

Accredited Registers

Appeals policy

July 2021

1. Introduction

- 1.1 This policy sets out the procedure for an eligible Accredited Register ('Register') to appeal a decision made about its accreditation status by an Accreditation Panel of the Authority.
- 1.2 An applicant or Register which we have accredited may formally request the Authority to re-consider a decision which affects its accreditation status.
- 1.3 Wherever possible, the Authority will work with Registers to informally resolve disputes as an alternative to the appeals process.

2. What can be appealed

- 2.1 Registers may appeal the decisions made by the Authority regarding their accreditation.
- 2.2 Only decisions made by an Accreditation Panel that adversely affect accreditation status can be appealed. The types of decisions that can be appealed are:
 - Refusal to grant or renew accreditation
 - Withdrawal of accreditation
 - Suspension of accreditation
 - Imposition of Conditions.
- 2.3 For the avoidance of doubt, the following decisions are not appealable:
 - A decision to issue recommendations to a register
 - A decision to initiate a targeted review
 - A decision to refer directly to a Panel
 - A decision to adjourn a Panel meeting
 - A decision to publish a report or other document.
- 2.4 Registers may appeal a decision which they think is unfair, or wrong. The reasons for this may include but are not be limited to the following:
 - We have deviated from our processes
 - We have not taken due account of evidence that was submitted for an accreditation decision
 - We have mis-interpreted evidence, failed to place due weight on relevant factors or that our analysis was otherwise flawed.
- 2.5 If the reason you think our decision was flawed falls outside of these areas, then this should be specified within the Appeals Form. We will then consider it in line with paragraph 5.3.

3. How to submit an appeal

- 3.1 You should complete our Appeal Form which can be downloaded from our [Resources](#) page. The information you provide should clearly explain why you disagree with the decision and on what grounds. It is your responsibility to explain why you believe the decision made is incorrect.
- 3.2 You should include any documents that support your appeal, such as evidence that supports why you do not agree with our decision.
- 3.3 The Appeal Form should be submitted to the Authority's Chair by email: appeals@professionalstandards.org.uk. It must be submitted within 10 working days of a formal notification of an Accreditation Panel's decision.
- 3.4 The subject line of the email should contain the name of the organisation submitting the appeal.

4. Appeal process

- 4.1 An appeal by the register ('the appellant') against a decision made by an Accreditation Panel will follow the process outlined below.
- 4.2 The appellant will bear the burden of establishing to the Appeal Panel that the original decision of the Accreditation Panel should be overturned.
- 4.3 Following receipt of an appeal, the Chair of the Authority will determine whether the appeal has been received within the required timeframe and whether it has been authorised by a senior responsible officer of an eligible Register. They will also consider whether the appeal relates to decisions that can be appealed, as set out in Section 2. If these requirements are not met, the appeal will be dismissed and the appellant informed of the reason for this. The appellant will be given the option to pursue their concerns through [our complaints processes](#).
- 4.4 If the requirements as set out above are met, an Appeal Panel will be convened. The Appeal Panel will usually meet and make its decision within 30 working days of receipt of the Appeal.
- 4.5 The Accreditation team, and/or the original Accreditation Panel, will have 10 working days from receipt of the Appeal to provide information to the Appeal Panel to consider. Any representations made by the Accreditation team and/or original Accreditation Panel will be shared with the appellant.
- 4.6 The appellant will have 10 working days to provide comment on this information by email. Any information provided beyond this timeframe will only be accepted at the discretion of the Chair. The appellant's comments will be shared with the Appeal Panel and/or original Accreditation Panel.
- 4.7 The Appeal Panel will consider the appeal in a closed meeting. The Appeal Panel may wish to seek further information or clarity from the appellant, the Accreditation team and/or the original Accreditation Panel and can do so prior to the meeting. If further information or clarity is determined to be required at the meeting, usually this will be done by inviting a written submission, which will be shared with the other parties involved for comment while the meeting is adjourned. Where this is not possible or practical, a conference call during the Appeal Panel meeting may be arranged. All parties will be invited to attend the conference call.
- 4.8 The Appeal Panel will make decisions by consensus and is able to:

- Uphold the appeal and refer the matter to a new Accreditation Panel for consideration
 - Uphold the appeal and substitute a decision if it has sufficient evidence to do so. A substituted decision is any decision which could have been made by the original Accreditation Panel
 - Dismiss the appeal.
- 4.9 If a consensus cannot be reached, then the Panel will consider it needs to defer, either to seek new evidence or to deliberate upon their judgement. If no consensus is reached following this then the decision will be decided by majority.
- 4.10 Following the meeting, the Appeal Panel will issue its decision in writing to the appellant. The Appeal Panel will provide written reasons for its decision.
- 4.11 The Appeal Panel's decision will be communicated to the appellant within five working days of the Appeal Panel meeting. The decision will be published in accordance with the Authority's Publications Policy.
- 4.12 The Appeal Panel's decision is final. Should the appeal be upheld, then we will take appropriate corrective action to amend or change the decision. If the appeal is not upheld, no further appeal will be considered.

5. Appeal Panel

- 5.1 The Appeal Panel will be constituted of three members of the Board who were not involved in the appealed decision.
- 5.2 The Chair of the Authority will appoint the Appeal Panel members, and decide which of these should be appointed as the Appeal Panel Chair.
- 5.3 Any decision to postpone or adjourn the proceedings will be at the discretion of the Appeal Panel.
- 5.4 The Appeal Panel will act in accordance with the values of the Authority. These are:
- Integrity
 - Transparency
 - Respect
 - Fairness
 - Teamwork.

6. Legal and specialist advisors

- 6.1 The Appeal Panel may be assisted by a:
- Legal advisor
 - Specialist advisor.
- 6.2 It is for the Chair of the Appeal Panel to determine whether assistance from an advisor is required. The function of legal and specialist advisors is to advise the Appeal Panel on any areas within the advisor's expertise.

- 6.3 In addition, the legal advisor will have a duty to intervene to advise the Appeal Panel on any issue where it appears that without an intervention, there is the possibility of an error being made.
- 6.4 An advisor may be present throughout the meeting of the Appeal Panel. The advisor may not participate in the decision making of the Panel and is not entitled to decide the appeal.
- 6.5 The Chair will ensure that any advice or interventions tendered to the Appeal Panel by an advisor is included in its written decision and reasons given for accepting or rejecting that advice.

Document Control

Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Status	Description of Version	Date Completed
1.0		New Procedure	5 July 2018
2.0		Updated process	29 July 2021
2.1	Approved	Updated with details of appointment of Appeals Panels	21 October 2021