



**Ag Rialáil Gairmithe Sláinte
agus Cúraim Shóisialaigh**

Regulating Health +
Social Care Professionals

Appeals Committee Members

**Specifications and Requirements
June 2019**

An Chomhairle um Ghairmithe Sláinte agus Cúraim Shóisialaigh
Health and Social Care Professionals Council



Members for the Appeals Committee

1. Introduction

As part of its statutory objective to protect the public, CORU requires people for appointment to an Appeals Committee to make decisions on registration and recognition appeals. The Appeals Committee is established under Section 23 of the Health and Social Care Professionals Act 2005, as amended (“the Act”).

2. Registration and Recognition Appeals

Registration Boards at CORU make decisions on applications for registration and recognition. Where an applicant is refused registration or recognition, they are entitled to apply for cancellation of that decision.

In addition, recognition applicants can apply for a direction to the Registration Board in relation to a failure to acknowledge their application or failure to notify them of a decision within the statutory timeframe.

Registration and Recognition Appeals are conducted in accordance with the Appeals Process set out at Appendix 2.

3. Appeals Committee

When hearing an appeal, the Appeals Committee will sit in panels of three members composed as follows:

- One lay member of Council (who will act as Chairperson);
- One professional member of Council from a different designated profession to the appellant;
- One non-Council member from the same designated profession as the appellant.

Appointments will be for a period of two years.

The Appeals Committee sits in private and can consider several appeals in a single meeting.

Appeals will be held in Dublin.



4. Main Responsibilities of Committee Members

Committee members will work together to consider information and evidence presented to them as the Appeals Committee.

Committee members will demonstrate fairness and consistency in the application of the principles of natural justice and high quality regulation.

The Appeals Committee will have to reach well-reasoned and fair decisions within the parameters of the Act.

Specific tasks of a Committee Member include:

- To hear appeals relating to the following:
 - Decisions of a Registration Board to refuse registration to an applicant;
 - Decisions of a Registration Board not to recognise the professional qualifications of an applicant;
 - Decisions of a Registration Board that there has not been successful completion in the State of an aptitude test or adaptation period;
 - Failure of a Registration Board to acknowledge receipt of a recognition application within the statutory timeframe;
 - Failure of a Registration Board to notify a recognition applicant of a decision within the statutory timeframe.

- To consider information and evidence from a range of sources and provide clear and consistent decisions regarding any opinions formed.

- To proactively work with other committee members to ensure appeal hearings are conducted fairly and efficiently.

- To maintain competence in the skills required by committee member by attending training provided by CORU, and keeping up to date with changes in processes or procedures notified by CORU.



5. Requirements

Skills, knowledge and abilities

You must have:

- a clear understanding of the importance of upholding the public interest in high quality, efficient, consistent and fair regulation.
- proven ability to contribute to objective decision-making by exercising sound judgement.
- excellent oral and written communication skills and interpersonal skills, including the ability to communicate professionally with a range of stakeholders.
- proven ability to grasp the detail of a wide range of issues.
- demonstrable experience of contributing to and encouraging ways of working that support public accountability.
- demonstrable ability of combining strategic thinking skills with attention to detail and understanding of reputational and other risks.
- a commitment to the seven principles of public life (see appendix one).

6. Time commitment

CORU currently has over 17,000 registrants and it is anticipated that the number of appeals will increase as registrant numbers increase.

During 2017 the time commitment for committee members is estimated as being in the region of 5 working days. Attendance at training will also be required. CORU is under no obligation to provide a committee member with any guaranteed minimum number of days per annum.

7. Training

CORU is committed to the training of Appeal Committee members.

Comprehensive training will be arranged as soon as possible following appointment of members to the Appeals Committee.



Committee members will not receive payment from CORU for attending training.

8. Fee and expenses

This role as a member of the Appeals Committee is currently unpaid.

Some expenses may be claimed by committee members provided they are properly vouched and submitted on the appropriate Panel Members invoice.



Appendix one

The seven principles of public life:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.



Appendix 2

Appeals Process

Executive Summary

Each registration board is responsible for:

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

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.

