Procedure for Reconsideration of Board of Education Committee Decisions

Regulation 14.3 (RANZP Training and Assessment Regulations) states:

You may request a review of a decision affecting you in relation to training and assessment. The relevant Committee and/or the BOE will consider such requests.

1. PURPOSE

The purpose of this procedure is to outline the process for Board of Education (BOE) Committee decision making and requesting and conducting formal reconsiderations of Committee decisions in relation to trainees and specialist international medical graduates (SIMGs) requests for special consideration regarding aspects of the RANZCP Training and Assessment Regulations and related policies and guidelines.

2. INFORMAL PROCESS

Prior to submitting a request for a formal reconsideration of a Committee decision, it is a requirement that the applicant has attempted to informally resolve their complaint by approaching the following individuals or bodies, as appropriate:

- Their supervisor
- Their training coordinator
- Their branch training committee
- Their local exam coordinator
- Relevant personnel within the College Secretariat:
  - Director of Education
  - Manager Training and Specialist International Medical Graduate Education
  - Manager Examinations

The process and content of informal discussions entered should be documented by the applicant and outlined in the request for the relevant committee to come to a decision on the matter. (Please refer to the decision making table).

In the first instance, a trainee or SIMG (the applicant) who considers that an aspect of the RANZCP Training and Assessment Regulations (and related policies and guidelines) unfairly or unreasonably affects their progression through the Fellowship program should discuss their concerns with their supervising Fellow, Director of Training, local Training Committee or a relevant College Secretariat staff member.

If the matter cannot be resolved between these parties, then the applicant may submit a request to the relevant College Committee for special consideration.

After having exhausted the avenues of complaints resolution referred to above, any person still believing to be adversely affected by a Board of Education Committee decision, may apply to have the decision reconsidered. The reconsideration can only be conducted if the applicant can
provide supporting evidence that their complaint is consistent with the ‘grounds for review’ as listed in Section 4 below.

Taking account of the applicants request, submissions from other parties and any other relevant documents, the Committee makes a decision based upon the Regulations (and related policies and guidelines).

If the applicant is not satisfied with the Committee Decision they have the right to request a formal reconsideration of the decision.

3. DECISIONS FOR RECONSIDERATION:

Decisions that may be reconsidered must be consistent with the ground for review as detailed in Section 4 and may include the following:

- Decisions in relation to the assessment of progress of trainees of the College (including admission, dismissal or accreditation of training)
- Decisions of the Committee for Specialist International Medical Graduate Education (CSIMGE) in relation to applications from overseas-trained doctors for assessment for recognition received via the Australian Medical Council (AMC), or the New Zealand Medical Council (NZMC), or any applicable State or Territory Medical Board.
- Decisions of the CSIMGE in relation to examinations or training required to be undertaken by overseas-trained doctors for assessment.
- Decisions of the CSIMGE in relation to examinations or training required to be undertaken by Fellows of other Australasian Specialist Medical Colleges.
- Decisions in relation to accreditation for training of hospitals, units, teaching centres or supervisors.
- Decisions in accordance with regulation 14.2, in relation to exclusion from the RANZCP training program.

It is not the purpose, or within the scope of this procedure to provide an avenue for trainees and specialist international medical graduates to contest results awarded, decisions of examiners taken in or about any examination, general grievances, or allegations of poor training or supervision.

4. GROUNDS FOR REVIEW

An application for review may only be made on one or more of the following grounds where there is evidence:

- That an error in law or in due process occurred in the formulation of the original decision.
- That relevant and significant information available at the time of the original decision was not properly considered in the making of the original decision.
- That relevant and significant information become available subsequent to the making of the original decision.
- That the original decision was clearly consistent with the evidence and arguments put before the body making the original decision.
- That irrelevant information was considered and used in the making of the original decision.
- That procedures that were required by College policies to be observed in connection with the making of the decision were not observed.
- That the original decision was made in accordance with a rule or policy without regard to the merits of the particular case.
- That the original decision was made for an improper use or reason.
5. FORMAL REQUEST

5.1 An Applicant shall lodge the Request in writing, within 28 days of the date on which the Decision was conveyed to the Applicant, and shall contain the Applicant’s Grounds for Decision Review, submissions, and any other additional information (including documentary information) which may support the Request. Request’s received after 28 days from the date on which the Decision was conveyed to the Applicant, will be considered at the discretion of the Chair of the Fellowship Attainment Committee (or Board).

5.2 Upon the receipt of the Request, the College record and Request shall be directed to the Fellowship Attainment Committee (or Board). No member of that Committee who has participated in the decision shall take part in the Request process.

5.3 The Chair of the Fellowship Attainment Committee (or Board) shall, within five days after receipt of the Request, independently review the College Record and Request and make an assessment of the merits of the Request. If, in the opinion of the Chair, the Applicant has not demonstrated adequate Grounds for Decision Review, the Request may be declined.

