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Addysg a Gwella Iechyd
Cymru (AaGIC)
Health Education and
Improvement Wales (HEIW)

Reviews and Appeals of ARCP Outcomes

Trainee Guidance: Frequently asked questions

1. Who can request a Review or an Appeal?

Trainees who receive an Outcome 2 can apply for a Review. Trainees who receive either an Outcome 3 or 4, can apply for a Review or an Appeal. If an Appeal is agreed, the first stage will usually be a Review.

2. How can a Trainee make a request?

When a trainee receives their Outcome letter it will specify a link to the website where they can download for completion and return a Grounds for a Review or an Appeal form.

There are three general reasons why a trainee can apply for a Review or an Appeal.

- The ARCP process that led to the Outcome was not followed correctly or that I was not made aware of my likely ARCP Outcome and its consequences.
- I have evidence or a perception of bias and/or prejudice within my training placement
- I have new and relevant information that could have been considered by the ARCP Panel.

3. What is the timescale for making a request?

A trainee will need to complete and return the form to HEIW within ten working days of the date on their letter.

4. Who deals with the request?

A dedicated team will coordinate all activity regarding any ARCP Reviews or Appeals. The team – the Trainee Progression Governance team (TPG) has a dedicated inbox for handling all enquiries and support. heiw.appeals@wales.nhs.uk. The team will inform the relevant HEIW staff of any request, gather relevant background information and also advise the Postgraduate Dean whether to accept or reject the request. The trainee will receive an answer within **five working days** of making their request in a letter via email from the Postgraduate Dean.

5. If a request is accepted, what happens next?

The TPG team will commence arrangements for a Review of the original ARCP Outcome awarded by the ARCP Panel. This is the usual next steps but occasionally the Postgraduate Dean will ask for an independent Hearing.

6. I have made a request for a Review or Appeal, do I still need to attend the feedback meeting to discuss my recent Outcome awarded by the ARCP Panel?

Yes. If a trainee has not been present at their ARCP to hear their outcome and discuss this, but has a feedback meeting arranged at a later date, this feedback meeting should still go ahead as arranged even if the trainee has requested a Review or an Appeal.

7. If I have received an Outcome 4, do I keep my training place or will I be removed even though I have made a request for an Appeal?

An Outcome 4 will be recorded within HEIW on the E-portfolio but there will be no further action until the Appeal has been concluded. The trainee will continue to be part of the training programme.

8. I intend to resign can I still make a request?

No. If you resign you are not eligible to appeal.

9. What is a Review and how will it differ from my ARCP Panel?

A Review is a process where an individual or a group who originally made a decision, returns to it to reconsider the decision. It is an opportunity to review the appropriateness of the decision and to take into account any new relevant information not available to the Panel at the time of the original ARCP.

10. What happens at the Review?

The TPG manager in liaison with the Chair of the ARCP Panel will arrange a suitable time and location for the Panel members to examine the new evidence provided by the trainee and review the evidence and process for determining the original Outcome. Members of the original ARCP panel will attend either in person or via telephone/video conferencing. If a lay member was not present at the original ARCP panel, a new lay member will be invited to attend along with a member of the TPG who will advise on process.

11. Does the trainee attend the Review?

The trainee does not attend the ARCP Review but can submit additional written evidence relevant to the most recent ARCP Outcome provided that it is received within five days of the Review meeting. The trainee is not required to be part of the decision making discussions at the Review which is in line with practice for an ARCP Panel meeting

What can the Chair of the ARCP Review recommend?

The Review Chair can recommend to the Postgraduate Dean to maintain the original Outcome awarded at the last ARCP Panel or that it should be changed in the following way:

- an Outcome 2 can be changed to a 1 but cannot be changed to a 3 or 4
- an Outcome 3 can be changed to an Outcome 2 or 1
- an Outcome 4 can be changed to either a 1,2 or 3

12. What happens next?

Following the ARCP Review the TPG will consult with the Postgraduate Dean who will make a decision. The trainee will be informed in a letter (via email) of the decision. The trainee will have 2 working days from the date of the letter to either accept the decision or ask for an independent Hearing to be convened.

13. What happens if there is an Independent Appeal Hearing?

If a trainee has been granted an Appeal Hearing, the relevant Chair of the ARCP Review will be informed along with the head of specialty school and the speciality manager within HEIW. The trainee will be asked to specify any dates within a six week time frame when they cannot attend. They will also be asked if they wish to attend the Hearing, bring anyone with them and also if they wish to give their evidence in their preferred language of Welsh. HEIW will provide an interpreter but the Hearing will be conducted in English.

The TPG team will begin to organise a date for the Hearing and establish a new group of people to attend the Hearing.

14. How long will it take to organise an Independent Hearing?

HEIW will endeavour to confirm the participants and date for the Appeal Hearing within 4 weeks of agreeing to the Appeal Hearing (following completion of the Review). Trainees will be asked to confirm their availability over this timescale and whether they wish to give evidence in English or in Welsh. The availability of appropriate participants at the Hearing, especially for smaller specialities will affect the setting of the date. The trainee will be made aware of these constraints when they request an Appeal Hearing.

