

APPEALS PROCEDURE (AP)

Approved: December 2018

AP1: Introduction

This document sets out the rights of appeal available to a member of NLPtCA whose application for accreditation and registration with UKCP has been allocated a 'Re-apply' or 'Insufficient Evidence' status by the NLPtCA Accreditation Panel. (GG9)

The time it takes the NLPtCA to respond to an appeal may vary from those quoted below if more than one applicant submits an appeal. This is to allow for the synchronisation of appeal meetings. Any extension to the quoted timescales must be sanctioned by the Chair of NLPtCA. All parties are to be kept informed and reasons given for all extensions to the quoted timescales.

AP2: Eligible Grounds for Appeal

The purpose of an appeals procedure is to consider two issues:

- Whether the Accrediting Panel has correctly followed its own procedures.
- Whether, given the information provided to the Accrediting Team by the applicant, the decision of the Accrediting Panel was reasonable.

If an Appeals Panel is formed, it will only consider an appeal based on either or both of the grounds referred to above.

It is not the function of an Appeals Panel to act as an accrediting panel, nor will an Appeals Panel consider complaints against the approved procedures. (Complaints about approved procedures should be addressed to the Board of NLPtCA.)

AP3: First Level of Appeal

The applicant who wishes to exercise the right of appeal must send written notification of the grounds for the appeal to the External Moderator. This must be received within two months from the date of the letter sent to the applicant notifying them of the decision of the Accrediting Team. If no written notification is given within this two-month time period, the applicant loses all rights of appeal.

The applicant should make clear the basis of their appeal in relation to the eligible grounds for appeal. The applicant's submission should be factual, set out in chronological order, signed and dated. It should give supporting evidence for each of the grounds on which the appeal is based.

Once the applicant has made their submission they will only be able to add to it under exceptional circumstances (such as new evidence coming to light, see AP5 below)

Once the External Moderator has received a letter of appeal they shall immediately inform the Chair of NLPtCA the Accreditation Registrar and the Internal Accreditation Moderator.

The External Moderator, with support from the Internal Accreditation Moderator as appropriate, shall determine whether there are sufficient grounds for recommending the formation of an Appeals Panel, and shall write to the Chair of NLPtCA within 28 days of receiving the letter of appeal explaining the reasons for his/her decision to recommend or

APPEALS PROCEDURE (AP)

Format updated 23.4.14

not the formation of an Appeals Panel. This enables the External Moderator to respond to minor matters of procedure without the need for a formal Appeals Panel.

If a more extensive investigation or mediation is required, the External Moderator can request an extension from the Chair of NLPtCA. If granted, all parties are to be informed of the new timescale and the reason for the extension within the original 28 days.

The Chair of NLPtCA shall, in consultation with other Board members as necessary, consider the recommendation of the External Moderator.

Within 28 days of the receipt of the recommendation of the External Moderator, all parties shall be informed of the Chair's decision whether or not to establish an Appeals Panel. The Chair's decision shall be final and binding.

AP4: Second Level of Appeal – if an Appeals Panel is to be Established.

Appeals that have sufficient grounds for a formal appeal move to the second stage where the NLPtCA Board establishes an Appeals Panel to hear the appeal.

If the NLPtCA Board establishes an Appeals Panel, the Chair of the Board shall inform all parties of the decision to form a Panel and who will serve on it.

The Appeals Panel shall consist of a minimum of four individuals:

- External Moderator,
- Internal Accreditation Moderator
- Not less than two other suitably experienced individuals.

At least one Panel member must be from outside NLPtCA, and ideally, one should have experience of UKCP policy and procedures.

No person who has served on the Accrediting Panel which considered the original application will be eligible to serve on the Appeals Panel.

The Board shall appoint one of the Appeals Panel members to chair the proceedings and report the Appeals Panel's findings to the Board.

The Chair of the Appeals Panel shall schedule a meeting of the Appeals Panel within two months of notification of the formation of the Panel. The venue shall be determined by the Chair of the Appeals Panel.

The applicant shall be given at least 28 days notice in writing of the date of the meeting.

The applicant has the right to attend a personal hearing before the NLPtCA Appeals Panel, and has the choice to be accompanied by a friend or advisor.

Within 14 days of notification of the formation of an Appeals Panel, the applicant must inform the Chair of the Appeals Panel in writing, of:

1. A potential conflict of interest with any members of the Panel.
2. Whether they will or will not attend their personal hearing, and
3. Whether a friend or advisor will be attending the hearing with them, and if so,
4. The name of the friend or advisor and whether they are trained or qualified in law or psychotherapy or have other expertise that might be relevant to the proceedings.

APPEALS PROCEDURE (AP)

Approved: December 2018

The Accreditation Registrar will be invited to respond to the appeal submission by writing a report detailing the process and evidence whereby the Accrediting Team arrived at their decision. The report is to be submitted to the Chair of the Appeals Panel at least 21 days prior to the Appeals Panel meeting.

At least 21 days prior to the Appeals Panel meeting the Registrar must also inform the Chair of the Appeals Panel in writing, of:

1. Whether they will or will not attend their personal hearing at the Appeals Panel meeting and, if so,
2. Whether s/he wishes to be accompanied by a friend or advisor.

(In exceptional circumstances another member of the Accrediting Panel involved in the decision being appealed may take the place of the Registrar at the hearing.)

All written submissions relating to the appeal together with an agenda for the Appeals Panel meeting shall be circulated to all parties who are attending 14 days prior to the meeting.

AP5: The Appeals Panel Meeting

The function of an Appeals Panel is to consider the evidence presented to it, and to recommend appropriate action to the Board of NLPtCA. It is for the Board to decide how to implement the recommendations.

The Appeal Panel will only consider information that was made available to the NLPtCA Accrediting Team. (In exceptional circumstances, the Panel will have the discretion to consider relevant new documented information that could not have been presented to the Accrediting Team at the time of the application).

Failure of any party to attend the Panel meeting will not necessarily prevent the Panel meeting and deliberating the appeal.

If the Appeals Panel cannot reach consensus, the Chair of the Appeals Panel will, if necessary, have the casting vote.

The Chair of the Appeals Panel will report the determination of the Appeals Panel meeting to the NLPtCA Board and inform the parties directly involved, within 28 days of the meeting, stating:

- The findings of the Appeals Panel.
- Specific recommendations for action arising from the appeal.
- Recommendations for improving the appeals and accreditation procedures.

The NLPtCA Board shall consider the recommendations of the Appeals Panel and inform the applicant and Accreditation Registrar of their decision within 28 days of receipt of the report from the Chair of the Appeals Panel. The Board's decision shall be final and binding.