

The Institute of Trichologists

APPEALS AND RESTORATION POLICY

For Registered Trichologists

DOCUMENTATION

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POLICY OVERVIEW

This procedure sets out the process the Institute of Trichologists (IOT) will follow to consider all appeals fairly and consistently. We do this in line with good practice guidance as provided by ACAS (the Advisory, Conciliation and Arbitration Service).

The Appeals Procedure applies to Registered Trichologists of the IOT and to any member of the general public.

The purpose of the Appeal hearing is to establish if the finding the original complaint or disciplinary action was appropriate and procedurally correct.

PRINCIPLES

Appeal hearings are not re-hearings of the original case. The purpose of the appeal is to determine whether the original decision was a reasonable outcome. The facts and evidence presented to the hearing panel will be the basis of determining whether the original outcome was a fair decision.

An independent Appeal Panel will be convened by the IOT's Registration Council (RC) to hear the appeal. The panel will consist of members of the RC with no prior knowledge or involvement with the original case. The Appeal Panel will hear the appeal and consider any supporting evidence and information before making its final decision.

Appeals will not usually involve recalling witnesses, the Appeal Panel will only recall witnesses by exception. For example, if a point of fact needs clarifying or explaining. If permission has been given to any party to call a witness to the appeal, the witness will be invited to attend the hearing at an appropriate time.

APPEAL PROCEDURE FOR REGISTERED TRICHOLOGISTS

Registrants can make a formal appeal if unhappy with the outcome of formal action, as follows:

- Appeals against formal disciplinary sanctions, up to and including, removal from the Register.
- Appeals against sanctions issued for breaches of the Code of Professional Practice and Ethics and sanctions issued under any policy, including but not limited to:
 - Fitness to practice
 - Safeguarding
 - Conduct or unprofessional behaviour
 - Failure to comply with the rules of Membership
 - Negligence or poor practice
 - Criminal activity
 - Any other substantial reason

Registrants can appeal, in writing, against the formal disciplinary sanction or dismissal decision. The appeal should be received within ten working days from the receipt of written confirmation of the decision. Appeal letters sent via email will be accepted.

Registrants will need to outline one, or more, of the following grounds in the appeal:

- There was a flaw in the procedure applied
- Not all relevant evidence has been considered
- The sanction or decision is too severe
- New evidence has come to light since the sanction or decision which may have materially changed the outcome of the hearing

The registrant must provide the IOT with the rationale or evidence in respect of their grounds of appeal. This, and all other evidence for consideration, will be circulated to all involved with the appeal hearing before it takes place.

INVESTIGATION PANEL SCREENING

The Investigation Panel will:

- Review the decision and the evidence from the original hearing
- Review any further evidence that may be relevant
- Copies of the notes from the previous hearing will be supplied to the Appeal Panel and form part of the evidence.
- The notes of the previous hearing will be available to all parties
- Refer the Appeal to an newly formed independent Appeal Panel – who have had no previous dealings with the case

THE APPEAL PROCESS

The appeal hearing will be arranged with at least ten working days' notice.

At the hearing, the registrant will outline the grounds of their appeal. They will present evidence and any new documentation, where relevant.

The chair of the Panel who held the previous formal hearing will:

- Present the IOT's position and reason for its decision,
- Present evidence and documentation, where relevant

If required, registrants should discuss any adjustments which they may require with the IOT administrator or with the chair of the Appeal panel.

NEW EVIDENCE

In the appeal hearing, the panel will consider new evidence. Any new evidence should be submitted no later than five working days before the appeal hearing.

The appeal letter must state what the new evidence is and why it may alter the original decision, it should also say it was not included at the previous hearing.

The chair of the panel can agree to the admission of any late new evidence and may adjourn the appeal hearing to allow time to consider the evidence.

APPEALS AGAINST REMOVAL FROM THE REGISTER

The Registration Council (RC) will convene a panel to hear any appeals against removal from the Register. The panel will consist of at least three members of the RC who have not been previously involved in the case.

The panel in this circumstance may consist of:

- A member of the Board of Directors
- At least one member of the panel will be a practicing registered Trichologist
- A HR specialist may also be on the panel to provide advice on policy and procedure
- A practitioner from another profession may also be appointed to provide additional perspective, where appropriate
- In certain cases, the IOT may consider convening an appeals panel comprised entirely of Board Directors, if appropriate
- In certain appeals against removal from the Register the IOT may have a legal representative to present the IOT's position

A separate note taker from the IOT may also attend.

