



Royal Australasian College  
of Dental Surgeons  
*Let knowledge conquer disease*

# RECONSIDERATION, REVIEW AND APPEALS POLICY

**FEBRUARY 2022**

### *Document information*

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## *Purpose*

To provide direction on the process for handling complaints in relation to examinations and assessments.

## *Background*

The College recognises its responsibility in making decisions which affect trainees, Members and Fellows both financially and professionally. Where an affected party or candidate believes that he or she has been adversely or unfairly affected by the decision of the College, the College must provide a transparent and robust avenue for resolution of the disagreement.

This policy seeks to define the College decisions which may be formally Appealed and the processes which must be followed to activate a formal Appeal. There are three stages to this process, and no stage may be circumvented. These stages are: Reconsideration, Review and Appeal. If the outcome of either phase is acceptable to an applicant, then the matter will not proceed to the next phase. If the next phase is not activated within the prescribed timeframe, the decision will no longer be eligible for escalation via the Reconsideration, Review and Appeals pathway.

In the case of a fail exam result, a request for Reconsideration will cause the Registrar to recount the marks given to a paper. A request for Review or Appeal will examine the process and conduct of the examination in question. In each stage of Reconsideration, Review or Appeal, unless there is an error in tallying marks, a fail will not become a pass.

It is intended that these processes enable resolution between the College and those who have been subject to a decision which they consider unsatisfactory. It is anticipated that many concerns will be resolved through the Reconsideration and Review phases however in cases where resolution is not reached the College will appoint a specially constituted Appeals Committee. A fee applies to the Candidate when lodging an Appeal.

In order to assist all parties, procedures have been developed to indicate what is meant by Reconsideration and Review, and the connection between these processes and a formal Appeal:

The Reconsideration phase enables the original decision maker(s) to reconsider their original decision. The affected party or candidate is allowed to provide any information which they feel may assist with this process. If, following this phase, the affected party or candidate is not satisfied with the outcome, a Review may be requested.

The Review phase enables a superior College body, with oversight of the original decision maker(s), to review the original decision and all associated supporting documentation to ascertain whether the original decision should be upheld or overturned. If, following this phase, the affected party or candidate is not satisfied with the outcome, an Appeal may be requested.

The Appeals phase requires a formal application, which has strict procedures to ensure it is conducted in accordance with procedural fairness and transparency. This phase requires the constitution of an Appeals Committee, and therefore imposes an associated fee.

This policy does provide an avenue for any person to contest results awarded, decisions of assessors taken in or about any assessments (including examinations), allegations of poor training or supervision or general grievances. The policy does not apply to a request for remarking any assessment (including examinations) in the absence of arithmetic error in the final scores given. Normal feedback processes will apply. It should be noted that because of the tight timeframe in which examination results need to be finalised and their potentially significant role in determining training progression and potentially employment, shorter timelines apply in relation to permitted Reconsideration and Review of examinations.

If at any stage the next phase is not initiated within the prescribed timeframe, the matter will not proceed to the next phase, and will no longer be eligible for escalation through the Reconsideration, Review and Appeals process.

### Definitions

Affected Party / Candidate	A Reconsideration, Review and Appeal of a decision can be instituted by an 'affected party'. In the case of an examination result, this refers to the candidate.
Appeal	The final phase of the Reconsideration, Review and Appeals process – The original decision is considered by a specially constituted Appeals Committee, based on a written submission from the candidate or affected party and considered according to College rules for Appeals.
Candidate	A person seeking Reconsideration, Review or Appeal of an examination result.
The College	Royal Australasian College of Dental Surgeons
Trainee	Individual who is undertaking the Maxillofacial Surgical Training Program
RACDS	Royal Australasian College of Dental Surgeons
Reconsideration	The first phase of the Reconsideration, Review and Appeals process – The original decision is reconsidered by the body that made the original decision.
Review	The second phase of the Reconsideration, Review and Appeals process – The original decision is reviewed by a superior body related to the body that made the original decision.
OMS	Oral and Maxillofacial Surgery

