

AHCS Appeals and Complaints Process for Equivalence Applications

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Purpose

1. This document sets out the process for appeals and complaints raised in relation to equivalence functions. **An appeal is a request for the re-consideration of a decision regarding the outcome of an equivalence application based on the reasonable belief that a procedural irregularity or administrative error has occurred.** The AHCS is concerned to address any such occurrences and learn from them.
2. **A complaint is any expression of dissatisfaction about the standard of services provided at any point during the processes related to the AHCS equivalence functions.** The AHCS recognises that, on occasion, there will be legitimate complaints which individuals will wish to raise. The AHCS can benefit from exploring such issues, and the lessons learnt to enhance its work and ensure continuous improvement.

Grounds for appeal

3. An appeal can only be made on the grounds that an individual making an appeal reasonably believes that an irregular procedure or improper conduct occurred during the submission, assessment, or ratification of an equivalence application. This could include:
 - the correct process not being followed.
 - the individual (or the named representative) not being informed of any delays.
 - equivalence assessors not following process and considering all the evidence base.
4. An individual cannot appeal to challenge the judgement of the equivalence assessors. The fact that an individual making an appeal believes that they deserve a different outcome cannot constitute grounds for appeal.
5. An appeal must be made within 28 working days of receipt of the outcome of the equivalence process. Such details must be included in the appeal submission.
6. The appeal should be made by completing the [AHCS Concern & Complaint Form](#) and send it to complaints@ahcs.ac.uk and addressed to the Chair of the Education, Training and Standards Committee (ETSC).
7. The written appeal MUST include:
 - the name and address of the individual making the appeal.
 - a concise statement of the grounds of the appeal.
 - the date, nature and other relevant details of the procedural irregularity or administrative error.
 - any information or evidence that supports the appeal.

8. On receipt of the appeal into the complaints@ahcs.ac.uk inbox, the Head of Operations should:
 - confirm receipt by return of email to the individual within 3 working days of the appeal being received.
 - log the appeal on the AHCS's appeals and complaints tracker.
 - Refer the complaint on to the Equivalence team who will check that there are valid grounds for the appeal as set out in paragraph 3.
 - The Equivalence team will notify the Chair of the ETSC.
9. The Chair will inform:
 - the Chair of the AHCS Regulation Board.
 - the Head of Standards and Equivalence Lead.
10. The nominated administrative support working with the Chair of the ETSC will establish a panel to consider the Appeal.
11. Each appeal panel will have administrative support by an employee of the AHCS who has not been previously involved in the decision being appealed against. If the information set out at paragraph 7 above is not included or deemed insufficient, the administrative support nominated by the Chair of the ETSC will contact the individual and request the relevant information.
12. The ETSC Chair will also request the relevant head of process to prepare a short report in response to appeal, providing relevant factual information for the appeal panel (see paragraph 19 below).
13. Where it becomes clear that a procedural irregularity or administrative error has occurred, the relevant head of process can take action to rectify the anomaly. The individual who lodged the appeal will be notified of the action taken and, with agreement of the individual, the appeals process ceased.
14. The AHCS will establish a panel to consider the appeal if it is not resolved at an earlier point.

Membership of an appeal panel

15. The panel should comprise no fewer than three members agreed by the ETSC Chair and shall include:
 - no more than two people who are on a statutory register with knowledge of equivalence.
 - one patient and public voice representative.

16. A person is not eligible to be a member of a panel if they have been involved in any other capacity in the submission which is to be considered by the appeal panel.
17. Decisions by a panel shall be made by the majority outcome. In the event that agreement cannot be met, the Chair of the appeal panel will determine the outcome.

