



Ag Rialáil Gairmithe Sláinte  
agus Cúraim Shóisialaigh

Regulating Health +  
Social Care Professionals

# Appeals Procedure

Approved by Council July 2017

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**PLEASE NOTE**

This booklet only contains information relating to appeals to the Appeals Committee of the Health and Social Care Professionals Council in CORU.

It does not address recognition appeals directly to the High Court in Ireland. Readers may wish to obtain independent legal advice.

## Introduction

The object of the Health and Social Care Professionals Council (“CORU”) is to protect the public by promoting high standards of professional conduct and professional education, training and competence among registrants of the designated profession.

While these procedures contain some legal terms and definitions this document should not be used as a basis for legal advice. If the Appeals Committee requires any legal advice, it should seek any legal advice from the legal assessor. Information about the role of legal assessor is contained at section 5 below.

## 1. Summary

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1.1 Each Registration Board is responsible for:

- The registration of applicants, and
- The recognition of international qualifications from the relevant professions.

1.2 An applicant has a right of appeal to the Health and Social Care Professionals Council (Council) from decisions made by Registration Boards on registration and recognition applications as set out below. Council has appointed an Appeals Committee to hear and determine appeals on its behalf.

### 1.3 Right Of Appeal

1.3.1 A right of appeal arises in a number of situations which are described below.

1.3.2 If you wish to appeal a Registration Board’s decision to refuse your application for registration, or restoration to the Register, you must make your appeal **within 30 days** of receiving the decision.

1.3.3 If you wish to appeal a decision to send an alert under Regulation 87 of S.I. 8/2017, you must make your appeal **within 30 days** of receiving the decision.

1.3.4 If you are an applicant to whom **Directive 2005/36/EC applies** and you wish to appeal a Registration Board’s decision:

- not to recognise your international qualification under Directive 2005/36/EC;
- to grant, or not to grant, partial access to a profession;
- to revoke your temporary registration or pro forma membership;
- to require you to undergo compensation measures;
- not to issue a European Professional Card;

- to revoke a document issued by the Board as competent authority;
- to reverse a decision to recognise your international qualification; or
- to carry out language controls

you must make your appeal to Council **within 30 days** of receiving notification of the decision.

If you wish to apply to the Appeals Committee for a direction to a Registration Board in respect of the Board's failure to:

- acknowledge receipt of an application for recognition of qualifications within one month;
- make a decision in relation to an application for recognition of qualifications within four months;
- make a decision on an application for a European Professional Card for temporary and occasional services in another Member State within three weeks;
- verify the authenticity of the validity of the supporting documents in the IMI file for a European Professional Card within one month;
- transmit an application for a European Professional Card immediately following verification; or
- make a decision on an application for European Professional Card under Regulation 79 of the Professional Qualifications Regulations within two months (plus any extended period).

you must make your application **within 30 days** of the expiry of the applicable time period.

**1.3.5** If you are an applicant to whom **Directive 2005/36/EC does not apply** and you wish to appeal a Registration Board's decision:

- that your professional qualification does not attest to the standard of proficiency required under section 38(2)(c)(i) of the Health and Social Care Professionals Act 2005; or
- that you have not successfully completed an aptitude test or adaptation period in the State under Section 38(2)(c)(ii) of the Health and Social Care Professionals Act 2005,

you must make your appeal to the Appeals Committee **within 30 days** of receiving notification of the decision.

If you wish to apply to the Appeals Committee for a direction to a Registration Board in relation to the Board's failure to:

- acknowledge receipt of an application for recognition of qualifications within one month;
- acknowledge receipt of missing documentation within one month;
- notify you of a decision in relation to an application for recognition of qualifications within four months,

you must make your application **within 30 days** of expiry of the applicable time period.

- 1.4** In all cases, you must use the appeal form to set out all the information you wish the Appeals Committee to consider and you must pay the appeal fee of €100.
- 1.5** You will be informed of the date when your appeal hearing is listed before the Appeals Committee.
- 1.6** You are entitled to attend the Appeals Committee hearing. If you choose to attend you may be accompanied and/or represented at the appeal hearing.
- 1.7** If you choose not to attend your appeal, your documents and written submissions will be considered by the Appeals Committee.
- 1.8** The Appeals Committee will hear your appeal. The Appeals Committee will make a determination and will notify you. Notification of the decision will usually be provided to you in writing at a later date.
- 1.9** If the Appeals Committee confirms the registration board's decision, you will be provided with information on your right of further appeal to the High Court in Ireland. You have **30 days** from the date you receive this notification to appeal to the High Court in Ireland.

