

## London and Kent, Surrey and Sussex Foundation Schools

### F1 and F2 ARCP Appeals Process

This document sets out the appeals process for:

- F1 doctors appealing against failure to gain their *Foundation Year 1 Certificate of Completion* document (required for the medical school to issue the *GMC Certificate of Experience*) where the decision of the ARCP panel is the award of an Outcome 3 (or 4 for non-UK medical graduates)
- F2 doctors appealing against failure to gain their *Foundation Programme Certificate of Completion (FPCC)* where the decision of the ARCP panel is the award an Outcome 3 or 4.

NECFs, NWLFS and STFS operate in accordance with the requirements of the UKFPO *Foundation Programme Curriculum*, the *Foundation Programme Reference Guide* and the GMC's *The New Doctor* in order to determine whether a foundation doctor (F1 or F2) has reached the standard necessary to satisfy the requirements of GMC full registration for F1s or Foundation Programme Certificate of Completion (FPCC) for F2s.

The appeals process is a procedure whereby the recommendation of the local ARCP panel and the decision of the foundation school is considered by another body (the appeals panel) and considers the information available at the time of the original decision, newly submitted relevant information and the representations of the foundation doctor.

#### 1. Grounds for appeal

- 1.1 The Foundation School Director (FSD) will consider the local ARCP panel recommendations and confirm the decision regarding future training. Where necessary the case will also be referred to the Postgraduate Dean for further consideration. The outcome will then be communicated to the foundation doctor by NECFS, NWLFS or STFS with details of any agreed remedial training together with confirmation of the doctor's right of appeal against the decision and details of the appeals process.
- 1.2 Foundation doctors can only appeal against a decision to withhold the Foundation Year 1 Certificate of Completion document (F1) or Foundation Programme Certificate of Completion (F2) if they can demonstrate that they meet the following requirements:
  - They supplied the required evidence that they had met all of the required outcomes as contained in the FP Curriculum,
  - this was available to the ARCP panel, by the specified census date (31 May 2018), and
  - this was not considered appropriately.

- 1.3 The appeals panel may only uphold an appeal and recommend the award of a Foundation Year 1 Certificate of Completion (F1) or completion of the FPCC (F2) if it is satisfied that evidence was not considered appropriately by the original ARCP panel e.g. administrative/process errors were made.
- 1.4 When notification of an appeal is received, the postgraduate dean (or nominated representative) will first consider whether there are sufficient grounds for an appeal process to be instituted and advise the foundation doctor accordingly.

**Important note:** It is not possible to appeal a decision to withhold the issue of the Foundation Year 1 Certificate of Completion (F1) or completion of the FPCC (F2) due to non-statutory leave in excess of the permitted 4 weeks' (20 days) contingency unless the amount of time of non-statutory leave itself is being contested.

**F1 Appeals against an Outcome 4 (e.g. after an extension to F1 training has been undertaken but not successfully completed)**

- 1.5 Under the Medical Act, the GMC has determined that the graduating UK medical school is responsible for the recommendation for full registration. Any final appeal should normally be heard by the university of graduation.
- 1.6 The UKFPO Reference Guide allows flexibility and recognises the difficulty this will cause for those doctors appointed to foundation schools distant to their university of graduation. NECFS, NWLFS and STFS will facilitate appeals panels for all F1 doctors allocated to NECFS, NWLFS and STFS programmes including F1 doctors who have not graduated from a UK medical school.
- 1.7 Appeals may only be against the processes that lead to the recommendation to end F1 training, not the educational decision itself.
- 1.8 The F1 doctor may make a final appeal against the decision of the graduating UK medical school through the Independent Adjudicator. Further details should be available from the university/medical school of graduation.

