

Policy name:	PMCT Accreditation Policy – Appeals
Subject:	Appeals against a) accreditation decisions and accreditation status of Health Service and /or b) the conduct of the accreditation body
Date of last approval:	May 2023
Date due for review:	May 2027
Policy Revision Number	Version 3.3
Responsible Officer	Chair, PMCT Accreditation Committee and Manager Accreditation

Policy Statement

This Policy outlines the appeals and the appeal processes that are available to stakeholders.

For Appeals against accreditation decisions and accreditation status of Health Services:

An appeal is a request for review of a decision made by a Postgraduate Medical Education Council of Tasmania (PMCT) accreditation survey team and recommended by the PMCT Accreditation Committee (PMCT AC), prior to the submission of the final report to the PMCT Board, as set out in the policy document. Any facility, individual or department/health service (appellant) may appeal against the accreditation decisions and/or the accreditation status of the Health Service, within the specified times.

For Appeals against the conduct of the accreditation body:

An appeal is a request for review of the conduct of the accreditation body of the Postgraduate Medical Education Council of Tasmania (PMCT) post a survey visit and prior to the submission of the final report to the PMCT Board, as set out in the policy document. Any facility, individual or department/health service (appellant) may appeal against the conduct of the accreditation body, within the specified times.

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 PMCT AC-

1. Appeal re accreditation decisions and accreditation status of Health Services

Mediation

A Mediation Committee will be formed in order for mediation to be held between representatives of the appellant and PMCT. The Chair of Board (or Delegate), The Chair of the Executive (or Delegate) and the Chair AC (or Delegate) will determine the composition of the Mediation Committee to ensure there is adequate representation and no conflict of interest.

The Chair of the PMCT AC (or delegate) shall inform the Chair of the PMCT Board (or Delegate) and the Chair of the PMCT Executive (or Delegate) an appeal has been received and the current status of the appeal.

The PMCT AC Chair (or delegate) will provide to the Chair of the PMCT Board (or Delegate) and the Chair of the PMCT Executive (or Delegate) any relevant documents and information pertaining to the appeal.

The mediation will be held within three (3) 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 PMCT AC seven (7) working days prior to the mediation.

Outcomes of the mediation may include:

- Upholding of initial accreditation decision by mutual agreement
- Modification of initial accreditation decision by mutual agreement
- Lack of resolution
- Finding errors in fact.

Where a decision is made, this will be forwarded to the PMCT AC, and a formal response will be provided to the appellant following this [within three (3) 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 5 of this document re Costs for an appeal).

The PMCT Accreditation Manager shall be Secretary to the Mediation Committee and shall take no part in the deliberations but will document the process and outcomes.

Formal Appeal

The appellant may appeal against the accreditation status recommended by PMCT AC 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 AC to have the decision reviewed by the Appeals Committee.

The Chair of the PMCT AC (or delegate) shall inform the Chair of the PMCT Board (or Delegate) and the Chair of the PMCT Executive (or Delegate) an appeal has been received and the current status of the appeal.

The PMCT AC Chair (or delegate) will provide to the Chair of the PMCT Board (or Delegate) and the Chair of the PMCT Executive (or Delegate) any relevant documents and information pertaining to the appeal.

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 PMCT AC.

When lodging a written appeal, the appellant must:

- Identify the accreditation decision;
- Specify the ground(s) for the appeal; and
- Provide supporting documentation/evidence as required.

Once all written documentation is received by PMCT AC, the documentation will be forwarded to survey team leader for written comment. A meeting within four (4) weeks of a formal request by the appellant will then be arranged for the Appeals Committee to consider the appeal.

2. Appeal against the conduct of the accreditation body

Mediation

A Mediation Committee will be formed in order for mediation to be held between representatives of the appellant and PMCT. The Chair of Board (or Delegate), The Chair of the Executive (or Delegate) and the Chair AC (or Delegate) will determine the composition of the Mediation Committee to ensure there is adequate representation and no conflict of interest.

The Chair of the PMCT AC (or delegate) shall inform the Chair of the PMCT Board (or Delegate) and the Chair of the PMCT Executive (or Delegate) that an appeal has been received and the current status of the appeal.

The PMCT AC Chair (or delegate) will provide to the Chair of the PMCT Board (or Delegate) and the Chair of the PMCT Executive (or Delegate) any relevant documents and information pertaining to the appeal.

The mediation will be held within three (3) 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 PMCT AC Chair, seven (7) 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 AC, and a formal response will be provided to the appellant following this [within three (3) 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 5 of this document re Costs for an appeal).

The PMCT Accreditation Manager shall be Secretary to the Mediation Committee and shall take no part in the deliberations but will document the process and outcomes.

Formal Appeal

The appellant may appeal against the accreditation conduct by PMCT (e.g., accreditation survey team, PMCT AC or other persons involved in the accreditation process) 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 AC to have the decision reviewed by an Appeals Committee.

The Chair of the PMCT AC (or delegate) shall inform the Chair of the PMCT Board (or Delegate) and the Chair of the PMCT Executive (or Delegate) that an appeal has been received and the current status the appeal.

The PMCT AC Chair (or delegate) will provide to the Chair of the PMCT Board (or Delegate) and the Chair of the PMCT Executive (or Delegate) any relevant documents and information pertaining to the appeal.

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 PMCT AC;
- Integrity or other inappropriate conduct of a member/s of the PMCT accreditation survey team, PMCT AC 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 AC, the documentation will be forwarded to survey team leader for written comment. A meeting within four (4) weeks of a formal request by the appellant will then be arranged for the Appeals Committee to consider the appeal.

The Appeals Committee (for both appeals)

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, if possible, will include of:

- The Chair of the Appeals Committee will be chosen from one of the PMCT Board members;
- The Chair of the PMCT AC (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;
- An independent member of the PMCT AC (or a surveyor who was not a member of the original survey team);
- An independent arbitrator, appointed by PMCT Board, such as an interstate accredited surveyor, to ensure the rules of natural justice are observed, and
- The PMCT Accreditation Manager 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 (2) weeks of the Appeals Committee sitting and the appellant will have seven working (7) days to lodge objections with the Chair Appeals Committee on the membership of this committee.

The Appeals Committee responds directly to the PMCT Board (ensuring the PMCT AC Chair is informed of the outcome and deliberations).

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 Board, as appropriate, the following:

- To uphold the previous recommendations of the PMCT AC;
- Where reasonable doubt is established, to reject the PMCT AC's recommendations; 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 AC 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 of the Appeals Committee, 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 (3) months of the decision.

Findings

The Appeals Committee will make a recommendation to Chair of the PMCT Board, Chair of the PMCT Executive and Chair of the PMCT AC (or their Delegates) for their 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

Related Documents:

- *AMC Accreditation Guidelines.*

Document History

Date effective	Author/Editor	Approved by	Version	Change Reference Information
26 May 2016	PMCT Accreditation Manager	PMCT Accreditation Sub-Committee	1.0	Original document
May 2019	PMCT Accreditation Manager	PMCT Accreditation Committee	2.2	Minor changes to links
May 2023	PMCT Accreditation Manager	PMCT Accreditation Committee	3.3	Combined both appeals documents