## 2. Right of Appeal Directly to the High Court from the Registration Board's Decision not to Recognise an International Qualification

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If you are an applicant to whom **Directive 36/2005/ EC** applies please note the following:

If you made an application to a Registration Board under S.I. 139/2008 prior to 17 January 2017, or if you obtained professional qualifications from or are legally established in Iceland, Liechtenstein, Norway or Switzerland, you may appeal directly to the High Court in Ireland (under S.I. 139/2008) against **any** decision of the Registration Board acting as the Competent Authority or any failure to make a decision.

You have **42 days** from the date you receive notification of the decision to appeal to the High Court in Ireland. If you wish to appeal against the failure to make a decision, the **42 day period** starts from the expiry of the relevant time period.

You may wish to seek legal advice prior to choosing which method of appeal you should take.

## 3. Appeals Process

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### 3.1 Registration Appeals

**3.1.1** You are entitled to apply to the Appeals Committee for cancellation of a decision made by a registration board to refuse to grant you registration:

**3.1.2** The Appeals Committee can do one of the following:

- confirm the decision of the registration board
- direct that registration be granted
- direct a new decision to be made
- give other directions to the registration board

### 3.2 Appeals relating to Alerts

**3.2.1** You are entitled to apply to the Appeals Committee for a direction to a Registration Board in relation to a decision to send an alert under regulation 87 of S.I. 8/2017.

**3.2.2** The Appeals Committee can do one of the following:

- confirm the decision of the registration board
- direct that registration be granted
- direct a new decision to be made
- give other directions to the registration board

### 3.3 Recognition Appeals

**3.3.1** You are entitled to apply to the Appeals Committee for a direction to the Registration Board in respect of the decisions listed at 1.3.4 and 1.3.5 above.

**3.3.2** The Appeals Committee can do one of the following:

- confirm the decision of the Registration Board
- direct that the international qualifications are recognised
- direct the Registration Board to make a new decision
- give other directions to the registration board

**3.3.3** You are also entitled to apply to the Appeals Committee when a Registration Board has failed to do something within specified time limits as it is required to do when processing

applications for recognition. In these instances the Appeals Committee can do one of the following:-

- refuse to direct a registration board to acknowledge receipt of application or information
- direct a registration board to acknowledge receipt of application or information
- refuse to direct a registration board to make a decision and notify the applicant
- direct a registration board to make a decision and notify the applicant
- give other directions to the registration board

### 3.4 **Procedure for appeal to the Appeals Committee**

3.4.1 In order to appeal, you must set out your case on an appeal form. This is available on [www.coru.ie](http://www.coru.ie) or by calling (01) 2933160.

3.4.2 You must send in a completed appeal form with the appeal fee of €100 to:

Appeals Section  
Health and Social Care Professionals Council  
Joyce House  
8-11 Lombard Street  
Dublin 2.

3.4.3 This must be done within **30 days** of receiving notification of the decision of the registration board or in the case of a recognition appeal, within 30 days from the end of the one month or four month period when the registration board has failed to make a decision.

3.4.4 Appeal application forms received after the 30 days **will not** be dealt with.

### 3.5 **Format of application for appeal**

3.5.1 You must use the appeal form to set out all the information you wish the Appeals Committee to consider.

3.5.2 Once you have submitted your appeal form and supporting documentation, the Committee will not usually consider additional information with the exception of:

- a response to an expert report (if any);
- a response to a query for clarification from the Appeals Committee; and



- oral submissions at the appeal hearing,

**3.5.3** It is important therefore to include with your appeal form **all information** you wish the Committee to consider.

**3.5.4** An administration cost of €100 is charged for processing an appeal.

## 4. Composition of the Appeals Committee

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- 4.1 An Appeals Committee, established by Council, will hear your appeal and make a determination.
- 4.2 The Appeals Committee will consist of 3 members – 2 from Council and 1 external member.

The 3 members are as follows:

1. A lay chairperson (Council member);
2. A person from your profession (not a Council member); and
3. A person from another profession (Council member).

