
RECONSIDERATION, REVIEW AND APPEAL OF DECISIONS OF THE COLLEGE COMMITTEES AND OFFICERS

POLICY

1. PURPOSE

The Royal Australasian College of Medical Administrators (RACMA) is committed to providing advice to its membership and other individuals and organisations about those of its decisions which are able to be reconsidered, reviewed, and formally appealed under established mechanisms.

It is intended that these processes enable the College and those who have been subject to a decision which they consider unsatisfactory, to embark upon a defined pathway to enable resolution. The College currently has an established appeals process, which involves the appointment of an Appeals Committee. This provides a very structured, formal approach to conflict resolution. To date, this full formal process has not needed to be implemented.

In describing what might lead up to the establishment of an Appeals Committee, the process requires there to be a “reconsideration and review” of decisions. In order to assist all parties, a new set of procedures has been developed to indicate what is meant by reconsideration and review, and the connection between these processes and a formal appeal.

Thus, the new process consists of 3 separate phases:

Phase 1: Reconsideration

Phase 2: Review

Phase 3: Appeal

The reconsideration phase and the review phase provide for internal review which may resolve the matter and provide information which can be used in the formal appeal phase. Their conduct and findings, however, are explicitly “without prejudice” in the conduct of a formal appeal.

The reconsideration and review phases are internal processes. The appeals phase is a formal one which has strict procedures to ensure it is conducted in accordance with procedural fairness and transparency. Therefore, the language used to describe phase three is much more legalistic.

Whether initiated by an applicant, or by the College in response to the lodging of a formal appeal, the reconsideration phase and the review phase will be conducted, in the same manner and with the same time lines. If the outcome of either phase is acceptable to the affected party then the matter will not proceed to the next phase. It is anticipated that many concerns will be resolved through the reconsideration and review phases.

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The reconsideration and review of a decision also enables the College to undertake a structured quality assurance assessment of the manner and processes by which decisions are made and advised.

This College policy and procedure establishes the mechanism for reconsideration and review by any person adversely affected by a decision of the College. This policy is made to support implementation of appropriate transparency and accountability in decision making by RACMA's key committees.

The policy and procedure which establishes the appeals process is separately documented in *Policy for Appeal of a decision of College Committees and Officers*.

2. SCOPE

This policy and procedure will apply to all cases for reconsideration and review of a decision made by the College's Committees, Officers and Fellows in official College roles and senior employees with specific delegations. Examples of these College roles include Chairs through the decisions of Committees such as Training Committee, Board of Censors, CEP Committee, Credentialing Committee; Fellows in Officer and official College roles such as Censor in Chief, Chair CEP, Censors, Jurisdictional Co-ordinators of Training Preceptors and Supervisors, Accreditation Panels, Accelerated Pathway Panels; and employees of the College with delegations to make decisions impacting the affected party.

Before convening an Appeals Committee, the affected person will request a reconsideration and if unresolved, a review of a decision of the College. Such reconsideration and review does not constitute an appeal under the College's policy and procedure "Appeal of Decisions of College Committees and Officers".

The following decisions are subject to these processes:

- Decisions of the Board of Censors in relation to Candidate assessment in relation to examinations and summative assessments.
- Decisions of the Education and Training Committee in relation to
 - Candidate applications for admission to Fellowship; or
 - Previous Fellow in relation to re-admission to Fellowship; or
 - Applications from overseas-trained doctors for assessment for recognition on behalf of the Australian Medical Council, or the New Zealand Medical Council, or any applicable State or Territory Medical Board (or for other appropriate purposes); or
 - Examinations or training required to be undertaken by overseas-trained doctors for assessment as set out above; or

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- Decisions of the Continuing Education Program Committee (**'CEP'**) in relation to Fellow and Associate Fellow participation in the CEP program and the statement of participation; or
 - Decisions of the College committees in relation to:
 - accreditation of training posts in health services
 - applications for entry to the Fellowship Training Program
 - applications for traineeship in the AFRACMA training program
 - award of Recognition of Prior Learning in the Fellowship Training Program
 - award of credit in the Fellowship Training Program
 - Decisions of the Finance and Audit Committee in relation to the financial status of Fellows, Associate Fellows, Candidates, Affiliates, or other persons;
 - Such other decisions of College Committees and Officers and employees as maybe determined from time to time.

3. RESPONSIBILITIES

Company Secretary / Chief Executive

- To evaluate applications for a review of a decision of the College committees and officers and to determine the appropriateness of an application for reconsideration and review.
- To appoint appropriate administration support for reconsideration and review processes, and to maintain appropriate communications with the appellant and between the Committee/officer and the appellant.

4. PROCEDURE

The review mechanisms established by RACMA and covered in this policy and procedure relates to:

- **PHASE 1 Reconsideration of a decision; and**
- **PHASE 2 Review of a decision**

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A reconsideration and review can be activated by an affected party. In the case of an examination result, this refers to the candidate. In other cases, it may refer to an individual, a hospital or other training setting.

In the reconsideration and review phases, the affected party can provide the College with any information which they believe may assist the College in reconsidering and reviewing the decision.

The College will also consider any of the documents which may assist in the two phases. If a formal appeal is activated, then the affected party is able to make a submission which may include documents or information pertaining to the decision to be appealed.

In order for a reconsideration to be activated, an affected party will need to advise the decision which they wish to have reconsidered. It would also be useful to provide information which they consider may assist in the reconsideration of the decision.

In Phase Three (Appeals), an affected party will need to formally indicate the grounds for appeal of a decision. These are outlined in the *Policy for Appeal of a Decision of College Committees and Officers*.