Registrants may also bring a companion to the Appeal Hearing. Registrants must notify the IOT about their companion at least 48 hours before the hearing. The companion can be:

- A colleague or friend
- A fellow Trichologist
- A legal representative

The companion may be asked by the IOT to provide documentation to confirm their identity and to ensure there is no undisclosed conflict of interest.

The companion will be allowed to address the hearing to present and sum up the case.

They can:

- Respond on the registrant's behalf and confer with them during the hearing

They cannot:

- Answer questions on the registrant's behalf
- Disrupt or interfere with the proceedings of the hearing
- Address the hearing if the registrant does not wish it or prevent the registrant from explaining their case

If the registrant, or their companion, are unable to attend the hearing on the date given, it will be rescheduled to take place within five days, or as soon as practicable.

The registrant will be notified in writing of the rescheduled date. If the registrant is not able to attend on the revised date without just cause, the IOT reserves the right to dismiss the appeal. The registrant will have no further right to appeal.

APPEAL OUTCOMES

The appeal outcomes may be to:

- Uphold the case against the registrant and the original sanction or the decision to remove from the register
- Uphold the case against the registrant but impose a reduced sanction or reinstatement to the register
- Uphold the appeal and not uphold the case against the registrant, which withdraws the previous sanction imposed and/or reinstates them

In some circumstances the decision of the Appeal Panel can be given at the appeal hearing. In any case, the decision will be confirmed in writing with 10 days of the Appeal hearing. The Appeal Panel may take additional time to consider the case. The panel chair will confirm their decision with registrants in writing.

The decision made by the Appeal Panel is final. There is no further right of appeal.

SUCCESSFUL APPEAL AGAINST REMOVAL FROM THE REGISTER

If an appeal against removal from the Register is successful, the IOT may reinstate the registrant with their previous accreditation. The reinstatement will be effective from the date of the removal. There will be no loss of continuity of IOT Membership, services or associated rights.

APPEALS PROCEDURE FOR MEMBERS OF THE PUBLIC

Anyone can make a formal appeal if unhappy with the outcome of a complaint against the IOT or against a Registered Trichologist.

The appeal should be made in writing to the IOT within 28 working days from the receipt of written confirmation of the decision. We will accept appeal letters sent via email.

The appeal letter should outline one, or more, of the following reasons for the appeal:

- There was a flaw in the IOT's complaint handling procedure

- Not all relevant evidence had been considered
- The sanction or decision was too lenient
- New evidence has come to light since the decision which may have materially changed the outcome of the hearing

The IOT will consider the appeal request and acknowledge the letter within five working days of receiving it. The acknowledgement will confirm whether the IOT has accepted the appeal and advise on the next steps.

The complainant should provide the IOT with any evidence to support their appeal, including details of any new witnesses they intend to call at the hearing. This, and all other evidence to be considered in the appeal, will be circulated to all parties involved with the hearing before it takes place.

If there are equality or diversity issues that are relevant to the individual these should be made known to the IOT or chair of the panels so that appropriate support can be provided. In the case of a disability or language issue the individual may be accompanied by an appropriate person to provide support, however it is their responsibility to arrange this.

INVESTIGATION PANEL SCREENING

The Investigation Panel will:

- Review the decision and the evidence from the original hearing
- Review any further evidence that may be relevant
- Copies of the notes from the previous hearing will be supplied to the Appeal Panel and form part of the evidence.
- The notes of the previous hearing will be available to all parties
- Refer the Appeal to a newly formed independent Appeal Panel – who have had no previous dealings with the case

THE APPEAL PROCESS

The appeal hearing will be arranged with at least ten working days' notice.

THE APPEAL HEARING

At the hearing, the complainant will be asked to outline the grounds of their appeal. They will present evidence and any new documentation, where relevant.

The chair of the Panel who held the previous hearing will be asked to:

- Present the IOT's position and reason for its decision,
- Present evidence and documentation, where relevant

Requests for adjournments can be made by any party.

The complainant may also bring a companion to the Appeal Hearing. The IOT should be notified about their companion at least 48 hours before the hearing. The companion can be:

- A friend or family member
- An advocate or support worker
- A legal representative (although this will not normally be necessary)

The companion may be asked by the IOT to provide documentation to confirm their identity and to ensure there is no undisclosed conflict of interest.

The companion will be allowed to address the hearing to present and sum up the case.

