

East Midlands Foundation Schools Appeals Policy

1. Purpose of the Document

1.1. This document sets out the procedures that will be followed, should an appeal be lodged against either the LNR or Trent Foundation School.

1.2. This document does not cover the following scenarios:

- Those wishing to lodge an appeal regarding the inter foundation school transfer, national recruitment or special circumstances process must follow the appeals policies managed by the UK Foundation Programme Office.
- F1 Trainees who are UK graduates wishing to lodge an appeal against an F1 ARCP Outcome 4 must follow the appeals policy set by their graduating medical school.

2. Principles of the Appeals Policy

2.1. The process of appeal will be governed by the following guidelines:

- The appeals policy will be readily accessible and available to all.
- The process of appeal and the procedures followed will be open and transparent,
- and in accordance with law.
- Those considering appeals will do so in a fair, reasonable and indiscriminate way.
- Appeals will be heard and decided in a reasonable time.
- The confidentiality of the appellant will be maintained, subject to the requirement
- for appropriate investigations.

3. Circumstances which may Warrant Appeal

3.1. A trainee will have the right to lodge an appeal wherever he or she is able to demonstrate that the actions of either the LNR or Trent Foundation School¹ has not followed procedure. This could be, but is not exclusively; in the case of:

- Annual Review of Competency Progression (ARCP)
- F2 LAT Recruitment
- F2 Abroad
- Less Than Full Time Training
- Time Out of Foundation Programme

3.2. The trainee should establish whether they are appealing to the Foundation School against the application of the school's procedures or should be appealing to the Trust against the application of the Trust's procedures.

4. Lodging an Appeal

4.1. In the first instance, the trainee should always attempt to resolve their complaint by presenting the case to their Educational Supervisor and Foundation Training Programme Director, where appropriate. This must be done within 7 days of being notified of the decision or result that is being appealed.

4.2. Where this is not possible, or where the issue is not resolved to the satisfaction of the trainee, the case may then be presented in writing to the relevant Associate Foundation School Director. This must be done within 7 days of being notified of the decision or result that is being appealed.

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4.3. The trainee will be notified of the decision of the Associate Foundation School Director in writing. The trainee will be informed that if they are unsatisfied with the decision made, they can request for a final appeal to be heard by the Foundation School Board Appeals Panel. This request must be made in writing to the Chairman of the Foundation School Committee within 7 days of being notified of the decision of the Associate Foundation School Director. The request must include a full statement of the grounds of appeal and of any evidence to support the appeal.

5. Foundation School Board Appeals Panel

5.1. A Foundation School Board Appeals Panel will be convened, which consists of the following members:

- Director of Foundation Training (Chair);
- Foundation Training Programme Director (not previously involved in the case).
- Lay representative

5.2. The appellant and defendant must submit all evidence including any supplementary evidence to the panel no later than 10 working days before the panel hearing.

5.3. The trainee can invite their professional organisation representative to attend the panel meeting with them. We ask that the trainee notify the Specialty Liaison Manager (Foundation Schools) no later than 10 working days before the panel hearing; should they wish their professional organisation representative to attend.

5.4. All evidence that will be considered by the panel will be shared with the appellant and defendant no later than 5 working days before the panel hearing.

5.5. The Panel members will consider the statement and evidence provided by all parties. Neither the appellant nor defendant will have the right to cross examine the other party.

5.6. The Panel will decide whether the appellant has demonstrated that procedures have not been followed and that this has had an adverse effect on their training.

5.7. The Chair of the Panel will inform the applicant of the outcome of the appeal within 3 working days of the panel hearing.

5.8. The decision of the Appeals Panel will be final, and the trainee will have no further right to appeal.

6. Withdrawal of Appeal

6.1. Should a trainee wish to withdraw an appeal, this must be done in writing at any stage of the process. Notification of a withdrawal should be sent to the Specialty Liaison Manager (Foundation Schools).

Last reviewed: October 2016