



# IIOP

INSTITIÚID CÓGAISÍOCHTA NA hÉIREANN  
**IRISH INSTITUTE OF PHARMACY**

## PRACTICE REVIEW APPEALS POLICY

Version	Effective Date	Review Date	Author
1	March 2018	March 2019	Michelle Scott
2	March 2019	March 2020	Michelle Scott
3	March 2020	March 2021	Alicia O'Dwyer
4	March 2021	March 2022	Alicia O'Dwyer

The IIOp takes very seriously its responsibility to have a mechanism in place to allow pharmacists to appeal outcomes of the Practice Review process which result in referral to the PSI. The procedures laid out in this policy apply to all pharmacists undertaking Practice Review.

The IIOp reserves the right to amend this policy where the interests of fair procedures and natural justice so require.

## **1 Committee Structure**

- 1.1 Membership of the Appeals Committee (the “Committee”) for a particular case will be selected as deemed appropriate by the Chair of the Appeals Committee and the IIOp Practice Review Project Lead (or nominee) depending on the nature of the individual case.
- 1.2 The Chair for the Committee will be nominated by the IIOp Executive Director.
- 1.3 The Secretary for the Committee will be the IIOp Practice Review Project Lead (or nominee).

## **2 Power of Decision / Voting**

A minimum of three individuals will serve on the Committee. The Secretary will be in attendance to ensure accurate recording and compliance with Practice Review Policy and Practice Review Appeals Policy. There shall be only one decision of the Committee.

## **3 Matters for Appeal**

- 3.1 The Appeals Committee shall have the authority to hear appeals relating to the following outcomes for Practice Review (as defined by the IIOp Practice Review Policy):
  - 3.1.1 An outcome of ‘Non-participation’
  - 3.1.2 An outcome of ‘Competence not demonstrated’

- 3.2 An appeal will be considered if there is evidence of apparent substantive procedural irregularity on the part of the IIOF in the processes leading to the outcomes outlined above i.e. evidence that the IIOF appears to have failed to have followed its own processes or policies properly, and which the pharmacist reasonably believes may have had a bearing on the outcome issued.

## 4 Submitting an Appeal

- 4.1 A pharmacist who wishes to appeal should submit their appeal in writing to the Executive Director of the IIOF using the Practice Review Appeals Application Form (Appendix I). This must be within 14 days of the formal publication of the outcome.
- 4.2 There is a fee of €150 for an appeal, refunded if an appeal is upheld.

## 5 Grounds to Proceed

- 5.1 The procedural grounds (or basis) upon which an appeal is considered suitable to proceed to a formal hearing before an Appeals Committee is a decision which will be made by the Grounds to Proceed Committee, consisting of the Secretary and two members of staff from RCSI.
- 5.2 The decision will be based on whether the appeal satisfies the criteria e.g. it relates to substantive procedural irregularities and no other criteria, and that *prima facie* evidence has been provided to support the appeal.
- 5.3 The Secretary will ensure the pharmacist is informed if an application to appeal has been granted or refused to proceed.

## 6 Procedures of the Appeals Committee

- 6.1 Following the formation of the Appeals Committee, the Secretary will gather the relevant papers and documentation and may confer confidentially with any third party who may be of assistance to the appeal.
- 6.2 A copy of the pharmacist's Practice Review Appeal Application Form, including any documentary evidence, will be provided to the Committee.
- 6.3 All documentation provided to the Committee will also be provided to the pharmacist.
- 6.4 A Committee meeting will be convened and the pharmacist informed of the date and time of the meeting.

- 6.5 The pharmacist has the right to present their appeal at the hearing and will be invited to attend by the Secretary.
- 6.6 The pharmacist has the right to invite an advocate to accompany them to the hearing and must notify the Secretary if they elect to do so.

## **7 Formal Committee Hearing**

The Chair of the Appeals Committee will attend to the following:

- 7.1 Conduct introductions and explain the functions of the Committee
- 7.2 Explain the possible outcomes relating to decisions made by the Committee
- 7.3 Invite the pharmacist or (if applicable) the pharmacist's advocate to make a statement in their own words and allow members of the Committee to direct questions.
- 7.4 Invite any other person(s) who may be able to provide expert advice on specific aspects of the appeal to make a brief statement, with members of the committee being allowed to ask questions after each statement. The pharmacist will be invited, through the Chair, to ask questions. If an advocate is present they will also be invited, through the Chair, to ask questions.
- 7.5 Once satisfied that all parties have had a full opportunity to make statements and ask questions, invite the pharmacist (and advocate) to withdraw.
- 7.6 Ensure that the contact details of the pharmacist and advocate are available to the Committee.
- 7.7 Facilitate discussion of the case and ask for a decision to be made.
- 7.8 Formally notify the IIOB Executive Director of the outcome.