## *Policy Statement*

### **1. DECISIONS ABLE TO BE RECONSIDERED, REVIEWED AND APPEALED**

1.1. Certain decisions made by or on behalf of the College may be referred for reconsiderations, review or appeal.

1.2. The following decisions are subject to these processes:

1.2.1. decisions of the:

- a) Registrar or Assistant Registrar in General Dental Practice; or
- b) Registrar or Assistant Registrar in Specialist Dental Practice; or
- c) Registrar or Assistant Registrar in Oral and Maxillofacial Surgery Training Program; or
- d) Boards of Studies (General Dental Practice); or
- e) Boards of Studies (Specialist Dental Practice); or
- f) Board of Studies, OMS; or
- g) Committees of a Board of Studies (General Dental Practice); or
- h) Committees of a Board of Studies (Specialist Dental practice); or
- i) Committees of the Board of Studies, OMS; or
- j) Various examining bodies; or
- k) Directors of Training (OMS),

in relation to the assessment of progress of candidates or trainees of the College (including selection into training, dismissal from training or recognition of training); or

1.2.2. decisions of the Chair of a Board of Studies or Registrar in relation to applications for admission to Fellowship or Membership; or

1.2.3. decisions of the Selection Committee of the Board of Studies in Oral and Maxillofacial Surgery with regard to the appointment of accredited trainees; or

1.2.4. decisions of the Chair of the Board of Studies, OMS in relation to applications from Overseas Trained Oral and Maxillofacial Surgeons (OTOMS) for assessment for specialist recognition on behalf of the Australian Health Practitioner Regulation Agency / Medical Board of Australia / Dental Board of Australia through the Australian Medical Council or the Australian Dental Council; or

1.2.5. decisions of the Chair of the Board of Studies, OMS or a Committee in relation to examinations or training required to be undertaken by OTOMS for assessment as set out above; or

1.2.6. decisions of a Continuing Professional Development ('CPD') Committee (General Dental Practice or Specialist Dental Practice) in relation to participation in the

CPD programs and the statement of participation or compliance; or

1.2.7. decisions of the Chair of a Board of Studies in relation to accreditation for training positions, hospitals, units, teaching centres, directors of training or supervisors; or

1.2.8. decisions of the Board or its appropriate Committee in relation to the financial status of Fellows, trainees, or other members; or

1.2.9. such other decisions of the College Board, or College Committees as the Board may determine from time to time.

1.3. Questions of disputed decisions or assessment can frequently be resolved without recourse to formal appeal. Applicants are advised to discuss concerns with the CEO or nominee in the first instance.

## **2. KEY POINTS: RECONSIDERATION, REVIEW AND APPEAL**

2.1. In order for a Reconsideration to be activated, an affected party will need to advise the College in writing of the decision which they wish to have reconsidered within the prescribed timeframe. Unless otherwise specified, the timeframe will be 30 days from the day on which the affected party was notified of the relevant decision.

2.2. 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.

2.3. The College will consider any internal documents or processes which may assist in a Review.

2.4. 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.

2.5. In Phase Three (Appeals), an affected party will need to formally indicate the grounds for Appeal of a decision. These are outlined in Section 5.

2.6. 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 set aside the original decision and its reasons for doing so.

2.7. If, at the end of the Reconsideration and Review phases, the affected party or candidate is not satisfied with the result, an Appeal may be requested within 30 days from the day on which the affected party was notified of the relevant decision.

2.8. Where a Reconsideration, Review or Appeal is initiated in relation to Selection into the OMS Training Program, the College cannot guarantee resolution within a timeframe that would allow a successful appellant entry into the training year for which he or she originally applied. If a request for Reconsideration, Review or Appeal relating to Selection into the OMS Training Program is successful, the College will guarantee that

a training post will be reserved for commencement in the following training year. The location of this post will be determined by the Selection Committee of the Board of Studies, OMS.