15. Will I know who will be at the Appeal Hearing?

The trainee will be informed of the names of the people attending the Appeal Hearing.

16. Can I discuss my Appeal with my Educational Supervisor?

It is not advisable or appropriate to discuss the details of your Appeal with your training programme director or educational supervisor. Otherwise all usual training relationships, roles and expectations of both parties should continue until the Appeal has concluded.

17. Who attends the Appeal Hearing?

The trainee should attend although it is not mandatory.

Other members who should be there are:

- a senior member of HEIW who acts as the Chair appointed by the Postgraduate Dean
- a College/faculty representative from outside Wales;
- a Consultant/ GP from Wales working in the same specialty as the trainee;
- a Consultant/ GP from Wales working in a different specialty;
- a final year trainee from Wales working in a different specialty;
- a Lay Member approved by HEIW.

All of the above bullet list must not have been present at the ARCP or the ARCP Review meetings.

18. Who else could participate in the Appeal Hearing?

The Chair may require additional evidence either in person or in writing from those directly involved in the training of the trainee and the decision leading up to the awarding of the ARCP Outcome. This is usually the Chair of the ARCP Panel and the Training programme Director.

The Trainee can be accompanied by another person. HEIW must be informed within five days of the Independent Hearing who this will be.

The Postgraduate Dean can ask for legal representation who may provide either written advice or attend the Hearing. A member of the Human Resources department of the relevant employer can also be requested to give advice on employment and contractual issues if the decision is likely to affect their employment status. The latter is usually by telephone and does not attend the Hearing.

Appeals are complex and require skilled and experience people to undertake the role. For this reason, on occasions, there may be a senior medical professional observing the proceedings as part of their training to become a future Appeal Hearing Chair.

The TPG team provide coordination, advice and all aspects of administration for the Hearing.

19. What information will be considered?

Members of the Independent Hearing and the trainee will each receive an Information pack five days before the Hearing. The pack will contain all relevant information regarding the trainee's progression, E-portfolio entries, ARCP and also their stated grounds for Review or Appeal.

20. How long will the Appeal Hearing last and where will it be?

Usually the Appeal Hearing will last 3 hours and is generally held in the morning. The trainee is not required to attend for all of the Hearing. The Hearing is normally held at HEIW premises.

21. When will I Know the decision?

A trainee will be informed in writing (sent by email) no later than five working days of the Appeal Hearing. A verbal decision will not be given on the day of the Hearing.

22. What happens after the Appeal Hearing?

Members of the Appeal Hearing, the Chair of the ARCP Panel, the Head of Speciality School and the speciality manager will receive a copy of the letter that is sent to the trainee from the Postgraduate Dean. A copy of the letter will also go to the relevant employer, if the decision is an Outcome 4.

A transcript of the evidence provided at the Hearing is recorded and an evidence file will be maintained for 6 years within HEIW.

To capture learning and promote adherence to policy and procedures, the TPG will coordinate a post Hearing meeting to identify any lessons to be learnt and good practice.

Quarterly reports from the TPG team activity are considered by the senior management.

Further Information:

Outcome*	Definition
	Note Outcome 2 is only eligible for a Review, Outcomes 3 and 4 are eligible for an Appeal of which normally a Review is the first stage of an Appeal
1	Satisfactory progress Satisfactory progress is defined as achieving the competences in the specialty curriculum approved by GMC at the rate required.
2	Development of specific competences required – Additional training time not required The trainee's progress has been acceptable overall but there are some competences that have not been fully achieved and need to be further developed. It is not expected that the rate of overall progress will be delayed or that the prospective date for completion of training will need to be extended or that a period of additional remedial training will be required.
3	Inadequate progress – Additional training time required The panel has identified that a formal additional period of training is required that will extend the duration of the training programme (e.g. the core training programme end date or anticipated CCT/CESR(CP)/CEGPR(CP) date
4	Released from training programme – With or without specified competences The panel will recommend that the trainee is released from the training programme if there is still insufficient and sustained lack of progress despite having had additional training to address concerns over progress. The panel should ensure that any relevant competences that have been achieved by the trainee are documented. The trainee will have their NTN withdrawn (if applicable) and may wish to seek further advice from the Postgraduate Dean or their current employer about future career options, including pursuing a non-training, service-focused career pathway.
5	Incomplete evidence presented – Additional training time may be required The panel can make no statement about progress or otherwise since the trainee has supplied either no information or incomplete information to the panel. The trainee will have to supply the panel with a written account within five working days as to why the documentation has not been made available to the panel.
6	Gained all required competences – Will be recommended as having completed the training programme (core or specialty) and if in a run-through training programme or higher training programme, will be recommended for award of a CCT/CESR(CP)/CEGPR(CP)

****This is not a complete list of ARCP Outcomes but highlights the most relevant.***

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