

HGI Appeal Panel Guidelines

Author: Deputy Chair of the HGI RPSC

First produced: 2012
Last updated: March 2019

Process/guidelines for appeal panels when considering appeals against decisions of the HGI Registration and Professional Standards Committee (RPSC)

Step 1

An appeal panel will be convened at the request of the HGI Membership Secretary (the 'Secretary') in response to a written notification of appeal by a complainant, or by a human givens therapist, against a decision of the RPSC.

In the event of an appeal, the Secretary will inform the members of HGI appeal panel pool that an appeal has been notified, at which point an appeal panel will be formed (see Note 1 below). The Secretary will also notify the Chair of the RPSC adjudication panel of the appeal, who will inform the complainant or the therapist concerned of the appeal, as appropriate.

Notes: 1) Appeal panels will consist of a minimum of three members from the HGI appeal pool*, one of whom must be a **lay member** 2) If the notification to appeal does not include the specific ground for appeal (see Step 5 below), the Secretary will ask the appellant to provide this. *The appeal panel pool consists of HGI members and lay members who have volunteered to consider appeals when they arise. Appeal panel members are not members of the HGI Registration and Professional Standards Committee (RPSC).

Step 2

The appeal panel members will elect a Chair. Notes: 1) The Chair of the appeal panel will have responsibility for communicating with the Chair of the RPSC adjudication panel, and where appropriate, the Secretary, during the appeals process; 2) Whilst every effort should be made to achieve a consensus, the appeal panel Chair will have the casting vote in cases where a unanimous decision cannot be reached.

Step 3

The Chair of the RPSC adjudication panel will provide the appeal panel with all documentation relevant to the stated ground for the appeal via post*, or

suitably anonymised email, as appropriate. The adjudication panel Chair will also provide the appeal panel with any further information received from the appellant, the subject of the complaint, and any other interested parties. *A USB memory stick containing relevant documents can be included.

Notes:

- a) The documents in question will typically include written details of the complaint in question, the RPSC's investigation report, related correspondence, and copies of the RPSC decision letters to the complainant and the Registrant concerned. Panel members can request further information from any of the parties concerned, including the complainant, the subject of the complaint and the RPSC, as necessary;
- b) Where email is used, messages must be fully anonymised*. No sensitive documents are to be sent via email. *For example, the parties concerned should be referred to as 'the appellant' and 'the therapist', rather than by their names.

Step 4

The appeal panel members will declare any potential conflict of interest that might prejudice (or be seen to prejudice) their judgement in relation to the appeal. For example, if a panel member has prior knowledge of the case and/or has had prior dealings with the complainant or with the therapist concerned, in either a positive or negative context, they must declare a conflict of interest and withdraw from the process, to be replaced by another individual from the appeal panel pool.

Step 5

The panel members will consider whether the ground(s) for appeal as stated by the appellant are valid in relation to the following criteria:

- a) The decision of the RPSC adjudication panel is not supported by the available evidence;
 - b) The sanction applied by the RPSC complaint adjudication panel is disproportionate and unfair in relation to the level of misconduct. Note: Appeals by therapists may be made in relation to criterion b);
 - c) Where misconduct has been established, the level of sanction applied to the therapist concerned does not adequately reflect the level of misconduct. Note: Appeals by clients/members of the public may be made in relation to criterion c);
 - d) It appears that a procedural error may have had a material impact on the findings and decision of the complaint panel;
 - e) The appellant or therapist presents new evidence that was not made available to the complaint adjudication panel during its deliberations.
- NB: See note 2 below.

Notes

- 1) In relation to appeal criteria b) and c), which concern sanctions applied by the RPSC, please note that two options are available to appeal panels:

OR

- a) Endorse the decision of the RPSC in relation to the sanction;
- b) Require the RPSC adjudication panel to reconsider the level of the sanction(s). (Full details of the process are outlined at Steps 6, 7, 8, 9, 10 and 11.)

Further, with regard to appeals relating to criteria b) or c), the appeal panel must refer to the following document: **Indicative Sanctions Guidance**, which can be viewed a

http://www.hgi.org.uk/sites/default/files/hgi/Indicative_Sanctions_Guidance.pdf

- 2) If an appellant asks for new evidence (that is, information not provided to the adjudication panel at the time of application) to be considered, the appeal panel will use the following procedure to determine whether or not this can be allowed:

- New evidence may be contained in documents submitted to the appeal panel and/or collected from an investigation and/or hearing.
- When new evidence is presented, through either method, the appeal panel will decide whether the appellant's reasons for not presenting the evidence in the first place were compelling and therefore admissible.
- Only if those reasons are judged to be admissible will the appeal then consider the new evidence and decide whether, in its opinion, it is such that, if the adjudication panel had been aware of it, its decision might have been different.

The outcome of the above procedure will be either that the appeal panel:

- rejects the new evidence, and bases its decision about the appeal purely on the evidence submitted at the time of the application, and how this was dealt with by the adjudication panel; or
- formally decides that the new evidence is both admissible and so significant that the adjudication panel should be invited to review its decision.

