



Appeals Policy Surgical Affairs

2024

Surgical Affairs					
Document Title	Appeals Policy – Surgery and Emergency Medicine				
Revision level	Revision date	Document No.	Description of revision	Document owner	Approved by
0.0	01/03/18	16-00008	Initial Release	CMcG	
1.0	21/06/18	16-00008	Update to formatting	ZC	
2.0	26/06/18	16-00008	Reissue with revision history section added	PK	SA Mgmt
2.0	28/01/22	16-00008	Correction to appeals email address	JC	
2.0	28/01/22	16-00008	Updates to titles	JC	
3.0	12/11/24	16-00008	Review and updates to process	CMcG/JC	SA Mgmt

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1.0 Purpose

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

2.0 Scope

2.1 In Scope

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

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

2.2 Out of Scope

- (i) The decisions of individual Assessors and the Board of Examiners in all matters relating to the ordinary and conventional operation of academic judgement are final and cannot be appealed. For the purposes of this document, academic judgement is considered to be the professional and scholarly knowledge which members of College staff and/or external examiners draw upon in reaching an academic decision.
- (ii) Appeals relating to the MRCS, FRCS, MCEM or FCEM examinations are outside the scope of this document. All the information regarding appeals for surgical or emergency medicine examinations are available online through the intercollegiate website <http://www.intercollegiatemrcsexams.org.uk> or Royal College of Emergency Medicine <https://rcem.ac.uk/appeals-misconduct>
- (iii) Appeals relating to terms and conditions of employment as per a trainees' contract with their employer – Health Service Executive (HSE). Employment in a training site is subject to the local recruitment and other employment policies.

3.0 Panel Structure

Membership of the Appeals Panel (the "panel") for a particular case will be selected by the Director of the National Surgical Training Programmes or Dean of Emergency Medicine. In selecting members of the panel, regard shall be given to the nature of the individual case, the discipline of the appellant and the stage of the particular programme to which the appellant has progressed. In all cases, it shall be appropriate to have an external member on the panel who is not associated with Surgical or Emergency Medicine Training included this can be but not limited too external Surgical Affairs employee in RCSI, SAC Representative, EM nominee or other as deemed appropriate by the Secretary of the panel.

(i) The Chair and Secretary of an Appeals Panel will be appointed by the Director of the National Surgical Training Programmes / Dean of Emergency Medicine.

(ii) The Secretary of an Appeals Panel shall be the Associate Director Surgical Affairs Operations and Planning

Power of Decision / Voting

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

5.0 Matters for Appeal

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

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

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

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

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

processes outlined 1 in 4 above, i.e. evidence that RCSI appears to have materially failed to have followed its own conventions or regulations properly, and which the appellant reasonably believes may have had a bearing on the outcome of the decisions taken above.

6.0 Submitting an Appeal

An appeal should be submitted in writing to appealadmin@rcsi.ie within 14 days of the communication of the formal notification of the decision the subject-matter of the appeal application. There is a fee of €150.00 for an appeal, refundable if an appeal is successful. The Appeals Secretary will inform the relevant Hospital based Director, Programme Director, Director of the National Surgical Training Programmes / Dean of Emergency Medicine that such an appeal has been lodged.

7.0 Grounds to Proceed

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

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

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

8.0 Procedures of Appeals Committee

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

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

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

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

If the appellant does not nominate somebody to attend then the Director of the National Surgical Training Programmes / Dean of Emergency Medicine may nominate a Trainee advocate to attend.

9.0 Formal Panel Hearing

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

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

10.0 Powers of the Appeals Panel

The Appeals Panel may;

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

11.0 Communication of Decision

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

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

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

12.0 Confidentiality and Data Protection

A record of all decisions made under this Policy will be kept for three (3) years following the decision.

13.0 Note for Prospective Appellants

If an appellant has any questions about the correct procedure for appeal, they are advised to contact Associate Director of Operations, Surgical Affairs by emailing (appealadmin@rcsi.ie).

14.0 Timescale for Appeals

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

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

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

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

Appeals Administrator
Surgical Affairs
Royal College of Surgeons in Ireland
121 St Stephen's Green
Dublin 2

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

Appeal Application Form

First Name	
Surname	
RCSI Trainee Number (if applicable)	
Full Address for Correspondence	
Contact Phone Number	
E-Mail Address	

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

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

Please tick the box.

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

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

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

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

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

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Section 2 - Checklist of relevant documentation

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

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

RCSI is GDPR compliant should you have any queries on GDPR please contact dataprotection@rcsi.ie