## **8 Powers of the Appeals Committee**

The Appeals Committee may:

- 8.1 Uphold the appeal. This will result in:
  - 8.1.1 For an appeal against an outcome of ‘Non-participation’, there will be no referral to the PSI at this point. The pharmacist will be entered by the IIOIP into the next Practice Review event as an ab initio participant<sup>1</sup>.
  - 8.1.2 For an appeal against a ‘Competence not demonstrated’ outcome, the appeals committee may afford the pharmacist one or more additional opportunities to participate in the next available Practice Review event(s).
- 8.2 Seek further information and reconvene.
- 8.3 Reject the appeal (i.e. the assigned outcome stands with referral to the PSI).

## **9 Communication of Decision**

- 9.1 The formal determination of the Appeals Committee will be given to the pharmacist in writing.

## **10 Confidentiality and Data Protection**

- 10.1 A record of all decisions made under this Policy will be kept for eight years following the decision.

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<sup>1</sup> For the purposes of this policy ‘ab initio participant’ is defined as a pharmacist undertaking Practice Review for the first time

## 11 Notes for pharmacists wishing to appeal

It is important to note that an appeal can only be heard if a pharmacist has **evidence of apparent substantive procedural irregularity on the part of the IIOIP in the Practice Review policies or processes which resulted in an outcome of ‘Competence not demonstrated,’ or ‘Non-participation’ (as defined in the IIOIP Practice Review Policy).**

This means that you must have evidence that the IIOIP failed to follow its own processes and policies.

Appeals cannot be submitted following receipt of a ‘Further review required’ outcome.

This policy does not encompass or cover complaints which relate, directly and manifestly, to matters of Practice Reviewer or Review Board judgement.

If a pharmacist has questions about their outcome, or would like further information with regard to the correct procedure for appeal, they are advised to contact the IIOIP team by emailing [practicereview@iioip.ie](mailto:practicereview@iioip.ie) or by calling 01 402 5112.

## 12 Appeals Application

A pharmacist must submit any appeal in writing using the Practice Review Appeal Application Form within 14 days of the date of publication of the relevant outcome.

The appeal will be dealt with as quickly as possible. However, pharmacists should be aware that it may take some time before an appeal is resolved.

If a pharmacist elects to submit their appeal by post, such appeal and supporting documentation should be sent to:

*Executive Director  
Irish Institute of Pharmacy  
Textile House  
5 Johnson Place  
Dublin 2  
D02 FP84*

If a pharmacist elects to submit their appeal by email, it should be sent (with any necessary supporting documentation attached) to [practicereview@iioip.ie](mailto:practicereview@iioip.ie).

The administration fee (€150) can be paid online by clicking [here](#) or by sending a cheque or bank draft made payable to ‘The Royal College of Surgeons in Ireland’ to the address listed above.

The administration fee will be refunded to the pharmacist in the event that their appeal is upheld.

## Appendix I

# Practice Review Appeal Application Form

Practice Review Date (to which the appeal pertains):

### Section One

Family Name	
First Name	
PSI Number	
Full address for correspondence	
Contact phone number	
Contact email address	

Appeal Relates to:	Tick as applicable
3.1.1 An outcome of 'Non-participation'	
3.1.2 An outcome of 'Competence not demonstrated'	

**For an appeal to be considered, IIOIP Appeals Regulations only allow applications on the following grounds (Tick to confirm):**

You possess <i>prima facie</i> evidence of apparent procedural irregularity in the conduct of the process (i.e. evidence that the IIOIP appears to have failed to have followed its processes or policies properly)	
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***Please note: If your issue does not fall within the grounds stated above then your appeal will not have grounds to proceed***



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LEADING PRACTICE • ADVANCING STANDARDS

**Please provide comprehensive information to support your appeal. Please continue on separate page(s) as required:**

## SECTION TWO

CHECKLIST OF RELEVANT DOCUMENTATION	Tick ✓
Application form completed	
Supporting evidence enclosed	
Payment enclosed/ sent	

Signature..... Date.....