## 5. The Appeal Hearing

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When a valid application for appeal is received, the following procedure is usually followed:

### 5.1 Preparation

**5.1.1** The Appeals Section at CORU will arrange for a copy of your registration / recognition file to be available to the panel members who will hear your appeal and to the Legal Assessor. Your appeal application and any supporting documentation as well as correspondence with the Appeals Section will also be made available. The Appeals Unit may seek advice from experts, including independent experts from your profession, in preparing the file for the appeal hearing. The Appeals Section may also seek further information from you.

If an expert report is obtained by the Appeals Section, you will be provided with a copy of the expert report. If you wish to respond, you will have **14 days** to make a response to CORU on the expert report.

### 5.2 Notification of Appeal Hearing

**5.2.1** The Appeals Section in CORU will notify you of the date on which your appeal is listed before the Appeals Committee.

### 5.3 Applications for adjournments

**5.3.1** Adjournments cause considerable delays to hearing schedules and will only be granted in exceptional circumstances. However, all applications for adjournments will be considered by the Appeals Committee.

**5.3.2** If you intend to make an application for an adjournment of an appeal hearing, the application must be notified in writing to the Appeals Unit at the earliest opportunity. You should clearly set out the reasons for the application and include copies of any supporting documentation.

**5.3.3** Where the Chairperson agrees, the Appeals Committee may deal with applications for adjournment by way of written decision in advance of the scheduled hearing date.

**5.3.4** In the event an application for an adjournment is successful, you will be expected to advise as to suitable alternative hearing dates

**5.3.5** When deciding whether to grant an application for an adjournment the Committee may take the following factors into consideration:

- The exceptional reason(s) for the application.

- Whether the application was made at the earliest possible opportunity.

## 5.4 Representation

5.4.1 You may be represented at a hearing by:

- a solicitor or a barrister,
- a representative of a union or any professional organisation of which you are a member at the discretion of the Committee.

5.4.2 A family member or another person may attend the hearing as a support to you.

5.4.3 You are entitled to attend at the appeal hearing and to make oral submissions to the Appeals Committee.

## 5.5 Interpreters

5.5.1 If you require the services of an interpreter at the hearing you must notify CORU by indicating this on your appeal application form. If you fail to do so, there **will not** be an interpreter in attendance.

## 5.6 Appeal File

5.6.1 Before the hearing date, the members of the Appeals Committee will be provided with the Appeal File.

5.6.2 This includes the following documents:

- the file relating to your application before the Registration Board;
- your appeal form and any supporting documents;
- any additional correspondence between you and the Appeals Section of CORU.

5.6.3 You will also be given a copy of the Appeal File before the hearing date.

## 5.7 At the Appeal Hearing

5.7.1 The hearing will be heard in private. The hearing will be as informal as possible observing fair procedures.

5.7.2 The Appeals Section of CORU will provide the Committee with background information relating to the Registration Board's decision. The Appeals Section does not represent the Registration Board or provide legal advice to the Appeals Committee. The role of

the Appeals Section is to provide administrative assistance to the Committee and to present the decision made by the Registration Board.

- 5.7.3** The Chairperson of the panel will determine the manner in which the hearing will take place and will explain this to you at the beginning if you decide to attend. Usually the Appeals Section of CORU will be asked to begin by presenting the background to the decision and taking the Appeals Committee through the relevant documents.
- 5.7.4** The Appeals Committee will then hear submissions from you and/or your representative.
- 5.7.5** The Appeals Committee is entitled to seek advice from experts, such as an independent expert from your profession for example, and may decide to adjourn the hearing to facilitate this. Any advice received will be copied to you and you will be given an opportunity to respond.
- 5.7.6** You are entitled to attend at your appeal hearing. You must confirm if you will be attending the appeal hearing so we can make appropriate arrangements.
- 5.7.7** You do not have to attend at your appeal hearing although it may be in your interests to do so. Your appeal will proceed in your absence if you:-
- inform us that you do not wish to attend, or
  - do not confirm to us that you will be attending, or
  - have confirmed but do not attend on the day without contacting us and giving us appropriate notice.

