

APPEALS PROCEDURE (AP)

Content updated by Accreditation Registrar November 2009
Format updated 23.4.14

AP1: Introduction

1.1 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 Team.

1.2 It also defines the two stages of appeal, the appeals process, and the time scales of an appeal.

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

1.3.1 Whether the Accrediting Team has correctly followed its own procedures.

1.3.2 Whether, given the information provided to the Accrediting Team by the applicant, the decision of the Accrediting Team was reasonable.

1.4 If an Appeals Panel is formed, it will only consider an appeal based on either or both of the grounds referred to in 1.3 above. It is not the function of an Appeals Panel to act as an accrediting panel, nor will a Panel consider complaints against the approved procedures. (Complaints about approved procedures should be addressed to the Board of NLPtCA.)

1.5 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.

AP2: Two Stages of Appeal

2.1 There are two stages of appeal available to an applicant.

2.2 At the first stage, the External Moderator will consider whether the applicant has appealed on appropriate grounds and whether the appeal requires the formation of an Appeals Panel. This stage enables the External Moderator to respond to minor matters of procedure without the need for a formal Appeals Panel meeting.

2.3 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.

2.4 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.

AP3: NLPtCA Appeals Process

3.1 The Applicant's responsibility

APPEALS PROCEDURE (AP)

Format updated 23.4.14

3.1.1 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.

3.1.2 If no written notification is given within this two-month time period, the applicant loses all rights of appeal.

3.1.3 The applicant should make clear the basis of their appeal in relation to the purpose of the appeals procedure given in 1.3 above.

3.1.4 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.

3.1.5 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 3.3.7 below)

3.2 First Stage of the NLPtCA Appeals Process

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

3.2.2 The External Moderator 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 not the formation of an Appeals Panel.

3.2.3 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.

3.2.4 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.

3.3 Second Stage of the NLPtCA Appeals Process

3.3.1 If the NLPtCA Board establishes an Appeals Panel, it shall consist of a minimum of three individuals: the External Moderator and 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 Team which considered the original application will be eligible to serve on the Appeals Panel. The Board shall appoint one of the Panel members to chair the proceedings and report the Panel's findings to the Board. The Chair of the Board shall inform all parties of the decision to form a Panel and who will serve on it.

APPEALS PROCEDURE (AP)

*Content updated by Accreditation Registrar November 2009
Format updated 23.4.14*

3.3.2 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:

- a. A potential conflict of interest with any members of the Panel.
- b. Their intention to attend their personal hearing and whether they choose to bring a friend or advisor.

3.3.3 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.

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

3.3.5 Within 14 days of the date of notification of the Appeals Panel meeting, the applicant must inform the Chair of the Appeals Panel, in writing:

- a. Whether they will or will not attend their personal hearing, and
- b. Whether a friend or advisor will be attending the hearing with them, and if so, 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.

3.3.6 The Accreditation Registrar will be invited to respond to the appeal by:

- a. 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.
- b. Giving notice of whether they want to attend their personal hearing at the Appeals Panel meeting and, if so, whether s/he wishes to be accompanied by a friend or advisor. (In exceptional circumstances another member of the Accrediting Team involved in the decision being appealed may take the place of the **Chair** at the hearing.)

3.3.7 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).

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

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

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

- a. The findings of the Panel.
- b. Specific recommendations for action arising from the appeal.

APPEALS PROCEDURE (AP)

Format updated 23.4.14

c. Recommendations for improving the appeals and accreditation procedures.

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

Summary of Critical Path Timeline	Reference
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.	3.1.1
Start of First Level of Appeal to NLPtCA The External Moderator 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 not the formation of an Appeals Panel.	3.2.2
The Chair of NLPtCA shall, within 28 days of the receipt of the recommendation of the External Moderator, inform all parties of the Chair's decision whether or not to establish an Appeals Panel.	3.2.4
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.	3.3.3
The Chair of the Appeals Panel will report the determination of the Panel meeting to the NLPtCA Board and inform the parties directly involved within 28 days.	3.3.10
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.	3.3.11

APPEALS PROCEDURE (AP)

*Content updated by Accreditation Registrar November 2009
Format updated 23.4.14*