

LTC15D061

Title: *F1 doctor appeal panel regulations*
Author: Sarah Wright based on Cambridge University document
Date: 20th November 2015
Circulation: LTC – 2 December 2015
Agenda: LTC15A002
Version: Final
Status: Open

Issue

F1 doctors (i.e. doctors in their first postgraduate year) are nominally under supervision of their graduating medical school. We delegate responsibility for ‘signing off’ completion of their F1 competencies [i.e. gaining a ‘Certificate of Experience’ under Section 10 of the Medical Act 1983], and therefore right to progress to F2 training and to gain registration with the GMC, to Health Education East of England (HEEoE).

Where an F1 doctor fails to complete their F1 programme successfully they will not be ‘signed off’ by HEEoE. Thus, they will not receive a ‘Certificate of Experience’ under section 10 of the Medical Act 1983. If a doctor appeals this HEEoE decision, this appeal should be heard by their graduating medical school. For our MB BS graduates, that would be UEA. This document sets out the panel regulations for such an appeal to be heard.

Recommendation

To approve these regulations subject to the two minor edits on the final page.

Resource Implications

Very low – we are not aware of any such appeal in the last five year. Thus, it would appear rare for doctors to get to the point of appealing a decision of HEEoE, and for an appeal panel to need to be formed.

Risk Implications

Medium – a decision not to uphold an appeal and therefore to agree with a decision of HEEoE is a significant one that would prevent a doctor gaining full registration with the GMC. Such a decision has substantial financial implications for the doctor concerned.

Equality and Diversity

Any issues around disability etc. would need to be considered carefully by HEEoE prior to recommending that no Certificate of Experience can be issued for a doctor. The UEA Appeal panel would likewise need to ensure it operated within the Equality Act 2010.

Timing of decisions

We are not aware of any impending appeals. Nevertheless, we would welcome approval of these Panel Regulations as soon as possible.

Further Information

Richard Holland: r.holland@uea.ac.uk

Background

UEA should have regulations in place to provide for a Panel hearing in the rare event of one of our MB BS graduates not being signed off from their F1 training and wishing to appeal the decision of HEEoE. The attached document sets out Panel regulations to allow such an appeal to be heard.

Discussion

We have an obligation to have an appeals system for our graduate F1 doctors. These regulations articulate how an appeal panel hearing would occur.

The attached regulations were drawn up, based on similar regulations from Cambridge University, and have been approved by FMH LTQC in October 2014, and we now seek approval by LTC.

Attachments

UEA F1 Appeal Regs

UNIVERSITY OF EAST ANGLIA

**REGULATIONS FOR APPEAL
PROCESS FOR F1 DOCTORS**

UNIVERSITY OF EAST ANGLIA
REGULATIONS FOR APPEAL PROCESS FOR F1 DOCTORS

INTRODUCTION

- 1 A holder of the degree of MB BS from the University of East Anglia (hereafter referred to as “the University”) who seeks full registration with the General Medical Council (GMC) and who satisfies the requirements of the Medical Act 1983 as to experience, may apply to the University for a Certificate of Experience under Section 10 of that Act following satisfactory completion of an approved Foundation Year Programme (F1 Programme) of placements in a formal employment setting. In these regulations, a doctor with a degree of MB BS from the University on an approved F1 Programme is referred to as a “F1 doctor”.
- 2 The initial decision to provide a Certificate of Experience to a F1 doctor who holds a MB BS from the University, is taken, on behalf of the University, by Health Education East of England (HEEofE) which is the Local Education and Training Board (LETB) linked to the University. This decision is based on evidence, collated for the Annual Review of Competency Progression (ARCP), that the F1 Doctor has completed the requirements of the Foundation Programme Curriculum for Foundation Year 1. This evidence is collated by the LETB (or equivalent body) linked to the F1 doctor’s Foundation School.
- 3 In these regulations, the LETB (or equivalent body) linked to the F1 doctor’s Foundation School is referred to as “the LETB”. The LETB makes a recommendation to HEEofE on whether the F1 Doctor has completed the requirements of the Foundation Programme Curriculum for Foundation Year 1 (approved by the GMC). In any case in which the LETB recommends that the F1 doctor has not completed the requirements of the Foundation Programme Curriculum and that the F1 doctor be released from the Foundation Programme, HEEofE will decline to issue a Certificate of Experience and the F1 doctor may appeal to the University under these procedures.
- 4 Such appeals will normally only be heard after the initial period of F1 training has been extended by the LETB due to the F1 doctor concerned being unable to provide

evidence of the acquisition of competences and performance in practice in accordance with the requirements of the Foundation Programme Curriculum.

- 5 Appeals with respect to a decision to extend the F1 year of training will normally be heard by the LETB.

