

<b>Policy name:</b>	<b>Appeals – Conduct of the Accreditation Body</b>
<b>Subject:</b>	<b>Appeals against the conduct of the accreditation body</b>
<b>Date approved:</b>	<b>26 May 2016</b>
<b>Date of review:</b>	<b>May 2020</b>
<b>Responsible Officer/s</b>	<b>Chair, Accreditation Subcommittee and Secretariat of the Accreditation Subcommittee</b>

### **Policy Statement**

An appeal is a request for review of a decision made by a Postgraduate Medical Education Council of Tasmania (PMCT) accreditation survey team and endorsed by the PMCT Accreditation Subcommittee, prior to the submission of the final report to the Tasmanian Board of the Medical Board of Australia. Any facility, individual or department/health service (appellant) may appeal against the accreditation status awarded by PMCT and appeal against the conduct of the accreditation body.

This policy provides a framework to define the grounds for appeals or complaints and a process for their review and resolution in a fair, timely, transparent and equitable manner and provides an appropriate appeal mechanism based on the principles of natural justice in accordance with the Prevocational Medical Accreditation Framework (PMAF).

This policy is reviewed every four years, or more frequently, if deemed necessary by the Accreditation Subcommittee.

### **The Appeals Process**

#### ***Mediation***

A Mediation Committee will be formed in order for mediation to be held between representatives of the appellant and PMCT including the Accreditation Subcommittee Chair and two other members of the Accreditation Subcommittee who are independent of the matter under appeal. The Chair of the Mediation Committee will be chosen from one of the PMCT Board. The mediation will be held within three weeks of the appeal notification (It should be noted that this may affect the timeline for the Survey report). The team leader of the survey team will be notified of the appeal and will be invited to review the appeal and provide written comments to the Chair, Accreditation Subcommittee seven working days prior to the mediation.

Outcomes of the mediation may include:

- Upholding of the conduct of the accreditation body by mutual agreement
- Rejection of the conduct of the accreditation body by mutual agreement
- Lack of resolution
- Finding errors in fact.

Where a decision is made, this will be forwarded to the PMCT Accreditation Subcommittee and a formal response will be provided to the appellant following this (within three weeks of the mediation). Should the matter not be resolved at mediation, the appellant may request the convening of a formal Appeals Committee. The onus is on the appellant to indicate grounds for formal appeal (see Page 4 of this document re Costs for an appeal).

#### ***Formal Appeal***

The appellant may appeal against the accreditation conduct by PMCT following a survey visit within 14 days from receipt of written advice of the accreditation decision. A further 28 days will be allowed for the appellant to provide written documentation to support the appeal. The appellant may apply to the Chair of PMCT to have the decision reviewed by an Appeals Committee.

Grounds for appeal include but are not limited to:

- Relevant and significant information which was available to the surveyors was not considered in the making of the recommendations;
- The report of the survey team was inconsistent with the information put before the team;
- That irrelevant information was considered in the survey team decision;
- Perceived bias of a surveyor or surveyors;
- Information provided by the survey team was not duly considered in the recommendations of the Accreditation Subcommittee;
- Integrity or other inappropriate conduct of a member/s of the PMCT accreditation survey team, PMCT Accreditation Subcommittee or other persons involved in the accreditation process.

When lodging a written appeal, the appellant must:

- Identify the reason/s for the misconduct of the accreditation body or persons associated with the accreditation process;
- Specify the ground(s) for the appeal; and
- Provide supporting documentation/evidence as required.

Once all written documentation is received by PMCT, the documentation will be forwarded to survey team leader for written comment. A meeting within four weeks of a formal request by the appellant will then be arranged for the Appeals Committee to consider the appeal.

### **The Appeals Committee**

The Appeals Committee is an independent group responsible for reviewing the accreditation recommendations made by the appellant. Members of the Appeals Committee must not have been a party to the decision to which the appeal relates or have a conflict of interest. The Appeals Committee will consist of:

- The Chair of the Accreditation Subcommittee (or acting if the Chair was part of the survey team whose decision is the subject of the appeal);
- A nominee of the appellant;
- A nominee of the Tasmanian Board of the Medical Board of Australia;
- A representative of the Department of Health and Human Services;
- An independent member of the Accreditation Sub-Committee (or a surveyor who was not a member of the original survey team); and
- An independent arbitrator, appointed by PMCT, such as an interstate accredited surveyor, to ensure the rules of natural justice are observed.
- The PMCT Secretariat staff member shall be Secretary to the Appeals Committee and shall take no part in the deliberations but will document the process and outcomes.

Membership of the Appeals Committee will be notified to the appellant within two weeks of the Appeals committee sitting and the appellant will have seven working (7) days to lodge objections with the Chair on the membership of this committee.

### **The Role of the Appeals Committee**

The Appeals Committee will examine all relevant documentation that will include:

- The last survey of the health service;
- Responses from surveyors;
- Relevant Committee minutes;
- Documentation from the appellant; and/or
- Any other relevant documents.

The Appeals Committee shall be entitled to consider all relevant information that it thinks fit. The role of the Appeals Committee is to examine all documentation and recommend to PMCT, as appropriate, the following:

- To uphold the previous decision of the Committee;
- Where reasonable doubt is established, to reject the Committee's findings; and
- Recommend a review of the accreditation process, with a focus on the areas of appeal. This may result in changes in the accreditation process; and/or
- Recommend an investigation into the conduct of the person/s about which the complaint has been made. This may result in termination of the person as a survey team member/PMCT committee member.

### **Voting**

All members of the Appeals Committee shall be entitled to vote on the decisions before them. The outcome of the appeal shall be based on the majority vote, where the option to abstain is accepted. The Chair, if necessary in a tied outcome, has the casting vote.

### **Re-Survey**

Should a re-survey be conducted, a new survey team will be appointed. There shall be no appeal process available. This must be undertaken within three months of the decision.

### **Findings**

The Appeals Committee will make a recommendation to PMCT for consideration. The health service will, during the appeal process, retain any accreditation status granted to it at its last completed accreditation.

### **Costs of Appeal**

Any costs relating to appearance of members of the Appeals Committee (e.g. travel, accommodation) are to be borne by the appellant. PMCT will support all administrative costs associated with the appeal.

### **References**

*Prevocational Medical Accreditation Framework for the Education and Training of Prevocational Doctors (PMAF)* available from the Confederation of Postgraduate Medical Education Councils website: [www.cpmec.org.au](http://www.cpmec.org.au)

### **Related Documents**

*AMC Accreditation Guidelines.*