Step 6

If the appeal panel concludes that there are no valid grounds for appeal in relation to the above criteria, they will compose a letter to the appellant, outlining their decision and setting out the reasons for rejecting the appeal. The Chair will then post the letter to the appellant.

Notes

- a) The letter should be printed on the HGI letterhead provided with these guidelines, marked 'Private and Confidential' and posted to the appellant by the Royal Mail 'Signed for service'.
- b) The letter should make clear that any reply should be marked 'Private and Confidential' and addressed to the HGI Membership Secretary at The Human Givens Institute, Chalvington, East Sussex, BN27 3TD.
- c) In addition, the appeal panel Chair will provide the RPSC adjudication panel Chair with a copy of the decision letter. This can be sent via the Royal Mail 'Signed for service', or alternatively an anonymised version can be emailed to the adjudication panel Chair. (For example, the parties concerned should be referred to as 'the appellant' and 'the therapist', rather than by their names.)

Please note that decisions relating to appeals must be communicated to appellants within **30 working days** of receipt of their notification of intention to appeal. If it is not possible to reach a decision within 30 working days, appellants must be informed of progress. The appeal panel Chair will be responsible for communicating with appellants in this regard.

Step 7

If the appeal panel concludes that there are valid grounds for appeal, it will consider the appeal.

Options available to the appeal panel

- a) Conclude that the decision of the RPSC adjudication panel, i.e. as it relates to the specified ground(s) of the appeal, is justified/ proportionate/fair in light of the available evidence;
- OR
- b) Conclude that the decision of the RPSC adjudication, i.e. as it relates to the specified ground(s) of the appeal, panel is not justified/ proportionate /fair in light of the available evidence.

Note: Appeal panel discussions can be conducted via a digital audio/video platform, such as Skype. In this context, care must be taken to protect the confidentiality of the relevant parties by referring to them, for example, as 'the complainant' or 'the therapist', rather than by name.

Step 8

Where the appeal panel concludes that the decision of the RPSC adjudication panel is justified, it will compose a letter to the appellant, outlining its decision, including the reasons for reaching that decision. The Chair will then post the letter to the appellant.

Notes

- a) The letter should be printed on the HGI letterhead provided with these guidelines, marked 'Private and Confidential' and posted to the appellant by the Royal Mail 'Signed for service'.
- b) The letter should make clear that any reply should be marked 'Private and Confidential' and addressed to the HGI Membership Secretary at The Human Givens Institute, Chalvington, East Sussex, BN27 3TD. The Secretary will forward any such replies to the Chair of the appeal panel.
- c) In addition, the appeal panel Chair will provide the RPSC adjudication panel Chair with a copy of the decision letter. This can be sent via the Royal Mail 'Signed for service', or alternatively an anonymised version can be emailed to the adjudication panel Chair. (For example, the parties concerned should be referred to as 'the appellant' and 'the therapist', rather than by their names.)

Step 9

Where the appeal panel concludes that the decision of the RPSC adjudication panel is **not** justified, it will write to the Chair, requiring the adjudication panel to reconsider the relevant aspects of the case (i.e. those that relate to the specified ground(s) of the appeal), taking full account of the appeal panel's findings.

Notes

- a) The above communication must include the appeal panel's reasons for reaching its conclusion;
- b) Any instruction to reconsider the original decision will be binding on the RPSC adjudication panel;
- c) The communication can be uploaded to the Glasscubes database for the attention of the appeal panel Chair. Alternatively, it can be emailed to the Chair in anonymised form. (For example, the parties concerned should be referred to as 'the appellant' and 'the therapist', rather than by their names.)

Step 10

Where the RPSC adjudication panel is instructed to re-consider specified aspects of a case as outlined at Step 9, it will, at the earliest opportunity, inform the interested parties in writing of the appeal panel's conclusion, to include the related reasons as provided by the appeal panel. In addition, it will

advise the above parties of its intention to reconsider the relevant aspects of the case, in light of the appeal panel's findings.

Step 11

The RPSC adjudication panel will reconsider its original decision, taking full account of the appeal panel's findings.

Note: The requirements relating to communicating with the interested parties regarding progress, together with the specified timelines, as set out in the HGI complaints procedure, will also apply here.

Step 12

The RPSC adjudication panel will amend its original decision to reflect the appeal panel's requirements.

Step 13

The appeal panel will inform the appellant and the other interested parties in writing of the decision, together with the associated reasons.

General Notes

1. Appeal panel findings will be binding on the HGI RPSC adjudication panel.
2. Decisions relating to appeals must be communicated to appellants within **30 working days** of receipt of their notification of intention to appeal. If it is not possible to reach a decision within 30 working days, appellants must be informed of progress.
3. Appeal panels must maintain accurate records of their proceedings and decisions. At the conclusion of the appeal process, records should be forwarded to the HGI Membership Secretary via the Royal Mail 'Signed for' service. On receipt of the records, the HGI Membership Secretary will arrange for their secure storage at the HGI office in Chalvington.
4. Expenses such as telephone, postage and any travel costs incurred by appeal panel members will be reimbursed by the HGI.
5. The HGI Complaints Procedure can be viewed at <http://www.hgi.org.uk/therapist-register/raising-concerns/complaints-procedure>