THE COMPOSITION, ROLES AND DUTIES OF THE F1 DOCTOR APPEAL PANEL

- 6 A F1 Doctor Appeal Panel shall be appointed to consider an appeal which is made by a F1 doctor in respect of a decision by the LETB to recommend the F1 doctor is released from the Foundation Programme (ARCP Outcome 4). A F1 Doctor Appeal Panel shall be appointed by the Senior Faculty Manager, following consultation with the Head of Norwich Medical School of the University (hereafter referred to as “the Head of School”), as soon as practicable after receiving the notice of the appeal. The F1 Doctor Appeal Panel shall comprise the Head of School as Chair (or a nominated deputy) and a minimum of five other members, one of whom shall not be a GMC-registered medical practitioner. They will be the MB BS Course Director, the Director of Clinical Skills, the Chair of the Professionalism Committee, the Senior Faculty Manager and a representative from another UKFPO programme, other than that where the F1 doctor has been employed.
- 7 A member of HEEofE administrative staff, shall serve as Clerk to the F1 Doctor Appeal Panel.
- 8 No member of the F1 Doctor Appeal Panel shall have had any material involvement or interest in respect of the individual F1 appeal case before the panel. All members of the F1 Doctor Appeal Panel shall be required to make a declaration of interest in the case.

F1 DOCTOR APPEAL PANEL PROCEDURES

- 9 A F1 doctor may appeal on one or more of the following grounds:
 - (i) irregularity in the process followed by the LETB;
 - (ii) the coming to light of fresh evidence, which was not available and/or presented to the LETB for a good reason;
 - (iii) the recommendation of the LETB was manifestly unreasonable.

- 10 A notice of appeal shall be in writing and shall be received by the LETB within twenty one days of the F1 doctor being notified of the decision.
- 11 The notice of appeal shall state the grounds on which the appeal is made. The F1 doctor shall not be entitled to rely, during the appeal, without the permission of the F1 Doctor Appeal Panel, on any grounds other than those set out in the notice of appeal.
- 12 On receipt of the notice of appeal, the LETB shall inform the Senior Faculty Manager and the Head of School. The Senior Faculty Manager shall then appoint a F1 Doctor Appeal Panel to determine the appeal.
- 13 If the F1 doctor formally withdraws, in writing, from the F1 Programme at this stage, the LETB shall confirm the position in writing with the F1 doctor and shall inform the Head of School and the Senior Faculty Manager. The Clerk of the F1 Doctor Appeal Panel shall write to the F1 doctor to confirm that no further action will be taken on the appeal, and that no subsequent appeal will be possible.
- 14 The Chair of the F1 Doctor Appeal Panel shall determine the procedure to be adopted by the F1 Doctor Appeal Panel which shall normally include:
- (a) informing the F1 doctor of the persons appointed to be members of the F1 Doctor Appeal Panel;
 - (b) informing the F1 doctor and the LETB of the evidence required for consideration by the F1 Doctor Appeal Panel;
 - (c) informing the F1 doctor and the LETB of the names of any persons who may be asked to attend a F1 Doctor Appeal Panel hearing to give evidence and setting out the basis upon which the F1 doctor may call persons who may have information relevant to the case to give evidence either orally at the hearing or in writing;
 - (e) setting a timetable for the progress of the proceedings, including time limits for each step of the proceedings and making arrangements for any hearing.
- 15 The Clerk of the Appeal Panel shall inform the F1 doctor of the procedure to be followed and whether he or she is required to attend any appeal hearing.

- 16 If the F1 doctor has good cause to object to the membership of a F1 Doctor Appeal Panel, he or she shall provide grounds to the Clerk of the F1 Doctor Appeal Panel in writing within seven days of being notified of the membership of the panel. The Senior Faculty Manager shall consult with the Head of School and decide whether to replace that member of the panel and shall appoint an alternative member as considered appropriate. The Clerk of the F1 Doctor Appeal Panel shall inform the F1 doctor accordingly. The decision of the Senior Faculty Manager shall be final.
- 17 The F1 doctor may choose to be accompanied by another person chosen by him or her. The F1 doctor shall, at least seven days in advance of any hearing, inform the Clerk of the F1 Doctor Appeal Panel of the identity and contact details of any such person, his or her relationship to the F1 doctor (if any) and the capacity in which he or she is attending.
- 18 The hearing shall be held in private unless the Chair of the F1 Doctor Appeal Panel agrees to a request from the F1 doctor that the hearing be held in public.
- 19 The Chair of the F1 Doctor Appeal Panel shall determine the procedure for the conduct of any hearing. The Clerk of the F1 Doctor Appeal Panel shall notify the F1 doctor and the members of the panel of the procedure to be followed.
- 20 The F1 Doctor Appeal Panel shall consider its decision in private. The Clerk of the F1 Doctor Appeal Panel shall be present throughout the hearing and throughout consideration by the panel of its decision.
- 21 The F1 Doctor Appeal Panel shall normally make a decision on the day of the hearing. If this is not possible the panel shall reserve its decision for a later date to be notified to the parties. The decision of the F1 Doctor Appeal Panel shall be by a simple majority and the Chair shall have the casting vote.
- 22 The F1 Doctor Appeal Panel may confirm the original decision, or may substitute the previous decision with the recommendation of an alternative course of action in accordance with the options available under F1 Programme guidance.
- 23 As soon as possible, normally within seven days from the F1 Doctor Appeal Panel hearing, the Clerk of the F1 Doctor Appeal Panel shall inform the F1 doctor in writing of the decision.

- 24 The decision of the F1 Doctor Appeal Panel is final and there is no further right of appeal within the University.
- 25 The University of East Anglia and the LETB shall make a record of the decision and any recommendations or actions to be taken.
- 26 The University of East Anglia shall send a copy of the record to the LETB, HEEofE and the General Medical Council.