procedure. This informal stage can provide the RCPI and complainant alike with an opportunity to review the manner in which the appointment process was conducted.

Stage Two – Formal Appeal

A candidate may not wish to follow the informal complaints process or they may be dissatisfied with the outcome of the informal examination of their complaint. In this case, the candidate may lodge a formal appeal.

**Stage One: Informal Review**

A request for a review of the decision should be submitted in writing to the RCPI within 3 working days of the communication of the formal notification of the decision relating to the subject-matter of the appeal application.

Following receipt of the request for a review of the decision a meeting or telephone conversation between the complainant and a representative from RCPI will be scheduled within 2 working days.

The RCPI representative will carry out an informal review without delay. If the RCPI’s informal reviewer determines that an error may have occurred, it may be able to intervene quickly to correct or seek a suspension in the appointment process. There is no obligation on the RCPI to suspend an appointment process while it considers an informal complaint.

Where a complainant does not wish to pursue an informal process or remains dissatisfied following any such informal discussion, they may adopt the formal procedures set out below.

**Formal Appeal**

A candidate may not wish to follow the informal review process, or they may be dissatisfied with the outcome of the informal examination of their complaint. In this case, the candidate may submit a formal appeal.

An appellant who wishes to submit a formal appeal must complete the *Recruitment and Selection – Appeal Form (appendix one)* , including the submission of grounds of appeal,and submit to the Chair/Dean of the Training Body within 10 working day of the formal notification of the original decision relating to the subject-matter of the appeal application. There is a fee of €150 for an appeal, refundable if an appeal is successful.

Appellants should also include with the form any additional information and supporting documentation which they wish to be brought to the attention of the Appeals Committee.

Acknowledgement of receipt of an appeal will be sent to an applicant within 3 working days of receipt of the appeal.

Stage One: Grounds to Proceed Committee

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.

The Dean/Chair of the Training Body will establish the Grounds to Proceed Committee. The Grounds to Proceed Committee will consist of the Training Body’s Director of Training and two senior members of College staff.

The 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 the fee forfeited.

The Grounds to Proceed Committee will inform the Dean/Chair of the Training Body of the decision.

The Dean/Chair of the Training Body will ensure the Appellant is informed if an application to appeal has been granted or refused to proceed. If the application to appeal has been granted the application for appeal will proceed to Stage Two: Appeals Committee.

Stage Two: Appeals Committee

The Dean/Chair of the Training Body will appoint the Appeals Committee.

The Appeals Committee will consist of:

* Two Members[[1]](#footnote-1) of the Training Body;
* One External member from another Training Body

No person who has been concerned in any way with the decisions giving rise to the appeal will be eligible to sit on the Appeals Committee.

The Appeals Committee must set a date for the Committee to meet to consider the Appeal. The appellant will be informed of this date.

The appellant may withdraw his/her appeal at any time up to and including the date set for the appeal.

The role of the Appeals Committee is to review the fairness of the decision, rather than to re-hear the complaint. The Appeals Committee will consider all the evidence available. However, in its sole discretion, the Appeals Committee may ask for additional information to be provided by either the appellant or other persons involved. The Appeals Committee may:

* + request further relevant documentation from the RCPI administration, Candidate, Supervisors, Employer etc;
  + meet with the Candidate for the purposes of clarification of evidence submitted
  + meet with any other relevant stakeholders for purposes of clarification of evidence submitted. This could include panel members, National Specialty Director/Regional Programme Director, RCPI administration.

A written record of any such meetings must be kept.

The Appeals Committee will review the matter as efficiently as possible and will make reasonable endeavours to communicate their decision to the appellant no later than three working days following date of the Committee meeting. Where it will not be possible to deliver a decision within this time period, the appellant will be notified of this fact in writing.

The Appeals Committee may:

* + Uphold the appeal. This may result in the appellant being:
    - Re-assessed at the next available opportunity or
    - Offered a place on the training programme. Upon offering a place on the training programme every effort will be made to assign the Candidate a training post. The Training Body recommends the placement of a trainee to the employer. The employer is under no obligation to accept the recommendation of the Training Body. The placement is only confirmed when the employment contract has been issued. The Training Body will

endeavor to find a suitable placement but

cannot guarantee the start date of the rotation.

* + Seek further information and reconvene
  + Reject the appeal

The Appeals Committee’s decision will be communicated in writing to the Chair/Dean of the Training Body. The Chair/Dean of the Training Body will review the decision and communicate to the outcome to the Candidate.

The decision of the Appeal Committee under Stage 3 will be final.

**Review**

This Policy shall be subject to review every three years from the date of approval of this document by the Executive Board

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| **Approved By:** | **Date** |
| Senior Management Group | 12/06/19 |
| Executive Board | 14/06/19 |
| **Review** |  |
| Review by Executive Board | March, 2022 |

RCPI is GDPR compliant should you have any queries on GDPR please contact [dataprotectionofficer@rcpi.ie](mailto:dataprotectionofficer@rcpi.ie).

**Appendix One – Recruitment and Selection: Appeal Form**

*Please read the Appeals Policy: Recruitment and Selection carefully before completing this form.*

**Name**

**RCPI ID Number**

**Address for Correspondence**

**Email**

**Contact Number**

**Please list the decision/outcome you are appealing:**

**Indicate the grounds for appeal:**

1. Failure of RCPI to follow it’s own conventions or regulations
2. Evidence of exceptional circumstances

**Statement of Appeal:**

**Additional Information Provided**

Please list any items attached

**Please specify the change you seek in your result as a consequence of this Appeal?**

I, the undersigned, understand that the above personal data and other personal data including my training record, are circulated to relevant RCPI staff and Training Committee for the purposes of investigating this appeal and communicating with me regarding the appeal.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Completed forms should be returned to the Dean/Chair of Postgraduate Training and Education, Royal College of Physicians of Ireland, electronically and in hard copy

1. Member here denotes a Member/Fellow of the Training Body in good standing. External Member denotes an individual external to the Training Body with appropriate legal, governance or procedural skills [↑](#footnote-ref-1)