### 3. PHASE ONE – RECONSIDERATION

#### 3.1.1. How to request a Reconsideration of a decision

##### a) If the decision relates to an examination result

Step	Action	Timeline
Step 1	<p>The candidate writes to the relevant College administrator to request a Reconsideration once they have received their examination result and may provide any information which they consider may assist in this process.</p> <p>The Reconsideration will be based purely on examination process and simple examination mark checking/tallying.</p>	<p>Request is to be received within 30 days of receipt of Examination Report.</p> <p>Receipt of the request for Reconsideration will be acknowledged within 7 days.</p>
Step 2	<p>The relevant Registrar, Assistant Registrar, or Board of Studies Chair considers the case, which involves obtaining all supporting documentation from the examination process.</p> <p>The Registrar, Assistant Registrar or Chair will not re-mark the examination or question the original examiners marking of the examination.</p>	<p>The candidate must provide any additional information he or she wishes to be considered attached to the request for Reconsideration.</p>
Step 3	<p>The relevant Registrar, Assistant Registrar, or Board of Studies Chair will confer with the Examiners who determined the candidate's result.</p>	
Step 4	<p>The relevant Registrar, Assistant Registrar, or Board of Studies Chair makes a determination to uphold or overturn the examination result.</p>	
Step 5	<p>The determination is conveyed to the candidate via the relevant College administrator.</p>	<p>Within 14 days of receipt of request for Reconsideration.</p>
Step 6	<p>Following advice of the determination, the candidate is required to advise the College whether they wish the next phase to be instituted (Review).</p>	<p>Within 30 days of receipt of the outcome of the Reconsideration process.</p>

- b) If the decision relates to any other matter

Step	Action	Timeline
Step 1	The affected party writes to the Chief Executive Officer (CEO) indicating the decision made and requesting a Reconsideration of that decision. The affected party may provide any information which they consider may assist in this process.	Request to be received within 30 days of notification of the decision.  CEO will acknowledge receipt of request within 7 days.
Step 2	The CEO contacts the relevant officer, Board, Committee or College group responsible for the decision and requests the decision be formally reconsidered	
Step 3	The relevant officer, Board, Committee or College group advises the CEO of their determination to uphold or overturn the decision.	
Step 4	The CEO advises the determination to the affected party.	Within 30 days of receipt of a request for reconsideration
Step 5	Following advice of the determination, the affected party is required to advise the College whether they wish the next phase	Within 30 days of receipt of outcome of reconsideration process.

3.2. A reconsideration of a decision is undertaken by the same Committee or person who made the original decision.

3.3. The applicant for a reconsideration should lodge the application in writing with the Chief Executive Officer stating reasons for the request. The applicant should provide any additional material considered relevant to the decision being considered.

3.4. The Committee will convene as the Reconsideration Committee either at its next scheduled meeting, or by special arrangement.

3.5. The Reconsideration Committee will consider:

- a) all the original material and documentation;
- b) all additional material and documentation supplied by the applicant considered relevant to the decision;
- c) any additional material and documentation considered relevant by the Chair.

3.6. Minutes of the Reconsideration Committee deliberations, whether as part of a scheduled meeting or specially convened, will be kept in accordance with the normal Committee practice.



3.7. Decisions of the Reconsideration Committee.

3.8. The decision made by the Reconsideration Committee will be conveyed to the applicant in writing following the meeting.

3.9. The Reconsideration Committee should endeavour to provide the applicant with reasons for the decision.

3.10. The applicant should be advised of the opportunity to request a review of the decision should he/she be dissatisfied and adversely affected by the decision.

#### 4. PHASE TWO – REVIEW

4.1. How to request a Review of a decision

4.1.1. If the decision relates to an examination result

Step	Action	Timeline
Step 1	The candidate indicates in writing that following the outcome of the Reconsideration phase they wish the Review phase to be activated. The candidate can provide any additional information which they consider may assist in this process.	This indication must be made within 30 days of receiving advice of the outcome of the Reconsideration process.  The CEO will acknowledge receipt of request within 7 days.
Step 2	The CEO will refer the request for Review to the relevant Board of Studies. This Board may convene a working group with a Chair to consider the request for Review. Anyone with a conflict of interest will be excluded from the Review process. The Board may request external specialist advice as required to assist their Review. The Board or working party may choose to review original examiner marks and consider the impact of any process issues on the original decision.	