This Appeals Procedure is as follows:

- If you wish to appeal a registration board's decision to refuse:
 - your application for registration, or
 - to recognise your international qualification,you must make your appeal **within 30 days** of receiving the decision.
- If you have applied for recognition of an international qualification, if you wish to appeal a registration board's failure to:
 - acknowledge receipt of your application within one month,
 - acknowledge receipt of missing documentation within one month,
 - notify you of a decision within four months ,you must make your appeal **within 30 days** of the one month or four month periods as appropriate.
- 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.
- The Appeals Committee may require an expert report from an independent person to assist it in determining your appeal. You will be provided with a



copy of this expert report and if you wish to respond, you will have **14 days** to do so.

- You will be informed of the date when your appeal hearing is listed before the Appeals Committee.
- 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.
- If you choose not to attend your appeal, your documents and written submissions will be considered by the Appeals Committee.
- The Appeals Committee will hear your appeal.
- The Appeals Committee will make a determination and will notify you.
- 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.

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

If you are an applicant seeking recognition of an international qualification from within the E.U., you have another way to appeal. You may also appeal directly to the High Court in Ireland 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 date that the one month or four month period ends.

This appeal to the High Court is set out in Statutory Instrument number 139 of 2008.



Please note

If you choose to appeal to the Appeals Committee then you will not be able to appeal the same decision directly to the High Court under Statutory Instrument 139 of 2008.

If you choose to appeal directly to the High Court under Statutory Instrument 139 of 2008 there is no right of appeal from the decision of the High Court to The Appeals Committee.

You may wish to get independent legal advice before deciding on this matter.

This booklet only contains information relating to appeals to the Appeals Committee in CORU.

This booklet does not provide information on appeals directly to the High Court in Ireland.



Appeals Process

Right of appeal to the Appeals Committee

- **Registration Procedure**

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:

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

- **Recognition Procedure**

You are entitled to apply to the Appeals Committee for cancellation of a decision made by a registration board when it decides not to recognise:

- a) an international qualification under s38(2)(b) of the Health and Social Care Professionals Act, 2005
- b) an international qualification as it does not attest to a standard of proficiency under s38(2)(c)(i) of the Health and Social Care Professionals Act, 2005
- c) when there has not been successful completion of an aptitude test or adaptation period under s38(2)(c)(ii) of the Health and Social Care Professionals Act, 2005

The Appeals Committee can do one of the following:

- confirm the decision of the registration board
- direct that the international qualifications are recognised
- direct a new decision to be made
- give other directions to the registration board



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

Procedure for appeal to the Appeals Committee

To appeal, you must set out your case on an appeal form. This is available on www.coru.ie or by calling (01) 2933160.

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

Appeals Section
Health and Social Care Professionals Council
Infinity Building
George's Court
George's Lane
Smithfield
Dublin 7
D07 E98Y

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.

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



Format of application for appeal

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

The only additional information you will be permitted to submit is:

- 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,

Please see the appeal form for further details.

Fee

An administration cost of €100 is charged for processing an appeal. Appeal applications received without the fee will not be considered.

The Appeals Committee may, at its discretion, refund this fee at the end of the appeals process.

Appeals Committee

An Appeals Committee, established by Council, will hear your appeal and make a determination.

Who is on the Appeals Committee?

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).



The Appeal Hearing

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

1. Preparation

CORU is entitled to seek advice from experts, including independent experts from your profession. CORU may also seek further information from you.

If an expert report is being submitted to CORU 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.

2. Notification of Appeal Hearing

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

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

You are entitled to be accompanied and/or represented at the appeal if you wish.

3. At the Appeal Hearing

- The hearing will be heard in private. The hearing will be as informal as possible observing fair procedures.
- The Appeals Committee will hear submissions.
- A legal assessor will be present at the hearing to provide advice to the Appeals Committee. Any advice received will be provided to you.
- The Appeals Committee is entitled to seek advice from experts, such as an independent expert from your profession for example. Any advice received will be copied to you and you will be given an opportunity to respond.



- 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.
- You do not have to attend at your appeal hearing. 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.

4. Appeals Committee consideration

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

5. Appeals Committee determination

The Appeals Committee will make a determination.

If you have appealed a decision of a registration board to refuse to grant you registration 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

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

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

The Appeals Committee will notify you of its determination.

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.

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

Version Control

Revision Date	Version	Summary of Changes	Author
07/06/19	1.1	Address amended Registrant count amended	Emma McGrath