

Appealing a decision of the medical school

By Dr Daniel Sokol

With each passing year, the cohort of medical students gets smaller as some give up and others are thrown off the course, whether for academic reasons, cheating or other forms of misconduct.

An article in the Sunday Times in August 2017 revealed that nearly 1,600 medical students had left their course in the last 5 years. For most medical students, this will signal the end of their ambition of becoming a doctor.

In 2008, I left my post as a lecturer in medical ethics and law and trained as a barrister. I now specialise in helping students challenge the unfair decisions of their university. Here are 5 tips for medical students who intend to appeal a decision.

1. Read the rules and regulations carefully

The starting point will always be the rules and regulations. You should find these online. If not, ask for them.

Depending on the decision you are appealing, you may need to find the regulations or guidance on academic appeals, mitigation, misconduct, poor attendance, and so on.

The medical school may also have separate rules. If they differ from the university's rules in a relevant way, find out which take precedence. Again, that should be in the documents.

Do not rely on what members of staff *think* the rules say. Check them for yourself. It is a little dry but these documents may hold the key to your appeal.

2. Identify your ground of appeal

In the academic regulations, you will find the permissible grounds of appeal. Go through each one methodically and ask yourself “does this apply to me?”. If none do, you probably have no grounds for appeal.

If some do, you need to articulate the grounds. This may be: “There were exceptional circumstances, namely health problems/family problems/financial problems, in the weeks preceding the failed exams which adversely affected my revision and academic performance in the exams and which, for good reason, I was unable to share with the university authorities.” The appeal statement will then expand on each element.

3. Obtain supporting evidence

To succeed, you need to provide cogent and compelling evidence in support of your contentions. This may be in the form of expert reports, such as the report of a clinical psychologist or healthcare professional.

You will usually need to guide the expert to ensure the report addresses the key issues. A report which simply say you were depressed, without mentioning factors such as the time period, duration, severity, and impact, is unhelpful.

4. Write an excellent appeal statement

The appeal statement should be scrupulously accurate but it should be more than a factual summary. It is, ultimately, a persuasive document. My preferred structure for the statement, which I attach to the Appeal Form, is ‘Introduction’, ‘Background’, ‘Rules, Regulations and the Law’, ‘Submissions’, and ‘Conclusion’.

If done correctly, the person reading the document should understand the whole story and the applicable rules from that document alone, he or she should feel

thankful for the clarity with which you have prepared the statement, and compelled to find in your favour due to the persuasiveness of your submissions and the strength of your evidence.

5. Prepare thoroughly for the hearing

If you are invited to a hearing, you should attend even if attendance is optional. This shows your commitment, makes you more than just a name on a piece of paper, and allows you to address any concerns the Panel may have.

Make sure you prepare thoroughly for the hearing, anticipating difficult questions. For example, “Why did you not share your difficulties with your personal tutor?” or “Why could you not spend 5 minutes to complete a mitigation form?”. Assume the questioning will be robust.

If possible, seek help from the Student Union or professional help from specialist lawyers. I declare a conflict of interest, but be wary of those who advise against lawyers. When doctors are in trouble and their career is on the line, what do they do? Get a lawyer.

In fact, the GMC states that ‘medical schools should encourage students to have a supporter or legal representative at fitness to practise hearings’. The same should apply to other hearings that could end a student’s medical career.

Good luck!

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References

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GMC booklet *Professional behaviour and fitness to practise: guidance for medical schools and their students*, paragraph 119