Step 3	On the advice of the convened working party conducting the Review, the Board of Studies will uphold or overturn the original Reconsideration outcome.	
Step 4	The CEO advises the determination to the affected party.	Within 30 days of receipt of a request for Review.
Step 5	Following advice of the determination, the affected party is required to advise the College whether they wish the next phase to be instituted (Appeal).	Within 30 days of receipt of outcome of request for Review.

#### 4.1.2.If the decision relates to any other matter

Step	Action	Timeline
Step 1	The affected party indicates in writing that following the outcome of the Reconsideration phase they wish the Review phase to be activated. The affected party can provide any additional information which they consider may assist in this process.	This indication must be made within 30 days of receiving advice of the outcome of the Reconsideration process.  CEO will acknowledge receipt of request within 7 days.
Step 2	The CEO requests the body with responsibility for the officer, Board of Studies, Committee or College group responsible for 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.	
Step 3	The CEO advises the affected party of the determination	Within 30 days of receipt of a request for Review.
Step 4	Following advice of the determination, the affected party is required to advise the College whether they wish the next phase to be instituted (Appeal).	Within 30 days of receipt of the outcome of request for Review.

4.2. The review will consider material available to the College, including in relation to adherence to College regulations, policies and procedures, and whether the principles of natural justice / procedural fairness were followed in relation to the decision, including in relation to any reconsideration of an original decision.

4.3. Where a request for review is accompanied by additional material deemed by the individual to be relevant and significant, but not previously considered by the body

from which the decision originated, the material may, at the discretion of the Chief Executive Officer and prior to the Review Committee being convened, be forwarded to the Chairperson of the originating body for possible comment, regardless of whether the matter has been previously considered pursuant to this policy and the relevant policy.

4.4. The Chief Executive Officer shall refer a request for Review to the committee or body which has oversight of the disputed decision, (and which has not otherwise considered the decision previously) or where otherwise appropriate a Review Committee constituted as follows:

- a) Two (2) Fellows;  
and
- b) A Fellow with expertise or experience in the area of practice in relation to which the disputed decision arose.

4.4.1. The Review Committee will accept information, whether written or oral, from the Chair of the Committee involved in making the original decision and its reconsideration.

4.4.2. The powers of a Review Committee are the same as those for the Appeals Committee as set out below.

4.5. The Review Committee will consider:

- a) All the original material and documentation.
- b) All additional material and documentation supplied by the applicant.
- c) Any additional material and documentation considered relevant by the Chair.
- d) Whether the principles of natural justice were followed when making the original decision, or reconsidering that decision.
- e) Whether the original decision was correct and should be upheld, or overturned and a new decision substituted.

4.6. Minutes of the hearing of the Review Committee will be confined to a report listing the documentation presented and a report of the decision to the Committee making the original decision, if any.

4.7. Decisions of the Review Committee.

4.7.1. The decision made by the Review Committee will be conveyed to the applicant in writing following the meeting.

4.7.2. The decision made by the Review Committee will be conveyed to the original Committee in writing following the meeting.

4.7.3. The Review Committee is not required to furnish the applicant with reasons for the decision but, where changing the decision, should endeavour to provide

reasons to the original Committee.

4.7.4. The applicant should be advised of the availability of Appeal.

4.7.5. The College will endeavour to provide the potential appellant with the outcome of the review by the Review Committee in writing within 28 days of the request, the document being subject to any obligations of privacy and confidentiality that may apply.