The appeals panel process

18. The nominated administrative support will contact the panel members and circulate the documentation provided by the individual and the report prepared by the Head of Standards and Equivalence Lead.
19. The Head of Standards and Equivalence Lead's report will usually set out: the details of the equivalence process including a timeline for each step of the process, the outcome and a response to the case set out in the letter of appeal. The report will not make any comment on whether there are grounds of appeal. The exact content of the report will be dependent on the nature of the appeal.
20. Each panel member reviews the appeal independently and then comes together to discuss their findings. This meeting may be conducted via email, or virtually through an appropriate platform, for example Microsoft Teams. Where a virtual meeting is required, the nominated administrative support will make the necessary arrangements and be in attendance, if requested by the panel.
21. By the end of the meeting, the panel should have agreed the outcome of the appeal and the Chair of the appeal panel prepared the appeal outcome form (see appendix 1) to be submitted to the nominated administrative support.
22. If necessary, the appeal panel may undertake further information gathering and fact finding, including receiving written statements or conducting interviews, or request further information from any party involved.
23. The appeal panel will have 28 working days to complete their initial review. Should further investigation be required, the Chair of the appeal panel will notify the nominated administrative support of the revised deadline. Should this cause a delay to the outcome past the normal 30 working days from receipt of the appeal, the nominated administrative support will notify the individual.

Outcomes

24. The appeal panel will come to its conclusion, testing out the available evidence against the stated grounds of appeal and can decide that:
 - one or more procedural irregularities occurred.
 - the evidence presented would have materially altered the outcome.

- there were no procedural irregularities and therefore, the original decision stands, and the appeal is dismissed.
25. Where the appeal is upheld, the panel should:
- Remit the matter back to the ETSC with recommendations about what must happen next, for example that an application is reassessed by a new panel of reviewers.
26. As noted in paragraph 21 above, the Chair of the appeal panel will complete an appeal outcome form which should be sent to the nominated administrative support who will prepare a final letter conveying the outcome of the appeal panel on behalf of the Chair of the ETSC. The letter should normally be sent to the individual within 10 working days of the appeal panel coming to its decision and within 40 working days of the appeal being received by the AHCS. The outcome will include the reason(s) for reaching that decision. A record should be retained on file by the AHCS and the outcome recorded on the AHCS's appeals and complaints tracker.
27. The AHCS aims to ensure that all appeals are considered by an appeal panel and the individual notified of the outcome, within 40 working days of receipt of the appeal. Where it is not possible to meet this deadline, due to unforeseen circumstances, the nominated administrative support will inform the individual of the revised time scales.
28. A record will be retained on file by the AHCS in line with the AHCS's data retention schedule.
29. The outcome of the appeal will be reported to the Chair of the AHCS Regulation Board.

Summary timeline – appeals

Working Days after receipt of the appeal	Action
Day 0	Receipt of the appeal via the complaints@ahcs.ac.uk email address. Receipt recorded on the AHCS's appeals and complaints tracker by member of relevant admin team.
+3 days	The ETSC Chair (or nominee) will acknowledge receipt of the appeal via email and convene the appeal panel.
+10 days	The relevant head of process produces a report outlining the details of the application, including timelines and submits to the appeal panel.
+15 days	The appeal panel is convened and considers the documentation provided The panel determines whether there are grounds for appeal and any actions to be taken.
+10 days	The panel decision is notified to: <ul style="list-style-type: none">• the individual• A record of the outcome is kept on file and the appeals and complaints tracker updated.

Grounds for making a complaint

30. The AHCS regards any complaint as an expression of dissatisfaction about the standard of service provided in relation to the AHCS's functions.
31. Complaints might be made about things such as:
 - the quality of the equivalence process the AHCS provides.
 - the behaviour of staff involved in providing the processes.
 - dissatisfaction with the AHCS's processes relating to equivalence.
32. The AHCS is not able to deal with some matters through the appeals process for example:
 - a request under Freedom of Information or Data Protection legislation.
 - a request for information or an explanation of policy or practice.
 - an appeal about an equivalence outcome.

- an issue which is being, or has been, considered by a court, tribunal, or statutory regulatory body.
- an attempt to have a complaint reconsidered where the AHCS has already given the final decision following an investigation.