## **5.8 The Role of the Legal Assessor**

- 5.8.1** The role of the legal assessor is to advise the Appeals Committee on questions of law which may arise during the course of a hearing. The legal assessor's role includes:
- Advising the Appeals Committee on any issue of law which the Appeals Committee have sought the legal assessor's advice;
  - Intervening to advise the Appeals Committee on an issue of law, where if the legal assessor did not intervene there was a possibility of a mistake of law being made,
  - Intervening to advise the Appeals Committee of any irregularity in the conduct of the hearing which has come to his or her knowledge; and
  - Advising the Appeals Committee in relation to the drafting of the Appeals Committee report.

- 5.8.2** The legal assessor does not have a decision making role. Only the Appeals Committee can make decisions in relation to appeal.
- 5.8.3** At the conclusion of the hearing and before the Appeals Committee retires to make its decision, the legal assessor should remind the Appeals Committee of its functions and provide any necessary legal advice.
- 5.8.4** The legal assessor should not present a summary of the evidence that was presented at the hearing. The legal assessor's advice should relate solely to any legal issues that have arisen during the course of the hearing.
- 5.8.5** In accordance with the High Court judgment of Mr. Justice Kelly in the case of *Prendiville v Medical Council*, the legal assessor should give his legal advice in the presence of the parties. The parties must be given an opportunity to comment on the legal assessor's advice in the interests of fairness to the parties.
- 5.8.6** The Appeals Committee may accept or reject the advice of the legal assessor.

## **5.9 Appeals Committee consideration**

- 5.9.1** The Appeals Committee will consider the information provided at the appeal hearing and all the documents and written submissions

## **5.10 Appeals Committee determination**

- 5.10.1** The Appeals Committee will make a determination.
- 5.10.2** If you have appealed a decision of a registration board to refuse to grant you registration or restoration or to send an alert, the Appeals Committee can do one of the following:
- confirm the decision of the registration board
  - direct that registration be granted
  - direct a new decision to be made
  - give other directions to the registration board
- 5.10.3** If you have appealed a decision of a registration board not to recognise your international qualification the Appeals Committee can do one of the following:
- confirm the decision of a registration board
  - direct a registration board to recognise the international qualifications
  - direct a registration board to make a new decision
  - give other directions to the registration board

**5.10.4** If you have appealed on the basis of a failure of a registration board to do something within specified time limits as it is required to do when processing applications for recognition, the Appeals Committee can do one of the following:

- refuse to direct a registration board to acknowledge receipt of application or information
- direct a registration board to acknowledge receipt of application or information
- refuse to direct a registration board to make a decision and notify the applicant
- direct a registration board to make a decision and notify the applicant
- give other directions to the registration board

**5.10.5** The decision of the Appeals Committee will usually be recorded on a form similar to one of those contained at Appendix 1.

**5.10.6** The Appeals Committee will notify you of its determination. In most cases you will be notified in writing at a later date.

**5.10.7** If the Appeals Committee confirms a registration board's decision, or does not give a direction to acknowledge, you will be provided with information on your right of further appeal to the High Court in Ireland.

**5.10.8** You have **30 days** from the date you receive this notification from the Appeals Committee to appeal to the High Court in Ireland.

## **5.11 Fixing further dates when the hearing is part-heard**

**5.11.1** In circumstances where a hearing is partly concluded and further dates are to be fixed, the Appeals Committee will request that the Appellant, or his or her representatives, identify how many additional dates will be required and identify a number of suitable hearing dates. The Appeals Committee will request that where possible, additional dates should be fixed as proximate as possible to the original hearing dates.

## **5.12 Notes and transcripts of the inquiry**

**5.12.1** A record of the proceedings shall be made whether by electronic means or otherwise. The parties to the proceedings shall be furnished with a copy of the transcript of the hearing (on request). This shall not apply to the deliberations of the panel.

## 6. General

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- 6.1** Notwithstanding these procedures the Appeals Committee shall act at all times consistently with the principles of fair procedures to the extent that they are applicable to the procedures upon which they are engaged.



**Appendix 1 – Templates for recording the decision of the Appeals Committee**





**Decision of Appeals Committee, a Committee established under Section 23 of the Health and Social Care Professionals Act 2005 (“the Act”), following an application under Section 43 of the Act.**

**Having considered all of the documentation and any oral evidence before the Appeals Committee (“the Committee”) and having heard and considered any submissions made by or on behalf of [ *Insert name of Appellant* ] the Appellant as referred to herein, the Committee finds as follows:**

*[Delete either A. or B. below as appropriate]*

- A.** The Committee is satisfied, for the reasons set out below, that the decision of the Registration Board dated --/--/---- was properly made and the Committee hereby confirms the said decision pursuant to Section 43 (3) (a) of the Health and Social Care Professionals Act 2005, as amended.