## 5. PHASE THREE – APPEAL

### 5.1. How to institute a formal Appeal

#### 5.1.1. Appeals process rules

- a) Before convening an Appeals Committee, the CEO will ensure that both a Reconsideration and Review of the decision to be Appealed have been conducted.
- b) Such Reconsideration and Review does not constitute an Appeal under these Rules, but rather are prerequisites to an Appeal.
- c) An Appeal is to be conducted in a manner consistent with the processes outlined below.
- d) The CEO will be the Secretary to an Appeals Committee but is not a member of the Appeals Committee.

#### 5.1.2. Appeals Committee

- a) If a person applies to the CEO to Appeal a decision under Rule 5.1.1, the CEO may convene an Appeals Committee.
- b) The Board will determine the members of an Appeals Committee that will be comprised as follows:

At least three members who are not College Fellows or Members, and one of whom is a member of the legal profession (who shall be Chairperson); and

Up to two College Fellows or Members who are not party to any decision to which the Appeal relates.

- c) The Chairperson may, at the Chairperson's discretion, invite the College Solicitor to act as legal adviser to an Appeals Committee. The College Solicitor is not a member of the Appeals Committee.
- d) A quorum for meetings of an Appeals Committee will be the Chairperson and three other members. All members of an Appeals Committee are entitled to vote on decisions. An Appeals Committee decides on the basis of a majority vote of its members.
- e) In the event of an equality of votes, the Chairperson may exercise a casting vote.

## 5.2. Application to Appeal Decisions

The decisions which may be Appealed to an Appeals Committee are:

### 5.2.1. decisions of the:

- a) Registrar or Assistant Registrar in General Dental Practice; or
- b) Registrar or Assistant Registrar in Specialist Dental Practice; or
- c) Registrar in Oral and Maxillofacial Surgery Training Program; or
- d) Boards of Studies (General Dental Practice); or
- e) Boards of Studies (Specialist Dental Practice); or
- f) Board of Studies, OMS; or
- g) Committees of a Board of Studies (General Dental Practice); or
- h) Committees of a Board of Studies (Specialist Dental practice); or
- i) Committees of the Board of Studies, OMS; or
- j) Various examining bodies; or
- k) Directors of Training (OMS),

in relation to the assessment of progress of candidates or trainees of the College (including selection into training, dismissal from training or recognition of training); or

### 5.2.2. decisions of the Chair of a Board of Studies, Registrar or Assistant Registrar in relation to applications for admission to Fellowship or Membership; or

### 5.2.3. decisions of the Selection Committee of the Board of Studies in Oral and Maxillofacial Surgery with regard to the appointment of accredited trainees; or

### 5.2.4. decisions of the Chair of the Board of Studies, OMS in relation to applications from Overseas Trained Oral and Maxillofacial Surgeons (OTOMS) for assessment for specialist recognition on behalf of the Australian Health Partitioner Regulation Agency / Medical Board of Australia / Dental Board of Australia through the Australian Medical Council or the Australian Dental Council; or

### 5.2.5. decisions of the Chair of the Board of Studies, OMS or a Committee in relation to examinations or training required to be undertaken by OTOMS for assessment as set out above; or

### 5.2.6. decisions of a Continuing Professional Development ('CPD') Committee (General Dental Practice or Specialist Dental Practice) in relation to participation in the CPD programs and the statement of participation or compliance; or

### 5.2.7. decisions of the Chair of a Board of Studies in relation to accreditation for training positions, hospitals, units, teaching centres, directors of training or supervisors; or

5.2.8. decisions of the Board or its appropriate Committee in relation to the financial status of Fellows, trainees, or other members; or

5.2.9. such other decisions of the College Board, or College Committees as the Board may determine from time to time.

### 5.3. Nature of Appeal

5.3.1. The Appeals process is analogous to a merits review.

5.3.2. The grounds under which an Appeal can be made are:

- a) That an error in law or in due process occurred in the formulation of the original decision.
- b) That relevant and significant information, whether available at the time of the original decision or which became available subsequently, was not considered or not properly considered in the making of the original decision.
- c) That the original decision was clearly inconsistent with the evidence and arguments put before the body making the original decision.
- d) That irrelevant information was considered in the making of the original decision.
- e) That relevant information was not considered in the making of the original decision.
- f) That procedures that were required by College policies to be observed in connection with the making of the decision were not observed.
- g) That the original decision was made in accordance with a rule or policy without regard to the merits of the particular case.
- h) That the original decision was made for an improper purpose.

