

Title: Council Policy and procedures for appeals POL019 - V1		Page: 1 of 3
Owner: PD	Approved by: Council	Approval Date: 14.03.2013

Purpose

The purpose of this document is to set out the Pre-Hospital Emergency Care Council (“the Council”) policy and procedure for appeals against decisions of the Director.

Policy

It is the policy of the Council that all appeals are managed effectively in accordance with the procedures set out below.

Scope

This appeal procedure applies to decisions of the Director regarding:

- a) NQEMT Examination¹,
- b) Recognition of Professional Qualifications,
- c) Registration,
- d) Educational Awards (assistant tutor, tutor and facilitator),
- e) Recognition of Institutions and Courses,
- f) Approval of Service Providers for CPGs.

The Appeals Panel

Terms of reference

The purpose of the Appeal Panel is to consider appeals of decisions of the Director and to adjudicate on those appeals.

Membership and Composition

The Appeals Panel is appointed by Council and shall consist of 5 members. The Appeal Panel will include 2 Council members, a patient representative and two other persons (who are not Council members). A meeting of the Appeal Panel shall be quorate when 3 members are present. The chair will be a Council member.

¹ The Council has set out additional procedure for NQEMT Exam appeals, see below.

Conduct of Appeal Hearing

1. An appeal must be made in writing addressed to the Appeal Panel. The appeal must be sent by post or by hand to the PHECC office or alternatively by email to info@phecc.ie. The appeal must be received by PHECC within 28 days of the date of the letter from PHECC informing of the decision which is being appealed.
2. The appeal must include the appeal fee which can be enclosed or paid using PHECC's electronic payment facility.
3. The secretariat of the Appeals Panel will acknowledge receipt of an appeal.
4. The appeal must clearly set out the grounds for the appeal. For example "I wish to appeal against the decision of PHECC because"
5. The appellant should state in his/her appeal whether the appellant requests the Appeal Panel to hear oral submissions from the appellant.
6. In circumstances where oral submissions are not requested by the appellant, the Appeal Panel may request that oral submissions be made.
7. The relevant officer within PHECC or a person appointed on his/her behalf may file replying submissions to the Appeal Panel setting out a response to the appeal. A copy of the PHECC submissions will also be sent to the appellant. The relevant officer within PHECC may request that the Appeal Panel hear oral submissions by or on behalf of PHECC at the appeal hearing.
8. If oral submissions are not made to the Appeal Panel, the Appeal Panel will consider the appeal based on the content of the original PHECC file of the decision under appeal, documentation submitted by the appellant together with any submissions by or on behalf of the relevant officer within PHECC.
9. Legal advice and administrative support as required will be made available to the Appeal Panel. Any legal advice received by the Panel will be shared by the Panel with the parties.
10. The Appeals Panel will review all the documents set out at No 7 above and may request additional information or may seek clarification from the parties.
11. When the Appeal Panel is satisfied that they have sufficient information they will make a decision on each ground of appeal raised. In making its decision, the Panel may uphold, vary or overturn the decision which is being appealed.
12. The Appeal Panel will write a report setting out their decision and reasons for the decision.
13. The decision of the Appeals Panel is final except for appellants seeking recognition of qualifications in accordance with *SI No. 139/2008 - Recognition of Professional Qualifications*. Such persons may appeal within 42 days to the High Court a decision made by the Appeal Panel.
10. The appellant and the relevant officer within PHECC will be furnished with the report of the Appeals Panel.

NQEMT Examination

PHECC has set out below the circumstances where it will consider NQEMT Exam appeals.

1. Only appeals of one of the following will be considered by the Appeals Panel:
 - a) That PHECC's examination procedures, available in the NQEMT Examination Handbook, were not properly employed in the conduct of the examinations and that this procedural irregularity disadvantaged the appellant. For example, equipment failure in an OSCE or PC malfunctions not immediately rectified, e.g. by provision of a paper MCQ exam.
 - b) Extenuating circumstances, referring to a serious or unforeseen event in which the appellant suffered an illness or some personal or family trauma at the time of examination. The appellant must provide original medical certificates or other supporting information to support their case that extenuating circumstances apply. The illness or trauma must be shown to have affected them in the examination or in the period immediately leading up to it.
2. A successful appeal will not lead to an examination result being altered. When an appeal is upheld, the usual outcome is to allow an opportunity to retake that part of the examination that was in dispute without payment for further examination fees.
3. If a student has cause to appeal a matter in relation to the Institution's conduct of an NQEMT they should follow the Institution's appeals and complaint procedures.
4. The following circumstances will not be considered grounds for appeal and any such applications will be returned:
 - a) Perceived past shortcomings in tuition, supervision or support from the Recognised Institution. The Institution's complaints procedures must be followed to address these issues as they arise.
 - b) The structure, content or presentation of MCQ or SWA questions. Perceived shortcomings in individual MCQ or SWA questions cannot be considered as grounds for appeal.
 - c) The actual mark awarded for an examination. Being close to the pass mark is not grounds for appeal. If a student wishes to have clarification about results for a part of an examination, except the OSCE, an examination viewing and recheck can be considered.

Version History

Version	Date	Details
1	14.03.2013	New policy document