



Reconsideration and Appeals policy

Purpose and scope

This policy outlines the process and procedures for reconsideration and appeal of decisions taken by the Division of Rural Hospital Medicine (the 'Division') as part of its function as a training body.

Decisions that can be appealed include assessment outcomes, including those relating to the award of Fellowship; decisions relating to the accreditation of training posts; decisions relating to complaints and disputes and any other decision of the Division's Board of Study or Council which may impact directly on the registrar, or indirectly on the registrar's ability to complete the programme.¹

The appeals process is not designed to be a dispute resolution mechanism, or an exemption mechanism.

Principles

- All Division processes should be procedurally fair and decisions should be made without bias.
- Decisions should be made based on the best available information at the time of the decision.
- Candidates should have the right to a fair hearing in cases where a dispute has arisen.
- Progress to the appeal process will only be allowed if a reconsideration request has not been successful.

Grounds for reconsideration and appeal

Reconsideration requests and appeals will only be considered for the following reasons:

- that due process and / or procedures required by Division policies were not followed in the original decision;
- that relevant and significant information available at the time of the original decision was not considered or not properly considered in the making of the original decision;
- that the original decision was inconsistent with the evidence and arguments put before the body making the original decision;
- that irrelevant information was considered in the making of the original decision;
- that the original decision was made for an improper purpose; or
- that the original decision was made in accordance with a rule or policy without regard to the merits of the particular case.

¹ The route for appeals against decisions taken in the admissions process is outlined in the DRHM Admissions Policy.

Request for reconsideration

Written appeal for reconsideration of any decision must be made within three months of the original decision. There are two routes for request for reconsideration. A candidate may explore one or both routes for reconsideration, but if a direct reconsideration request to the decision-maker is to be made, this must always precede a request for Board of Studies review.

1) Direct reconsideration request to the decision-maker

The candidate may, by written request, approach the original decision-taker (whether individual or committee) directly for the review of a decision taken. This is most appropriate in situations where the decision-taker may not have been aware of all available information at the time of the original decision. If the reason for the reconsideration request is perceived bias in the decision-taking process, this may not be an appropriate route to follow.

This route is not appropriate in the case of the Fellowship assessment visit.

2) Board of Studies review

Written request may be made to the Chairperson of the Division Board of Studies for reconsideration of any decision taken.

The Chairperson of the Board of Studies will constitute a Review Committee, which will normally be chaired by the Chairperson of Board of Studies and will include two DRHM Fellows, normally from the Board of Studies or Council. If the original decision was taken by the Board of Studies, and it is not appropriate for the review to be undertaken by the same committee, a review committee comprising senior Fellows of the Division not involved in the original decision will be formed for this purpose.

The review committee will meet (physically or virtually) to consider the case within six weeks of receiving the review request. The review committee will examine whether the Division policies and processes have been followed, and has the power to request the decision taker to reconsider the merit of the final decision taken or to overturn the decision made by the original decision-taker.

The reconsideration decision will be made available to the candidate in written form, with reasons, within three weeks of the Review Committee meeting.

Appeal process

An appeal process may only be requested by a candidate if the outcome of the reconsideration process is not successful.

A request for formal appeal of the decision must be made within three weeks of receipt of the reconsideration decision.

Appeal Committee

The Appeal Committee will be chaired by the Censor-in-Chief, and will comprise members who have not been party to the original decision or review request, or have any other conflict of interest in the matter. Membership of the Appeal Committee is determined by the nature of the appeal, and will normally include the Chairperson the Division Council and at least two other Fellows of the College selected to avoid potential conflicts of interest.

The Appeal Committee is entitled to consider all relevant information in its consideration of the case and may request additional information from any person in order to inform its decision.

The candidate has the right to appear before the Appeals Committee (in person or via tele-link) to present the argument and may be accompanied by a personal support person or a legal advisor. The legal advisor may not present the case on the candidate's behalf. All costs relating to appearance before the Committee will be the candidate's responsibility.

The decision-taker, or a representative of the decision-taking committee, will also be invited to address the Appeals Committee on the merits of the case.

Outcomes of appeal

The Appeal Committee has the power to uphold or dismiss the decision of the decision-taker. If the decision is dismissed, a new process of consideration must be undertaken.

The Appeal Committee does not have the power to change a decision, or to impose additional requirements on the candidate. The Appeals Committee may also not take any decision which results in the candidate being unfairly advantaged in comparison with other registrars.

The Appeal Committee's decision will be made available to the candidate in written form, with reasons for the decision given, no more than 6 weeks from the date of the appeal hearing.

The decision of the Appeal Committee on any issue is final.