Once a complaint is received

33. A complaint should be made in writing by completing the [AHCS Concern & Complaint Form](#) and addressed to the Chair of the ETSC, via complaints@ahcs.ac.uk.
34. Once the complaint is received, the Head of Operations will notify the ETSC Chair, confirm receipt to the complainant, log receipt on the AHCS's appeals and complaints tracker, and refer it on to the Equivalence team who will check to ensure that the following information is included:
 - the complainant's full name and address.
 - details about the complaint.
 - a copy of any documents to support the complaint.
 - what outcome is being sought.
35. If the above information is not included, or deemed insufficient, the member of the administrative team should contact the complainant and request the relevant information.
36. The AHCS encourages the resolution of complaints in an informal way with the individual involved in the first instance. Upon receipt of a complaint the ETSC Chair will review the complaint and consider whether it can be dealt with informally. This might involve informal discussions with the complainant and any individual involved. If the complaint cannot be resolved informally then the Chair nominates a member of the ETSC to undertake an investigation into the matter(s) outlined in the complaint and prepare a short report outlining the recommended action to be taken if required. The committee member may call on another work colleague to help with the investigation.
37. Normally, this will be the Head of Standards and Equivalence Lead, unless they are the subject of the complaint.
38. The report is discussed with the Chair and a response finalised. The relevant member of the administrative team will send the response to the complainant within 20 working days. A record will be retained by the AHCS and reported to the AHCS Regulation Board. The outcome should be recorded on the AHCS's appeals and complaints tracker.
39. The AHCS will act on the recommendations from the investigation which could be:
 - The complaint is not founded; or

- One or more procedural anomalies occurred and the complaint is founded. This may result in a change to standards, processes, or training or potentially disciplinary action being taken if the conduct of an employee is unacceptable.

40. This process is the only process for raising and managing complaints about equivalence.

Summary timeline – making a complaint

Working Days after receipt of a complaint	Action
Day 0	Receipt of the complaint via complaints@ahcs.ac.uk Receipt recorded on the AHCS's appeals and complaints tracker by Head of Operations.
+3 days	The ETSC Chair (or nominee) acknowledges receipt of the appeal via email. The ETSC Chair identifies a member of ETSC to investigate the matter.
+10 days	The committee member reviews the matter and prepares a short report outlining the issues and any recommended actions to be taken and sends to the ETSC Chair.
+20 days	The agreed response is sent to the complainant, outlining any action to be taken and the timescales involved.

How do we deal with your complaint

41. As an organisation, our aim is to provide the best customer service we can for all our registrants and stakeholders; that is why your feedback, good or bad, is so important to us.
42. We realise that sometimes mistakes do happen, so if you are unhappy with something we have done or have not done, then please let us know. Your feedback is valuable to us as it can help us improve our service, and therefore the service you receive in the future.
43. **Our aims**
 - To acknowledge receipt of feedback within three working days.
 - To respond to feedback within 20 working days.
 - To keep you regularly updated as to the progress of your enquiry if the issue has not been resolved within agreed times.
 - To deal with all feedback in an effective, fair and confidential manner.
 - To ensure continuous learning is taken from feedback and implemented.

Quality Assurance

44. A sample of, or a minimum of three, whichever is larger, appeals and complaints will be audited annually by the relevant head of process of the AHCS's quality assurance process.

Appendix 1 Glossary:

'Appeal' means a written request to review the outcome of an equivalence application specified in this policy based on alleged procedural irregularity or administrative error during the submission, assessment, or ratification of the equivalence application.

'Applicant' means an individual who has gone or is going through an equivalence procedure, specified in the guidance.

'Complaint' means an expression of dissatisfaction by an individual about the standard of service provided in relation to the procedures listed at the start of the document.

'Complainant' means a person raising a complaint about the AHCS's processes.

'Head of Process' means the person responsible for the delivery of one of the AHCS's core functions – e.g. programme accreditation, equivalence or standards.

'Individual making an appeal' means a person making an appeal.

'Panel' means three or more individuals requested to convene to review the appeal or complaint and the supporting evidence.

'Patient and Public Voice representative' means a person who is a lay representative of the AHCS.

Appendix 2 Appeal Panel Outcome Form:

Name of individual (or representative)
Contact details:
Appeal summary:
Details of panel members:
Are there grounds for appeal? [please tick one outcome] <input type="checkbox"/> a. one or more procedural irregularities occurred; <input type="checkbox"/> b. the evidence presented would have materially altered the outcome; <input type="checkbox"/> c. there were no procedural irregularities and therefore, the original decision stands, and the appeal is dismissed. The Panel may determine that new assessors are appointed to replace or supplement the original.
Rationale for the decision [insert text here]
Recommendations: <i>Remit the matter back to the ETSC with recommendations about what must happen next, for example that an application is reassessed by a new panel of reviewers.</i> [insert text here]
Learning points for the AHCS [insert text here]