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Addysg a Gwella Iechyd
Cymru (AaGIC)
Health Education and
Improvement Wales (HEIW)

**Effective from 01 May
2020 until further
notice**

Temporary Arrangements for Appeals of ARCP Outcomes.

Temporary arrangements have been agreed at a national level for the completion of ARCP Appeals (Reviews and Independent Hearings). The following procedures will be adopted until further notice. At the end of this document Appendix 1 sets out information on 2 additional temporary codes which if awarded, also allow the trainee to Appeal.

Requests.

Trainees will continue to complete the standard forms available from the HEIW website. The Trainee Progression Team (TPG) will respond within five days to accept the Appeal and commence arrangements. The most recent Gold Guide suggests a maximum of 30 working days for completion although it is anticipated that some delays are likely given the impact of the COVID-19 outbreak. Standard outcome letters issued to trainees from HEIW will now include information on the new temporary arrangements. This guidance note will also be placed on the HEIW external webpages for general access.

Reviews

All Reviews will be completed **virtually** by the original panel members. It will be the responsibility of the awarding ARCP Panel Chair to ensure that the other Panel members provide the Chair with comments and responses to the issues raised by the trainee. The Panel Chair will complete the Review remotely with support and advice from the TPG Manager. The TPG manager will complete the internal forms and with the Panel Chair issue a decision letter to the trainee.

The relevant individuals in HEIW will receive a copy of the decision letter as is standard practice and update the necessary records. If the trainee does not accept the decision following completion of the Review, they are entitled to request a further investigation known as an Independent Hearing (stage two in the Gold Guide) for relevant Outcomes.

Appeals – Independent Hearings : Outcome 3 and 10.2

As COVID-19 restrictions require social distancing, it will not be possible to undertake face-to-face independent hearings in the usual way. In view of this, independent hearings will take place for all **Outcome 3s or Outcome 10.2 with a virtual panel of reduced size**. The trainee (and any representative) **may be** included in the virtual arrangements on request stating why they should be included in the virtual proceedings.

It is anticipated that in some cases, trainees will accept that proceedings will be concluded without their oral evidence. In this case, the evidence from the written submissions (trainee and HEIW representative) will inform the proceedings and decision.

The panel will consist of a minimum of three individuals. The Chair will be drawn from the approved list of Panel Chairs appointed by the Postgraduate Dean, supported by two members from the following list:

- an external college/faculty adviser from the relevant specialty
- a consultant from the same specialty working within NHS Wales
- a lay representative appointed by HEIW
- a trainee representative working within NHS Wales

The Chair will make a recommendation to the Postgraduate Dean and subsequently the TPG will issue a decision letter to the trainee. A copy of the decision letter will be sent to the relevant individuals in HEIW for action and information.

Overtuning an ARCP Outcome 3 during COVID-19:

Trainees assessed during COVID-19 and awarded an ARCP Outcome 3 who believe that a “no fault” ARCP Outcome 10 should have been awarded, can appeal that decision. If the appeal is upheld, the Postgraduate Dean has discretion to make a derogation from the Gold Guide process (GG8:1.12) overturning the Outcome 3 and awarding an ARCP Outcome 10.2

Appeals – Independent Hearings for an Outcome 4

Depending on timescales and appropriate government advice, the trainee and HEIW representative will as per HEIW policy, give their evidence either using appropriate social distancing measures or more likely using video conferencing or equivalent technology. The composition of the panel remains reduced as set out for Appeals of Outcome 3 or 10.2. In the event that the trainee and/or HEIW representative is unable to present their arguments on the day of the hearing, the panel will decide if it is appropriate to reschedule, or to proceed on the basis of the written evidence provided in advance.

Timescales

HEIW policy does not set a specific number of days but timescales are guided by the most recent Gold Guide 8: 4.173 which suggests 30 working days and a maximum limit of one year beyond the decision date for completion.

Further information on Appeals

Advice and queries relating to this temporary arrangement can be obtained by contacting the TPG manager- Bev Frowen on bev.frowen@wales.nhs.uk or telephone 07983 290034. Please note: the TPG manager works Tuesday – Thursday and there may be some delay in replying outside of these normal working hours.

Further information on awarding ARCP outcomes

Information can be obtained from relevant Colleges and from the recent document issued on 30th April 2020 “*Supporting the COVID-19 Response: Management of Annual Review of Competency Progression (ARCP)*” and the four nation document “*Supporting the COVID-19 Response: Enabling Progression at ARCP*”

Issued on behalf of the Postgraduate Dean, Dr tom Lawson. HEIW.

Appendix 1.

New COVID-19 Outcome codes and the Appeal process

Where there are delays in the acquisition of competencies/capabilities which are **not COVID** related, then the usual ARCP outcomes (GG8:4.91) apply and be subject to the usual review (Outcome 2) or appeal process (Outcomes 3 & 4).

The Derogation to GG8: 4.91 **ARCP Outcome 10** makes provision for “no fault outcomes” where training has been disrupted by COVID-19.

ARCP Outcome 10.1: Equivalent to an Outcome 2

This Outcome recognizes that progress is satisfactory but the acquisition of competencies/capabilities by the trainee **has been delayed** by COVID-19 disruption.

The trainee is not at a critical progression point in their programme and can progress to the next stage of their training. Any additional training time will be reviewed at the next ARCP.

Note: An Outcome 10.1 **might also be used** at critical progression points if the mandated capabilities for progression have been amended and can be made up at the next stage in training.

An Outcome 10.1 should not be used for a trainee at the CCT critical progression point.

ARCP Outcome 10.1 is subject only to the review process (GG8:4.614-4.615)

ARCP Outcome 10.2:

Progress is satisfactory but the acquisition of competences/capabilities by the trainee has been delayed by COVID-19 disruption. The trainee is at a critical progression point in their programme and additional training time is required.

ARCP Outcome 10.2 is subject to the appeal process (GG8: 4.166 – 4.179)

Overturing an ARCP Outcome 3 during COVID-19: Trainees assessed during COVID-19 and awarded an ARCP Outcome 3 who believe that a “no fault” ARCP Outcome 10 should have been awarded, can appeal that decision. If the appeal is upheld, the Postgraduate Dean has discretion to make a derogation from the Gold Guide process (GG8:1.12) overturning the Outcome 3 and awarding an ARCP Outcome 10.