### 5.4. Application for Appeal

5.4.1. Any person adversely affected by a decision;

- a) referred to in Rule 5.2,
- b) which has not been resolved through Reconsideration or Review, may, within 30 days of notification of the outcome of a request for Review, request to Appeal the decision to an Appeals Committee.

5.4.2. The CEO will respond to this request within 14 days, and will request an Application for Appeal. The application must:

- a) be in writing;
- b) clearly state out the grounds for Appeal of the decisions;
- c) clearly state out the grounds for Appeal of the decisions;
- d) be accompanied by all relevant information upon which the person seeks to rely in respect of the Appeal;
- e) state the remedy sought;

- f) provide an outline of the issues in dispute;
- g) be accompanied by the application fee payable under section 5.6;
- h) be received within 30 days of the date of request to Appeal.

## 5.5. Consideration of Appeals

5.5.1. Within 60 days of the receipt of the Request to appeal, the CEO will advise the applicant in writing of:

- a) the date, time and place of the hearing; and
- b) the applicant's right to appear before the Appeals Committee and to seek leave to have legal representation.

5.5.2. In any Appeal, the applicant will bear onus of proof to make out the grounds of the Appeal.

5.5.3. Subject to these Rules, an Appeals Committee has full power to regulate its conduct and operation as it thinks appropriate.

5.5.4. An Appeals Committee may meet before the hearing to consider directions and process of the hearing.

5.5.5. An Appeals Committee will:

- a) conduct the hearing as it sees fit in compliance with this policy, with as little formality and technicality, and with as much expedition, as a proper consideration of the matters before the Appeals Committee permit;
- b) issue directions for the filing of materials and the mode of hearing – whether by video or remote link or otherwise as it sees fit;
- c) to the extent it thinks appropriate – conduct the hearing in accordance with the 'Procedures for the Conduct of Appeals Committee Hearings' below;
- d) act according to the rules of natural justice; and
- e) decide each Appeal on its merits.
- f) cause the Appeals hearings to be recorded;
- g) provide a copy of the recording to the Appellant on request.

5.5.6. An Appeals Committee:

- a) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks appropriate;
- b) may consider all relevant information that it thinks appropriate; and may invite any person to appear before it or to provide information.

5.5.7. 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.

- 5.5.8. 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.
- 5.5.9. Such a request for an appellant to be so represented must be made in writing to the Chairperson of the Appeals Committee no later than 7 days prior to the date of the appeal hearing.
- 5.5.10. 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.
- 5.5.11. An applicant may make written submissions to an Appeals Committee. The applicant must give any written submissions to the CEO at least 7 days before the Appeals Committee hearing.
- a) An applicant may appear in person and address the Appeals Committee in relation to his or her written submissions.
  - b) The applicant shall be entitled to have a legal representative as an observer to the Appeals Committee, who may with the consent of the Appeals Committee, act as an advocate.
  - c) An applicant may be represented by a personal advocate colleague or mentor in those cases where the Appeals Committee considers that the applicant could, or would, be disadvantaged in his or her Appeal if required to present in person.
- 5.5.12. The Appeals Committee must keep confidential:
- a) any transcript of a hearing; and
  - b) any other information relating to an Appeal that the Appeals Committee receives.
- 5.5.13. However, the Appeals Committee may disclose the above matters:
- a) if required to do so by law or a government body; or
  - b) in a report prepared under 5.5.14.
- 5.5.14. An Appeals Committee will prepare minutes of the hearing setting out:
- a) a report of the Appeals Committee's decision; and
  - b) the Appeals Committee's recommendations, if any, to the Board.
- 5.5.15. The Appeals Committee may give the Board a copy of the minutes. The Board may publish all or any part of the minutes if it thinks such publication is appropriate.