**2. Submission of appeals - documentation and evidence**

- 2.1 Appeals, including a statement of the grounds for the appeal, must be submitted to the foundation school within 10 days\* of receipt of the foundation school's confirmation of the decision of the local ARCP panel. This notice will be issued by email to the email address registered with the foundation school and delivery will be tracked by a read receipt.
- 2.2 If there are appropriate grounds for appeal, the foundation school will arrange a formal appeals hearing on behalf of the postgraduate dean, within 15 working days\* of receipt of an appeal request, where practicable.
- 2.3 NECFS, NWLFS and STFS will publish appeals panel dates on the website.
- 2.4 The foundation doctor may support their appeal with further written evidence which they wish the panel to consider but this must be received by the foundation school within 5 days\* of the foundation doctor submitting their appeal. New information will not normally be admitted after this time unless it raises fundamental issues and/or could not reasonably have been submitted in time. Consideration of new information will be at the discretion of the chair of the panel.
- 2.5 The appeals panel may consider representations and evidence from both the

foundation doctor and from those who are closely involved with their training, such as the educational supervisor or FTPD.

- 2.6 The appeals panel may conduct enquiries as appropriate.
- 2.7 All documentation which may be considered by the appeals panel will be made available to the foundation doctor.
- 2.8 The foundation doctor may withdraw an appeal at any stage of the procedure by writing to the FSD.

### **3. The appeals panel**

3.1 The appeal panel will comprise of:

- a Postgraduate Dean, or nominated representative (Chairperson)
- an independent FSD or FTPD from another foundation school
- at least one consultant or GP from the same foundation school
- a lay representative
- a doctor in training from another deanery (i.e. a Specialty/GP trainee who has recently completed a Foundation Programme).
- A representative of the HR directorate of the employer or the deanery or Medical Workforce Representative to advise the chair, for example, on equal opportunities, disability and diversity matters and to record the proceedings of the appeal.

### **4. The appeal hearing**

- 4.1 The appeal panel will make its decision on the basis on the evidence submitted. It has the power to overturn or modify the decision made by the original ARCP panel. If this power is exercised the FSD will abide by the panel decision.
- 4.2 The decision of the appeals panel is final.
- 4.3 The foundation doctor must advise the panel at least 2 working days\* prior to the meeting date if they wish to attend the hearing. Appeals hearings will occur at the scheduled time as notified to the panel and the foundation doctor.
- 4.4 Foundation doctors may choose to be represented by a work colleague or union representative only at the appeal hearing and must advise the foundation school of the name and relationship of an accompanying representative at least 2 working days\* prior to the meeting. The appeals panel governs its own procedure and arrangements; NECFS, NWLFS and STFS does not permit legal representation at appeals hearings.

### **5. The appeals panel decision**

#### Appeal upheld

- 5.1 The panel may uphold appeals if it is satisfied that evidence was not considered appropriately e.g. administrative/process errors were made
- 5.2 The panel must be satisfied that there is sufficient evidence to support that the foundation doctor has met all of the required outcomes contained in the Curriculum, and that there are no on-going patient safety concerns. The panel decision may be to recommend:

- a) The completion and issue of a Foundation Year 1 Certificate of Completion form, and subsequent medical school issue of the Certificate of Experience recommending a foundation doctor for full registration with the GMC (F1)
- b) The completion and issue of the Foundation Programme Certificate of Completion (F2).

Appeal not upheld

5.3 If the appeals panel agrees that there is insufficient evidence, or that there are patient safety concerns, it may acknowledge any administrative/process error but must confirm to the foundation doctor that the decision not to complete the Foundation Year 1 Certificate of Completion form (F1) or Foundation Programme Certificate of Completion (F2) was correct and remains in place.

**6. Notification of appeal outcome**

6.1 The appeals panel's decision together with any decision regarding the offer of remedial training will be communicated to the foundation doctor by the Chair of the Appeals panel in writing and within 5 working days\* of the meeting unless adjournment for further information is decided.

6.2 The FSD will inform the foundation doctor's employer of the outcome of the appeal, in order that they may take any action they deem appropriate at this stage.

6.3 Where appropriate, the NECFS, NWLFS and STFS Director/Associate Director will arrange a suitable period of targeted remedial training funded by the Deanery. The foundation doctor will be given a written statement and action plan setting out clearly the programme they are required to undertake and the criteria by which it will be decided whether he/she has reached the required standard for sign-off.

The UKFPO Reference Guide allows that the F1 doctor may make a final appeal against the decision of the graduating UK university/medical school through the Office of the Independent Adjudicator (OIA) or equivalent. Further details should be available from the university/medical school of graduation.

\* for the purpose of this procedure, working days are Monday to Friday excluding Bank and Public Holidays.

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