6. RECONSIDERATION PANEL AND HEARING

RECONSIDERATION PANEL

6.1 The Fellowship Attainment Committee (or Board), in the exercise of its decision reconsideration function, will appoint a Panel of three members, one of whom shall be the Committee chair who shall Chair the panel.

6.2 The panel is not required to proceed formally or take further evidence, but may inform itself as it considers necessary and add such information to the College Record accordingly, convening at such times and at such places, or by teleconference, as it determines.

RECONSIDERATION HEARING

6.3 If the panel is to proceed formally, the Applicant is advised in writing at least 14 days prior to the hearing, of the date of the reconsideration and the names of the Panel members. The Applicant will also be advised of their right to present (with or without legal representation) to the Panel. If the Applicant has legal representation present, the College will also be legally represented and this may delay the reconsideration hearing.

6.4 The reconsideration will be heard by the nominated review panel via teleconference or at a face-to-face meeting, at the discretion of the Chair of the relevant Committee or Board.

The reconsideration process proceeds as follows:
- The reconsideration panel confirms receipt of tabled information.
- If the applicant/legal representative is present for the proceedings, the review panel identifies areas that require further clarification based on the information provided.
- The applicant/legal representative joins the hearing at this stage.
- Details of the format and process of the review hearing and composition of the review panel are reiterated to the applicant/legal representative.
- The applicant/legal representative is notified that a maximum of 1 hour is allocated to present their case and respond to the matters raised by the reconsideration panel in order to clarify the grounds of the claim.
• The applicant/legal representative is dismissed from the proceedings in order for the panel to adjudicate. It is imperative that the evidence-based decision of the reconsideration panel is formally documented and communicated to the applicant within 28 days of the hearing.

7. PANEL DECISION MAKING PROCESS

Decisions of the reconsideration panel shall be determined by majority of vote. The Chair of the reconsideration panel and each member of the panel shall cast a vote. In the case of an equality of votes the Chair shall have a second or casting vote.

7.1 The Panel will consider
• All original material and documentation;
• All additional material and documentation supplied by the Applicant; and,
• Any additional material and documentation considered relevant by the Chair.

7.2 A Decision of the Panel shall be as follows:
• To dismiss the Request
• To uphold the Request
• To vary the Decision, either in whole or in part

in each case providing its findings and summary reasons which shall be entered into the College Record.

The applicant is advised of the decision of the reconsideration panel, in writing and within 28 days of the hearing. The following information is also contained in the written communication to the applicant:
• Further reviews of the same decision are not considered
• If the applicant considers that they are adversely affected by the decision reconsideration panel they may, within 28 days of receipt of notice of such decision, appeal to the Chief Executive Officer to have their decision reconsidered. Refer to ‘RANZCP Appeals Process’

8. APPEALS

Individuals who remain dissatisfied with the reconsideration Decision pursuant to these Procedures should refer to the RANZCP Appeals Process and By-laws relating to the Appeals Committee.

9. DEFINITIONS

In these Procedures:

“Applicant” means an individual (trainee or specialist international medical graduate) who requests a reconsideration of a decision

“Board” means the RANZCP Board of Education

“College record” means the written record of the College which contains all material required to be received, submitted or developed pursuant to these Procedures.

“Committee” means a relevant Committee of the Board of Education

“Decision” means any direction, affirmation or registration of opinion, in response to a request for special consideration, which Decision is intended to or does affect the progression of a candidate pursuant to the Regulations.
“Documentary information” includes written statements and statutory declarations from relevant parties, certificates of relevant professionals.

“Grounds for Reconsideration of a Decision” means those matters considered acceptable for making a Request for a reconsideration of a decision, in that progression through the Fellowship program was materially affected and being:

- Technical or administrative grounds that demonstrate an official process or procedure has not been followed or improperly followed
- Technical or administrative grounds against methods of assessment, such as a method of assessment that has been inconsistently or incorrectly applied
- Inadequate allowance or rejection of the request for a case-by-case decision
- Personal bias or demonstrable bad faith in determining a decision
- A direction given which is contrary to, or the pursuit of which is outside the purview, scope or direction of the Regulations
- Any other reasonable ground determined acceptable by the Board

“Examinations” means assessments and examinations as defined in the RANZCP Training and Assessment Regulations.

“Individual” means a trainee or specialist international medical graduate who is the subject of a Committee decision pursuant to these Procedures.

“Panel” means the panel formed to conduct the reconsideration of the Committee decision.

“Procedures” means these Procedures.

“Regulations” means the RANZCP Training and Assessment Regulations and associated policies and guidelines as amended from time to time.

7. **REPEAL**

The documents:

- Procedure for Review of Decisions made by Fellowships Board and its Committee
- Procedure for Fellowships Board Reconsideration of Decisions

shall, on the introduction of these Procedures, be repealed forthwith.