5.5.16. The Appeals Committee will issue a written decision, within 21 days of the Appeal hearing or within 21 days of receiving written submissions after the Appeal hearing, whichever is the later.

5.5.17. The Appeals Committee will issue written reasons for the decision within 30 days of the written decision.

## 5.6. Fees

5.6.1. No fee is payable on request for Reconsideration or for Review.

5.6.2. The College requires the applicant to pay an Appeals application fee before an Appeals Committee is convened. The Appeals process will only be initiated upon payment of the Appeals fee.

5.6.3. The Board may waive all or part of the application fee and costs if it thinks appropriate.

5.6.4. In the case of a successful Appeal where the initial outcome has been overturned a full refund of the Appeals fee will be made.

## 5.7. Delegation

5.7.1. The CEO may delegate his or her powers and duties in respect of any Appeal to such person as he or she determines.

## 5.8. Decisions of the Appeals Committee

5.8.1. An Appeals Committee may, upon considering all submissions:

- a) confirm the decision under Appeal; or
- b) revoke the decision under Appeal; or
- c) revoke the decision under Appeal and refer the decision back to the relevant College Officer, Board or Committee for further consideration in accordance with the Appeals Committee's directions; or
- d) revoke the decision under Appeal and make recommendations to the Board on an alternative decision; or
- e) recommend to the Board whether part or all of the costs associated with the Appeals Committee should be waived.

5.8.2. In all cases the Appeals Committee's decision is final.

5.8.3. The Chief Executive Officer, on behalf of the Appeals Committee, will notify the appellant in writing

- a) of the decision within 21 days of the appeal hearing; and

- b) of the reasons for decision within 30 days of the decision.

5.8.4. Neither a Review Committee nor the Appeals Committee may make a decision to:

- a) elevate an appellant above others in a competitive selection or assessment process without reference to the scoring process;
- b) recommend a pathway to Fellowship for an IMG without reference to a new IMG assessment by a new assessment panel or committee;
- c) revoke a clinical or examination assessment and replace the assessment with a decision of its own; or
- d) award a Fellowship to any appellant.

## 5.9. Annual Report

5.9.1. The College will publish annually a report on the activities of the Appeals Committee including the number of Appeals lodged and the result of Appeals.

## 6. PROCEDURES FOR THE CONDUCT OF APPEALS COMMITTEE MEETINGS

- 6.1. The Chairperson will first invite the applicant and then any other party appearing before it to summarise their submissions and/or responses to the Appeals Committee prior to their formal presentation.
- 6.2. The Chairperson will then invite the applicant to present their submissions and may at any time direct the applicant to any point of those submissions or invite questions on any point of those submissions and may request the applicant to bring their submissions to a close if the presentation is too protracted.
- 6.3. The Chairperson will then invite members of the Appeals Committee to seek clarification from the applicant of any matters raised.
- 6.4. The Chairperson will then invite any person attending to provide information to the Appeals Committee to comment on the submissions of the applicant.
- 6.5. The Appeals Committee may direct questions to any person attending to provide information to the Appeals Committee.
- 6.6. The applicant will be asked to respond or make submissions in relation to material presented by other parties or participants.
- 6.7. The Appeals Committee will then adjourn the hearing briefly.
- 6.8. The parties involved in the Appeal will re-join the hearing and provide any clarification sought.
- 6.9. The applicant will be asked if they have any further submissions or wish to make any further comments or responses before the formal proceedings are closed.

6.10. The applicant may be given an opportunity to make any further written submissions necessary within a short period of time following the close of the hearing.

6.11. The Chairperson will thank all parties for their attendance and dismiss them.

## **7. REVIEW OF POLICY**

7.1. This policy will be subject to regular review and evaluation at least every 5 years.

7.2. Complaints and/or applications made under this policy will be subject to regular evaluation and assessment, on a de-identification basis, to consider: -

- a) Effectiveness
- b) trends/common issues
- c) whether it is contemporary

7.3. A register will be maintained by the College of all complaints and/or applications made under this policy.