

APPEALS RULES

Previous edition: August 2021

This edition: May 2023

1. Application

These rules apply whenever an Applicant or Registrant wishes to challenge:

- a. a decision of the Registration Approvals Committee (RAC) to refuse to admit them to the Register of the UKPHR
- b. a decision of the Registrar to refuse to restore them to the Register of UKPHR
- c. a decision of the Fitness to Practise (FtP) Panel to impose a sanction.

2. Grounds for appeal

The grounds upon which an appeal can be made are that:

- a. the decision of the Registrar, the RAC or the FtP Panel was wrong because of a serious procedural or other irregularity in the proceedings.
- b. New material evidence arises that could not have been obtained with reasonable diligence at the original assessment, and which is such that it could have an important influence on the decision of the Registrar, the RAC or the FtP panel.

There is no right of appeal against a decision of the Registrar or RAC regarding admission or restoration to the register in circumstances where the appellant could make a new application (e.g. on the basis of subsequently acquired evidence supporting that application).

3. Who may appeal

The following persons may make an appeal in the circumstances described:

- a. An applicant who is the subject of a decision by the RAC not to admit to the Register upon application for registration
- b. An applicant who is the subject of a decision by the Registrar not to restore to the Register upon lapsing or voluntarily withdrawing
- c. A Registrant who is subject to sanctions imposed by the FtP Panel.

4. Time limit for appeal

An appeal must be submitted in writing by the Appellant to the UKPHR and must be received within 28 days of the date of the decision appealed against, unless it appears to UKPHR that it would be fair to give an extension.

5. Lodging an appeal

An appeal must be made by submitting the Notice of Appeal Form to UKPHR. The Appellant must clearly set out in the Form their grounds for the appeal in accordance with paragraph 2 of these Rules and provide any new material evidence, together with an explanation why it would have affected the decision of the Registrar, RAC or FtP Panel and why it was not previously available.

A Notice of Appeal Form must be emailed to register@ukphr.org. The UKPHR shall send the Appellant acknowledgement of receipt via email.

The Notice of Appeal Form must include payment as outlined in the UKPHR fees schedule, published on their website. The Appeal Panel may decide that the fee should be refunded in whole or in part if any part of the appeal is upheld.

6. Receiving and processing an appeal

Following the receipt of an appeal, UKPHR will determine whether the appeal:

- a. has been received within the required timeframe
- b. includes payment of the prescribed fee
- c. relates to decisions that can be appealed (as per paragraph 1 above)

7. Appeal Panel

The Appeal Panel shall consist of a Chair (who may be a lay or a regulated public health professional), one lay member and one regulated public health professional member. No person who has previously sat as a member of a RAC or FtP Panel in respect of a matter which is the subject of an appeal may be a member of the Appeal Panel dealing with that appeal.

The Appeal Panel may be assisted by a legal or specialist advisor.

The Appellant will be notified of panel members once they are assigned, to eliminate any suggestion of conflict.

8. Appeal process

The Appeal Panel will normally be conducted in a closed Appeal Meeting, where the panel takes into account all written submissions from the Appellant and UKPHR.

The Appeal Panel will review all written submissions prior to the Appeal Meeting. They can request further information or clarity from the Appellant or from UKPHR (represented by the Registrar, the Chief executive, or legal counsel), prior to the Appeal Meeting, via written submission.

All written submissions will be shared with the Appellant and UKPHR prior to the Appeal Meeting. Each party will have the opportunity to respond in writing to the other party's written submission, prior to the Appeal Meeting, for consideration by the Appeal Panel.

If there is an appeal of the FtP Panel decision to impose a sanction, the Appellant has the right to request an Oral Hearing of the appeal. If the panel considers it would be fair

to conduct one, an oral hearing can take place, normally via conference call. Oral Hearings will be in private unless either party requests a public hearing.

8. Appeal decision

The Appeal Panel will make decisions by consensus. If no consensus can be reached, decisions shall be taken by a simple majority.

The Appeal Panel may determine to:

- a. dismiss the appeal
- b. allow the appeal and quash the decision appealed against
- c. remit the complaint back to the Registrar, the RAC or the FtP Panel to dispose of in accordance with the directions of the Appeal Panel.

9. Notice of Appeal Meeting and decision

The Administrator shall send via email a notice of the date set for the Appeal Meeting to the Appellant no less than 20 working days prior. Neither the Appellant nor UKPHR representatives can attend a closed Appeal Meeting. However, UKPHR staff may provide secretariat support.

The Appellant or UKPHR may make an application to postpone the Appeal Meeting.

The decision of the Appeal Panel will be shared with the Appellant via email within five working days of the panel date.

Notice of public Oral Hearings and decisions will be published.

Definitions:

Appeal Panel – the independent panel established by UKPHR to hear appeals of decisions of the Registrar, the Registration Approvals Committee, and a Fitness to practice panel.

Appeal Meeting – normally a closed meeting of the Appeal Panel, where they consider all written submissions from the Appellant and UKPHR.

Appellant- the registrant or applicant bringing an appeal under these rules, or their representative.

Fitness to Practise Panel – the panel established under UKPHR’s Articles of Associate for the purpose set out in UKPHR’s Fitness to Practise Rules

Oral Hearing – when the Appeal Panel considers it fair to do so upon request of the appellant, the appellant may be given the opportunity to make their case orally at a private hearing.

Registrar – a non-director who works to ensure standards are upheld, assuring registrants’ ongoing competence

Registration Approvals Committee – the committee of individuals (non-directors) which determines whether to admit an applicant to the Register

Sanction – a decision by a Fitness to Practise Panel to limit or restrict a registrant's scope of practice if practice is impaired. This may include temporary or permanent removal from the UKPHR Register.