



RCSI

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PROFESSIONAL COMPETENCE SCHEME & CPD APPROVAL

APPEAL REGULATIONS



Professional Competence Scheme & CPD approval

Appeal Regulations

The Royal College of Surgeons in Ireland takes very seriously its responsibility to have a mechanism in place to allow an appeal on decisions affecting a doctor's professional development or decisions regarding approval of events. The procedures laid out in this document apply to all doctors enrolled on the Professional Competence Scheme (PCS) or applicants to PCS or applicants for events approval.

The College reserves the right to amend this Policy where the interests of fair procedures and natural justice so require.

1. Appeal Committee Structure

Membership of the Appeals Committee (the "Committee") for a particular case will be selected as deemed appropriate by the Chair Committee of Surgical Affairs / RCSI nominee) depending on the nature of the individual case. In all cases it shall be appropriate to have a public representative included in the membership of the Committee.

The Secretary for the Committee will be the Associate Director for Surgical Affairs or nominee.

Chair: The Chair of each Appeals Committee will be appointed by the MD of Surgical Affairs, RCSI.

A minimum of three individuals, including a public representative, will serve on the Committee.

The Secretary will be in attendance to ensure the accurate recording and compliance with rules and regulations.

There shall be only one decision of the Committee.

3. Matters for Appeal

The Appeals Committee shall have authority to hear the following appeals:

- (i) Decision in relation to approval of CPD credits for an event
- (ii) Outcome of a PCS Verification Process
- (iii) Enrolment in PCS

An appeal will be considered if there is evidence of apparent substantive procedural irregularity on the part of RCSI in any of the processes, i.e. evidence that RCSI appears to have failed to have followed its own conventions or regulations properly, and which the doctor / applicant reasonably believes may have had a bearing on the outcome of the decisions taken.

4. Submitting an Appeal

A doctor / applicant who wishes to appeal should submit their appeal in writing to pcs@rcsi.ie within 30 days of the formal notification of the decision or communication in relation to professional development or approval of an event.

The Appeals Secretary will inform the relevant personnel that such an appeal has been lodged, and will also inform the Dean of Professional Development and Practice, at the next available opportunity.

5. Grounds to Proceed

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, consisting of the Secretary and two senior members of College staff. The decision will be based on whether the appeal satisfies the criteria e.g. it relates to procedures rather than the questioning of judgment and prima facie evidence has been provided; or that prima facie evidence has been supplied to substantiate claims for exceptional circumstance.

The Secretary will ensure the doctor / applicant is informed if an application to appeal a decision has been granted or refused to proceed.

6. Procedures of Appeals Committee

Following the formation of the Appeals Committee, 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 doctor's / applicant's written appeal, including any documentary evidence will be provided to the Committee.

All documentation provided to the Committee will also be provided to the doctor / applicant.

A committee meeting will be convened and the doctor / applicant informed of the date and time of the meeting.

The doctor / applicant has the right to present their appeal at the hearing and will be invited to attend by the Secretary. Attendance in person by the doctor / applicant at the hearing is compulsory unless otherwise agreed in writing in advance by the Chair of the Committee. A doctor / applicant who has previously indicated that they will attend, and who fails to appear will have their case dismissed.

The doctor / applicant will be advised in advance of the hearing of the right to be accompanied by another representative.

7. Formal Committee Hearing

The Chair of the Appeals Committee will attend to the following:

- (i) Conduct introductions and explain the functions of the Committee;
- (ii) Explain the possible outcomes from the decisions of the Committee;
- (iii) Invite the doctor / applicant, to make a statement in her / his own words and allow members of the Committee to direct questions to the doctor / applicant.
- (iv) Invite any other person(s) who may be able to provide expert advice on specific aspects of the case to make a brief statement with members of the committee being allowed to ask questions after each statement. The doctor / applicant will be invited, through the Chair, to ask questions.
- (v) Once satisfied that all parties have had a full opportunity to make statements and ask questions, invite the appellant to withdraw.
- (vi) Ensure that the contact details of the doctor / applicant are taken and are available to the Committee.
- (vii) Chair and facilitate discussion of the case and ask for a decision to be made.
- (viii) Formally notify the Chair of Professional Development & Practice Committee (of the outcome. RCSI

8. Powers of the Appeals Committee

The Appeals Committee may uphold the appeal. This may result in:

- a) A decision to return to the Professional Development & Practice Committee to be reassessed;
- b) A new application may be considered

The committee may seek further information and reconvene

The committee may reject the appeal.

9. Communication of Decision

The formal determination of the Appeals Committee will be given to the doctor / applicant in writing.

Should the doctor / applicant not be prepared to accept the decision of the Appeal's Committee, the doctor / applicant has a right to make an appeal to the 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 Committee's 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.

10. Confidentiality and Data Protection

A record of all decisions made under this Policy will be kept for six (6) years following the decision.

11. Timescale for Appeals

A doctor / applicant must submit any appeal in writing within thirty days (30) days of the date of notification of the relevant decision.

RCSI aims to deal with appeals as quickly as possible. However, doctors / applicants should be aware that it may take some time before an appeal is resolved. A doctor / applicant may be asked to provide further information before his/her appeal can be considered by the Appeals Committee.

All email correspondence will be through email address.

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

PCS Appeals
Professional Competence Scheme Office,
Department of Surgical Affairs,
Royal College of Surgeons in Ireland,
123 St Stephen's Green,
Dublin 2.

If a doctor / applicant elects to submit his/her appeal by email, it should be sent (with any necessary supporting documentation attached) to: pcs@rcsi.ie.