They can:

- Respond on the complainant's behalf and confer with them during the hearing

They cannot:

- Answer questions on the complainant's behalf,
- Disrupt or interfere with the proceedings of the hearing,
- Address the hearing if the complainant does not wish it or prevent them from explaining their case.

If the complainant, or their companion, are unable to attend the hearing on the date given, it will be rescheduled to take place within five days, or as soon as practicable.

The complainant will be notified in writing of the rescheduled date. If they fail to attend on the revised date without just cause, the IOT reserves the right to dismiss the appeal. The complainant will have no further right to appeal.

APPEAL OUTCOMES

The appeal outcomes may be to:

- Confirm the outcome and decision of the original hearing,
- Uphold the Appeal if there is evidence to prove that the appeal is well founded or if the procedure had been flawed,
- Adjourn the appeal due to significant new evidence which requires further investigation and consideration,
- Recommend an alternative course of action to resolve the complaint.

In some circumstances the decision of the Appeal Panel can be given at the appeal hearing. In any case, the decision will be confirmed in writing with 10 days of the Appeal hearing. The Appeal Panel may take additional time to consider the case. The panel chair will confirm their decision in writing.

The outcome of the appeal will be final and there is no further right of appeal.

CONFIDENTIALITY

All parties involved in the Appeal procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside of the IOT.

TIMESCALES

While every endeavour will be made to comply with timescales, due to the complexity and/or specific circumstances of a case, timescales may be extended. In these circumstances all parties concerned will be advised of the reasons for any delayed.

Audio and video recording of meetings is not permitted except in exceptional circumstances and with prior agreement of all parties.

RESTORATION

If a person has been struck off the register and wishes to return to the Institute of Trichologists register, they must apply for restoration to the register.

Applications for restoration can only be made after five years have passed since the strike-off order came into force. Only one application will be considered in any 12-month period.

A panel of the Fitness to Practice Committee will consider the application for restoration, which will determine whether the applicant should be able to apply for readmission to the register. The Committee has a range of powers once it has considered the application.

The purpose of a restoration hearing is to consider whether, looking at the circumstances that led to the striking off order, the applicant is a fit and proper person to practice as a **Trichologists (Registrant of the Institute of Trichologists)(RIT)**, and whether they meet the other requirements for restoration. When considering restoration applications, the panel's sole purpose is to make sure that the health, safety and wellbeing of members of the public is protected, and that public confidence in Trichology, and proper standards and conduct are maintained.

A restoration hearing is not an opportunity for the applicant to appeal the original striking-off order. The purpose of a restoration hearing is not to reassess the finding of fact or the decision of the panel at the initial hearing.

The Investigation Panel will:

- Review the decision and the evidence from the original hearing
- Review any further evidence that may be relevant
- Copies of the notes from the previous hearing will be supplied to the Appeal Panel and form part of the evidence.
- The notes of the previous hearing will be available to all parties
- Refer the Appeal to a newly formed independent Appeal Panel – who have had no previous dealings with the case to date

The Appeals Panel:

Panels dealing with an application for restoration have a range of powers available to them, depending on whether they find that the applicant has satisfied the fit and proper person test, and the other requirements for restoration. They can:

- Grant the application for restoration

This means that the applicant will become effective on our register, with no restrictions on their practice, once they have met t their readmission application has been accepted by the Registration Council (RC).

- Grant the application subject to the applicant satisfying the IOT's return to practice standards
- Grant the application and impose conditions of practice order
- Where an applicant has not satisfied the test for restoration, a panel must refuse the application. Panels may wish to state in their reasons what further evidence (if any) the applicant should gather to assist a panel at any future restoration hearing
- If a panel refuses an application and it is the applicant's second or subsequent application, the panel may suspend the applicant's right to make further applications for restoration. The applicant can apply to the Registration Council to review this direction after three years.

This procedure may, in the interests of, and following consultation with relevant parties, be varied and altered by the chair of the panel who will explain the reasons for the variation.

This procedure will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation.

DISCLAIMER: While the IOT is actively seeking to gain **protected professional status** for the title "Trichologist" in the UK, registration with the Institute of Trichologists (IOT) is **not currently required by law** in order to use the title "Trichologist". The IOT is committed to upholding the **highest professional and ethical standards** among its **registrants** and to maintaining a robust, accredited register of qualified Trichologists. Please note that the IOT **cannot regulate or take responsibility for individuals who are not registered** with the IOT.