*Statement of Reasons:*

**OR**

- B.** The Committee is not satisfied, for the reasons set out below, that the decision of the Registration Board dated - - / - - / - - - - was properly made and the Committee hereby cancels the said decision pursuant to Section 43 (3) (b) of the Health and Social Care Professionals Act 2005, as amended.

*Statement of Reasons:*



**AND** furthermore:

(i) the Committee hereby directs the Registration Board to grant registration to the Appellant herein



or

(ii) the Committee hereby directs the Registration Board to make a new decision



or

(iii) the Committee hereby gives the Registration Board the following directions which the Committee considers appropriate

*Directions to the Registration Board:*



*Statement of Reasons:*

Committee Members in attendance:

	<b>Name</b>	<b>Signature</b>	<b>Date</b>
<b>1</b>			
<b>2</b>			
<b>3</b>			



**Decision of Appeals Committee, a Committee established under Section 23 of the Health and Social Care Professionals Act 2005 (“the Act”), following an application under Section 43 of the Act.**

**Having considered all of the documentation and any oral evidence before the Appeals Committee (“the Committee”) and having heard and considered any submissions made by or on behalf of [ *Insert name of Appellant* ] the Appellant as referred to herein, the Committee finds as follows:**

*[Delete either A. or B. below as appropriate]*

- A.** The Committee is satisfied, for the reasons set out below, that the decision of the Registration Board dated --/--/---- was properly made and the Committee hereby confirms the said decision pursuant to Section 43 (3) (a) of the Health and Social Care Professionals Act 2005, as amended.

*Statement of Reasons:*

**OR**

- B.** The Committee is not satisfied, for the reasons set out below, that the decision of the Registration Board dated - - / - - / - - - - was properly made and the Committee hereby cancels the said decision pursuant to Section 43 (3) (b) of the Health and Social Care Professionals Act 2005, as amended.

*Statement of Reasons:*



**AND** furthermore:

(i) the Committee hereby directs the Registration Board to restore the Appellant's name to the Register



or

(ii) the Committee hereby directs the Registration Board to make a new decision



or

(iii) the Committee hereby gives the Registration Board the following directions which the Committee considers appropriate

*Directions to the Registration Board:*



*Statement of Reasons:*

Committee Members in attendance:

	<b>Name</b>	<b>Signature</b>	<b>Date</b>
<b>1</b>			
<b>2</b>			
<b>3</b>			



**Decision of Appeals Committee, a Committee established under Section 23 of the Health and Social Care Professionals Act 2005 (“the Act”), following an application under Section 42B of the Act.**

**Having considered all of the documentation and any oral evidence before the Appeals Committee (“the Committee”) and having heard and considered any submissions made by or on behalf of [ *Insert name of Appellant* ] the Appellant as referred to herein, the Committee finds as follows:**

*[Delete either A. or B. below as appropriate]*

- A.** The Committee is satisfied, for the reasons set out below, that the decision of the Registration Board dated --/--/---- was properly made and the Committee hereby confirms the said decision pursuant to Section 42B(4)(a)(i) of the Health and Social Care Professionals Act 2005, as amended.

*Statement of Reasons:*

**OR**

- B.** The Committee is not satisfied, for the reasons set out below, that the decision of the Registration Board dated - - / - - / - - - - was properly made and the Committee hereby cancels the said decision pursuant to Section 42B(4)(a)(ii) of the Health and Social Care Professionals Act 2005, as amended.

*Statement of Reasons:*



**AND** furthermore:

(i) the Committee hereby directs the Registration Board to recognise the professional qualifications of the Appellant herein



or

(ii) the Committee hereby directs the Registration Board to make a new decision



or

(iii) the Committee hereby gives the Registration Board the following directions which the Committee considers appropriate

*Directions to the Registration Board:*



*Statement of Reasons:*

**OR**

**C. The Committee hereby gives the registration Board the following directions which the Committee considers appropriate**

*Directions to the Registration Board:*





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*Statement of Reasons:*

Committee Members in attendance:

	<b>Name</b>	<b>Signature</b>	<b>Date</b>
<b>1</b>			
<b>2</b>			
<b>3</b>			



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