The decision making involved in the determination of examination results is very structured and often involves a number of participants. Therefore, the process is described separately to better indicate who is involved, and the manner in which reconsideration and review takes place. It is important that an affected party and the College have a shared understanding of how long each process will take place and what it involves. The timelines also ensure that if a formal review does take place, that all parties' memories of events are relatively recent.

A firm timeline also recognises that an affected party may need to act in response to the decision, such as needing to prepare and apply for a future examination series.

At the conclusion of Phase One (Reconsideration) and Phase Two (Review) an affected party will advise as to whether they wish to proceed to the next phase. This is important because it means that the College does not pre-judge an affected party's view as to whether or not the outcome of any phase is satisfactory to them.

At the end of the reconsideration and review phases, the College will provide an affected party with advice in writing concerning its decision to either uphold or overturn the original decision and its reasons for doing so.

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4.1 PHASE 1 PROCEDURE: Reconsideration of a decision:

A. If the reconsideration relates to an examination result			
Step	Action	Timeline	Responsibility
1	The candidate writes to the College BOC Administrator to request a reconsideration of their examination result and can provide any information which they consider may assist in this process. (Attachment 1)	Request is to be received within 30 working days of notification of the examination result. College will acknowledge receipt of request within 7 working days.	Candidate College BOC Administrator
2	The Censor in Chief considers the case – which involves obtaining all supporting documentation from the examination process.		Censor in Chief
3	The Censor in Chief confers with the appropriate lead censor, e.g. Censor for Examinations and may also confer with the individual examiner(s) in the case of viva examinations.		Censor in Chief Censor for Examinations Censors
4	The Censor in Chief makes a determination to uphold or overturn the examination result.		Censor in Chief
5	The Censor in Chief's determination is conveyed to the candidate via the College BOC administrator.	Within 30 working days of receipt of request for reconsideration.	College BOC Administrator
6	Following advice of the determination, the Candidate is required to advise the College whether they wish the next phase to be instituted.	Within 7 days of request for reconsideration.	Candidate

B. If the decision relates to any other matter			
7	The affected party writes to the Chief Executive Officer (CEO) indicating the decision made and requesting a reconsideration of that decision (Attachment 2). The affected party can provide any information which they consider may assist in this process.	College will acknowledge receipt of request within 7 working days	CEO
8	The CEO contacts the officer, committee or college group responsible for the decision and requests the decision be formally reconsidered through the appropriate mechanism.		CEO Appropriate officer /Committee /group
9	The relevant officer, committee or college group advises the CEO of their determination to uphold or overturn the decision.		Appropriate officer/Committee/group
10	The CEO advises the determination to the affected party.	Within 7 days of receipt of the outcome of reconsideration process.	CEO
11	Following advice of the determination, the affected party is required to advise the College whether they wish the next phase to be instituted.	Within 7 days of receipt of the outcome of reconsideration process.	Affected party

4.2 PHASE 2 Request for Review of a decision

a. If the decision relates to an examination result			
Step	Action	Timeline	Responsibility
1	The candidate indicates in writing that following the outcome of the reconsideration phase that they wish the review phase to be activated. The candidate can provide any additional information which they consider may assist in this process (Attachment 3).	Indication is to be made within 7 working days of receiving advice of the outcome of the reconsideration process. College will acknowledge receipt of request within 7 working days.	Candidate College BOC Administrator
2	The Education and Training Committee (ETC) reviews the determination of the Censor in Chief. The Censor in Chief and any examiners who have been party to the reconsideration will not take part in this review.		ETC
3	The ETC will uphold or overturn the Censor in Chief's determination.		ETC
4	The Chief Executive advises the affected party of the determination.		CEO
5	Following advice of the determination, the Candidate is required to advise the College whether they wish the next phase to be instituted.	Within 7 days of request for reconsideration. Within 3 months of advice of the examination result.	Candidate

b. If the decision relates to any other matter			
6	The affected party indicates in writing that following the outcome of the reconsideration phase that they wish the review phase to be activated (Attachment 4). The candidate can provide any additional information which they consider may assist in this process.	College will acknowledge receipt of request within 7 working days of receiving advice of the outcome of the reconsideration process. College will acknowledge receipt of request within 7 working days.	Affected party
7	The CEO requests the body with responsibility for the Committee / officer who made the decision to undertake a review of the decision. Any individual who has been party to the reconsideration will not take part in this review.		CEO Official/committee/college group
8	The CEO advises the determination to the affected party.	Within 30 working days of receipt of a request for review.	CEO
9	Following advice of the determination, the affected party is required to advise the College whether they wish the next phase (Appeal) to be instituted.	Within 7 days of receipt of the outcome of request for review.	Affected party

REFERENCES

RACMA Constitution 2009

Policy for Appeal of a Decision of College Committees and Officers

RACMA Privacy Policy

RACMA Policy for Special Consideration

Regulation for Conduct of RACMA Exams

ACCC/AHWC Report to Australian Health Ministers, Review of Specialist Medical Colleges, July 2005

College Handbook

RACMA Code of Conduct

Any further information concerning an aspect of the review process may be obtained by contacting the Chief Executive of RACMA at the following address:

The Chief Executive
The Royal Australasian College of Medical Administrators
1/20 Cato Street Hawthorn East, VIC 3123

Application Forms

Attachment 1: Application for Reconsideration of Decision about Examination (*Phase 1*)

Attachment 2: Application for Reconsideration of Decision other than Examination (*Phase 1*)

Attachment 3: Application for Reconsideration of Decision about Examination (*Phase 2*)

Attachment 4: Application for Reconsideration of Decision other than Examination (*Phase 2*)