

Appeals Policy for AGPT Registrars

1. Purpose

This document outlines the ACRRM policy for appeals by ACRRM registrars on the AGPT.

2. Definitions

Word/Term	Definition (with examples if required)
ACRRM	Australian College of Rural and Remote Medicine
Clinical Decision	<p>A decision relating to a registrar's clinical practice or professional suitability to continue or complete training on the AGPT Program. Including but not limited to:</p> <ul style="list-style-type: none"> • The readiness of a registrar to sit the fellowship exams and/or assessments; • The withdrawal of a registrar from a Regional Training Organisation's training program under Category 2 – Clinical Competence or, in certain instances, Category 4 – Compliance with Education and Training Requirements of the <i>AGPT Withdrawal Policy 2017</i>; and • A decision relating to a registrar's clinical practice which results in the registrar being referred to a medical educator or supervisor for remediation.
Department	Department of Health
Non-Clinical Decision	A decision about a registrar's participation in the AGPT Program that is not a clinical decision.
Recently Withdrawn	A registrar who was withdrawn from a Regional Training Organisation's training program and has appealed the withdrawal to the RTO within 20 business days of the date of withdrawal or the notification date of the withdrawal, whichever is the later.
RTO	Regional Training Organisation delivering training on the AGPT Program.
Voluntary Withdrawal	A registrar who chooses to withdraw from the AGPT Program either prior to the Commencement of Training or after the Commencement of Training.

3. Related documentation

This policy should be read with reference to the following related documents:

- AGPT Appeals Policy 2017
- AGPT Program Policies 2017 Overarching Document
- AGPT Withdrawal Policy 2017
- ACRRM Fellowship Training Handbook
- ACRRM Fellowship Assessment Handbook
- ACRRM Doctor in Training Review Policy

4. Application and Scope

- 4.1 The policy applies to appeals by ACRRM registrars on the AGPT Program which have been deemed by the Department to be based on a clinical decision and have been referred to ACRRM to be heard.
- 4.2 This policy applies to decisions which affect registrars in relation to their participation on the AGPT Program, whether they are currently training or Recently Withdrawn.
- 4.2 The policy does not apply to registrars training on the Independent Pathway or Remote Vocational Training Scheme. Registrars from these pathways seeking to appeal a decision made by ACRRM are referred to the [ACRRM Appeals Policy](#).

5. Policy

- 5.1 Registrars wishing to appeal in relation to continuation of training on the AGPT Program must lodge an appeal with the Department in the specified format and within the time permitted for appeals.
- 5.2 The Department assesses each application to determine if it is a matter to be heard as an appeal and whether it will be heard as an appeal relating to a clinical decision or non-clinical decision.
- 5.3 Applications made by an ACRRM registrar that are to be heard as an appeal and are related to a clinical decision are referred to ACRRM for review.
- 5.4 ACRRM establishes an Appeals Committee which reviews the appeal and makes a recommendation to the Department.

6. ACRRM Appeal process

- 6.1 After receiving an appeal from the Department, the Chief Executive Officer or nominee shall:
 - 6.1.1 Acknowledge receipt of the appeal within two business days.
 - 6.1.2 Convene the Appeals Committee.
 - 6.1.3 Determine the date of the appeal hearing which shall be held within 25 business days of the receipt of a formal appeal.
 - 6.1.4 At least 10 business days prior to the hearing date, the Chief Executive Officer or nominee will advise the appellant in writing:
 - the date, time and location when the appeal will be heard
 - the membership of the Appeals Committee
 - the right of the appellant to present his or her case to the Appeals Committee in person; and

- the right of the appellant to have a personal advocate, colleague or mentor present at the hearing in an observer capacity, but who may, only with the consent of the Appeals Committee, act as advocate in accordance with this policy.
- 6.2 Appellants are required to lodge all written submissions and copies of any documents and records upon which he/she wishes to rely to the Appeals Committee seven business days prior to an appeal hearing. Additional information provided after the submission will only be considered if the Chair of the Appeals Committee considers that the material is of significance to the matter.
- 6.3 A personal advocate, colleague or mentor may represent the appellant in those cases where the Appeals Committee considers that an appellant could not present, or would be disadvantaged in his/her appeal if required to present in person. Such a request for an appellant to be so represented must be made in writing to the Chair of the Appeals Committee no later than seven business days prior to the date of the appeal hearing. In those cases where the appellant is granted leave to be so represented by an advocate, the Appeals Committee may appoint a person to act as counsel assisting in the hearing of the appeal.
- 6.4 The Appeals Committee must act according to the rules of procedural fairness / natural justice and decide each appeal on its merits. The Appeals Committee is not bound by the rules of evidence and, subject to the rules of procedural fairness / natural justice, may inform itself on any matter and in such a manner as it thinks fit.
- 6.5 The Appeals Committee shall be entitled to consider all relevant information which it thinks fit, and may invite any person to appear before it or to provide information.
- 6.6 All proceedings shall remain confidential, save for information relating to decisions distributed as outlined below.
- 6.7 The Appeals Committee may make the following recommendations to the Department:
- 6.7.1 Uphold the decision which is the subject of the appeal
 - 6.7.2 Overturn the decision which is the subject of the appeal and make an alternative recommendation
- 6.8 The Chief Executive Officer, on behalf of the Appeals Committee, will notify the Department of Health of the recommendation of the Appeals Committee in writing within five business days of the recommendation being made.

7. Appeals Committee Composition

- 7.1 The Appeals Committee will comprise:
- Three College Fellows who were not party to any decision to which the appeal relates
 - The Chief Executive Officer of the College or nominee, as a non-voting member; and
 - Other individuals appropriate to a specific case, as judged by the Appeals Committee.

8. Roles and Responsibilities

- 8.1 Registrars are responsible for:
- 8.1.1 Submitting an appeal to the Department within the specified timeframe
 - 8.1.2 Providing complete and accurate documentation to support their appeal.
- 8.2 The Department is responsible for:

8.2.1 Assessing that an appeal application from an ACRRM registrar:

- meets the grounds for appeal
- is complete
- is a clinical decision or a non-clinical decision

8.2.2 Sending the appeal to ACRRM

8.2.3 Receiving the recommendation of the ACRRM Appeals Committee

8.2.4 Notifying the appellant and ACRRM of the outcome of the appeal.

7.3 ACRRM is responsible for:

7.3.1 Accepting an appeal from the Department

7.3.2 Conducting a robust, fair and transparent appeals process

7.3.3 Completing appeals within 30 days of receipt of complete application

7.3.4 Informing the Department in writing of the recommendation of an appeal within five business days of the recommendation being made.

Approved:	22 May 2017
Review Date:	May 2020
Revision History:	