

HGI Appeal Panel Guidelines

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Procedure/guidelines for appeal panels when considering appeals against decisions of the adjudication panel convened by HGI Registration and Professional Standards Committee (RPSC)

This document is designed to guide the Appeal Panel and to provide it with a framework within which it will make decisions. It is not exhaustive, nor intended to restrict the Appeal Panel from exercising its own judgement. The Appeal Panel will judge each case on its particular merits and makes decisions accordingly.

Step 1

Within [28] days of receipt of the Final Adjudication Letter sent by the adjudication panel appointed by the RPSC (the 'Adjudication Panel') a complainant (the 'Complainant'), or a human givens therapist (the 'Therapist') can appeal against the decision of the Adjudication Panel.

A decision about whether to grant the appeal will be made by the Chair or the Co-chair of RPSC and communicated within [7] days of the application being received. If an appeal is granted, the party appealing will have a further [14] days to provide full evidence supporting their grounds for appeal.

Step 2

In the event of a successful application for appeal an Appeal Panel will be convened at the request of the RPSC Co-ordinator in their role as complaints manager (the 'Complaints Manager').

The Complaints Manager will inform the members of HGI Appeal Panel pool that an appeal has been notified, at which point an appeal panel will be formed (the 'Appeal Panel'). The Complaints Manager will also notify the Chair of the Adjudication Panel of the appeal and will inform the Complainant or the Therapist concerned of the appeal, as appropriate.

Appeal Panels will consist of a minimum of three members from the HGI appeal pool, one of whom must be a **lay member**. 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 3

The Appeal Panel members will elect a Chair.

The Chair or the Appeal Panel will have responsibility for communicating with the Chair or the Co-chair of the RPSC, and where appropriate, the Complaints Manager, during the appeals procedure.

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 4

The Chair or the Co-Chair of RPSC will provide the Appeal Panel with all documentation relevant to the stated ground(s) for the appeal via post, or suitably confidential and secure electronic transmission, as appropriate. The Chair or the Co-chair of the RPSC will also provide the Appeal Panel with any further information received from the appellant, the subject of the complaint, and any other interested parties.

The documents in question will typically include written details of the complaint in question, related correspondence, and copies of the RPSC decision letters to the Complainant and the Therapist concerned.

Step 5

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 procedure, to be replaced by another individual from the Appeal Panel pool.

Step 6

The purpose of the appeal procedure is to avoid unfair outcomes arising from poor application of the complaints procedure. It is not an opportunity for either party to ask for a second consideration on matters of fact, nor ask for second opinion on the judgement.

The grounds for appeal are therefore limited to:

- 1) demonstration that the RPSC or the Panel has not followed the complaints procedure properly and that this process failure might have led to a materially unfair outcome or;
- 2) representation that the sanction applied was disproportionate to the findings of the adjudication;
- 3) the Adjudication Panel could in no way reasonably have come to the decision made on the evidence presented.

The Appeal Panel will review whether the procedure followed was in line with policy and/or that the sanction applied was proportionate and/or the decision made was reasonable in view of the evidence presented, depending on the grounds for appeal.

Step 7

If the Appeal Panel concludes that there are no valid grounds for appeal in relation to the above criteria, it will dismiss the appeal.

Step 8

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

Where the Appeal Panel concludes that the decision of the Adjudication Panel is **not** justified, it will take a new decision.

If the Appeal Panel comes to the conclusion the sanction applied was disproportionate to the findings of the adjudication it will decide to apply a more proportionate sanction or no sanction at all. In making such a determination, the Appeal Panel must refer to the following document: **Indicative Sanctions Guidance**, which can be viewed at

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

Step 9

When the Appeal Panel has arrived at a decision, it will compose a letter to the appellant, outlining its decision, including the reasons for reaching that decision. The Chair will then send the letter to the appellant.

1. 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'.
2. 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, Church Farm, Church Farm Lane, Chalvington, East Sussex, BN27 3TD. The Secretary will forward any such replies to the Chair of the Appeal Panel.
3. In addition, the Appeal Panel Chair will provide the Chair or Co-chair of the RPSC with a copy of the decision letter. This can be sent via the Royal Mail 'Signed for service', or alternatively by a suitable confidential and secure electronic transmission to the Chair or Co-chair of the RPSC.

Step 10

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. Decisions relating to appeals must be communicated to appellants within **[28] days** of receipt of their notification of intention to appeal. If it is not possible to reach a decision within [28] days, appellants must be informed of progress.
2. Appeal Panels must maintain accurate records of their proceedings and decisions. At the conclusion of the appeal procedure, records should be forwarded to the HGI Membership Secretary via the Royal Mail 'Signed for' service, or via suitably confidential and secure electronic transmission, as appropriate. On receipt of the records, the HGI Membership Secretary will arrange for their secure storage at the HGI office in Chalvington. Electronic records held by panel members must be deleted from any devices on which they are held, also records held by panel members on paper must be destroyed. A full electronic record should be saved on the RPSC secure data storage system.

3. Expenses such as telephone, postage and any travel costs incurred by Appeal Panel members will be reimbursed by the HGI.
4. The HGI Complaints Procedure can be viewed at <https://www.hgi.org.uk/therapist-register/raising-concerns/complaints-procedure>