



ATCM Appeals Process – Policy and Guidance

Effective Date: March 2026

Next Review Date: October 2027

1. Introduction

This document sets out the procedure for appealing decisions made by the Professional Conduct Committee (PCC) of the Association of Traditional Chinese Medicine and Acupuncture UK (ATCM).

This procedure is established in accordance with:

- The Articles of ATCM
- the ATCM Code of Practice
- the ATCM Code of Professional Conduct
- ATCM Complaints and Fitness to Practise Procedures

ATCM's regulatory framework is designed to:

- protect the public
- maintain professional standards
- uphold confidence in the profession

Appeals are determined by the Professional Conduct Appeal Committee (PCAC), which operates independently of the PCC.

All appeal proceedings are conducted in accordance with the principles of:

- fairness
- proportionality
- transparency
- natural justice

2. Who Can Appeal

The following parties may appeal a PCC decision:

- the practitioner (member) subject to the decision
- the complainant, where they consider the outcome or process to be unfair or insufficient to protect the public

3. Grounds for Appeal

An appeal must be based on one or more of the following grounds:

- a material procedural irregularity
- new evidence which could not reasonably have been presented earlier
- disproportionate sanction
- a decision that is unsafe, unreasonable, or insufficient for public protection

An appeal is not a rehearing of the case, unless this is necessary in the interests of justice.

An appeal is distinct from an application for re-admission.

Appeals challenge the original decision within a defined timeframe, whereas re-admission is a separate process available after removal.

4. Submitting an Appeal

Appeals must be submitted in writing within 28 days of receiving the PCC decision.

The appeal must include:

- case reference number
- grounds for appeal
- supporting evidence

Late appeals may only be accepted in exceptional circumstances.

Failure to engage with the appeal process, without reasonable explanation, may result in the appeal being determined in the party's absence.

5. Composition of the PCAC

The Professional Conduct Appeal Committee (PCAC):

- is independent from the PCC
- must act impartially

Members must:

- have had no prior involvement in the case
- declare any conflicts of interest

The Committee will normally include:

- professional members
- at least one lay member
- a legal assessor (where appropriate)

6. Notice of Hearing

Notice will normally be given at least 15 days in advance.

The notice will include:

- date, time and format
- details of the process
- rights of attendance and representation

Participants may attend:

- in person
- remotely
- with representation

ATCM will provide reasonable adjustments where required.

7. Preparation for Hearing

Both parties may submit written representations and evidence.

The PCAC may:

- set deadlines
- refuse late evidence unless justified
- issue procedural directions

Adjournments will only be granted where justified and proportionate.

8. Conduct of the Appeal Hearing

At the hearing:

- ATCM presents the case in the public interest
- the practitioner responds
- the complainant may attend as a witness

The PCAC will consider:

- grounds of appeal
- PCC findings
- any new evidence

The standard of proof is the balance of probabilities.

The primary consideration is public protection.

9. Outcomes of Appeal

The PCAC may:

- dismiss the appeal
- allow the appeal
- vary or substitute a sanction
- remit the case to PCC

Sanctions are determined with regard to:

- ATCM Indicative Sanctions Guidance
- proportionality
- consistency
- risk

Sanctions include:

- advice or warning
- conditions
- suspension
- removal

10. Decision

A written decision will normally be issued within 14 days.

It will include:

- outcome
- reasons
- sanction

The decision is final within ATCM.

The finality of an appeal decision does not prevent a future application for re-admission following removal, which is governed separately by ATCM policy.

11. Publication and Reporting

ATCM may publish outcomes where necessary for:

- public protection
- transparency
- maintaining confidence

In deciding whether to publish, ATCM may consider:

- seriousness
- risk
- insight
- failure to engage with the regulatory process

Failure to engage alone will not determine publication.

12. Interim Measures Pending Appeal

Sanctions imposed by the PCC will normally take immediate effect.

However, ATCM may decide to:

- suspend the sanction pending appeal, or
- impose interim conditions

Decisions will be based on:

- risk to the public
- seriousness

- fairness
- evidence of remediation

Where risk is high, restrictions are unlikely to be lifted.

13. Costs

The appeal process is not punitive.

No routine costs orders will be made.

However, where a party:

- acts unreasonably
- abuses the process
- submits vexatious appeals

ATCM may take appropriate action.

14. Quality Assurance

ATCM ensures consistency and fairness through:

- decision review
- training
- periodic audit

These processes do not interfere with independence.

Appendix A – Key Principles

ATCM regulatory decision-making is guided by:

- **Public Protection** – the primary objective
- **Proportionality** – action must match risk
- **Fairness** – equal and unbiased treatment
- **Transparency** – clear reasoning
- **Consistency** – similar cases treated alike
- **Independence** – decisions free from influence

Appendix B – Definitions

Misconduct

Behaviour that falls below expected professional standards.

Impairment

A practitioner’s fitness to practise is compromised.

Sanction

A measure imposed to protect the public and uphold standards.

Appeal

A formal challenge to a PCC decision based on defined grounds.

Appendix C – Notice of Appeal Hearing Template

Subject: Notice of Appeal Hearing

Dear [Name],

We write to inform you that an appeal hearing has been scheduled in relation to the decision of the Professional Conduct Committee (PCC).

Case Reference: [XXXX]

Hearing Date: [Date]

Time: [Time]

Format: [In person / Remote]

Location / Link: [Details]

Purpose of the Hearing

The Professional Conduct Appeal Committee (PCAC) will consider the appeal based on the grounds submitted.

Your Rights

You may:

- attend the hearing
- be represented (legally or otherwise)
- submit further written representations (by [deadline])

Important Information

- If you do not attend, the hearing may proceed in your absence

- If you require adjustments (e.g. language or accessibility support), please inform us

If you have any questions, please contact [ATCM contact details].

Yours sincerely,
ATCM

Appendix D – Appeal Decision Letter Template

Subject: Outcome of Appeal – [Case Reference]

Dear [Name],

The Professional Conduct Appeal Committee (PCAC) has now considered the appeal in relation to the decision of the Professional Conduct Committee (PCC).

Outcome

The appeal is:

- Dismissed
- Allowed (in whole / in part)

Findings

The PCAC considered:

- the grounds of appeal
- the original PCC decision
- the evidence presented

The Committee determined that:

[Insert clear reasoning]

Decision on Sanction

The PCAC has decided to:

- Uphold the original sanction
- Vary the sanction
- Substitute a new sanction
- Refer the case back to the PCC

Sanction (if applicable):

[Details]

Reasons

[Clear, structured reasoning: facts → analysis → conclusion]

Publication

The outcome will / will not be published.

Finality

This decision is final within ATCM.

You may wish to seek independent legal advice if you intend to pursue the matter further.

Yours sincerely,

On behalf of the PCAC

ATCM

Appendix E – PCC vs PCAC Roles and Responsibilities

Professional Conduct Committee (PCC)

Responsible for:

- determining facts
- deciding misconduct
- assessing impairment
- imposing initial sanctions

Professional Conduct Appeal Committee (PCAC)

Responsible for:

- reviewing PCC decisions
- assessing fairness, proportionality, and safety
- considering appeal grounds
- confirming, varying, or overturning decisions

Key Distinction

- PCC = primary decision-maker
- PCAC = review and safeguard mechanism

The PCAC does not:

- routinely re-hear cases

- substitute its judgment without proper grounds

Approved by ATCM council