



AGPT APPEALS POLICY 2017

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| Date first approved: | 5 December 2016 |
| Date of effect: | 29 May 2017 |
| Date last amended: (refer Version Control Table) | 9 May 2017 |
| Date of Next Review: | 1 August 2017 |
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| Responsible Section: | GP Training Policy Section, Health Training Branch |
| Supporting documents, procedures and forms: | 2017 AGPT Application - Appeal form |
| Audience: | Registrars training on the AGPT Program Regional Training Organisations Stakeholders RACGP and ACRRM |

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1 Purpose of Policy

- 1.1 The purpose of this policy is to set out the process for handling appeals lodged by registrars on the Australian General Practice Training (AGPT) Program relating to Clinical Decisions and Non-Clinical Decisions.

2 Definitions

| Word/Term | Definition (with examples if required) |
|--------------------------|--|
| ACRRM | Australian College of Rural and Remote Medicine |
| Clinical Decision | A decision relating to a registrar's clinical practice or suitability of a registrar to continue or complete training on the AGPT Program. |
| Commencement of Training | Commencement of training is defined as the first day in which a registrar begins their training on the AGPT Program. Registrars are able to commence their training on the AGPT Program in a number of different training terms, which are: hospital training, Core Clinical Training, GPT1, Primary Rural and Remote Training, Extended Skills, Mandatory Elective, Advanced Specialised Training and Advanced Rural Skills Training (for FARGP only). |
| Complaint | Dissatisfaction or concern about the conduct or actions of the Regional Training Organisation (RTO) or the Department of Health that impacts the registrar's progress through their training on the AGPT Program. |
| Non-Clinical Decision | A decision about a registrar's participation in the AGPT Program that is not a Clinical Decision. |
| RACGP | Royal Australian College of General Practitioners |
| Relevant College | The GP College to which the registrar is enrolled, RACGP, ACRRM or both. |
| Recently Withdrawn | A registrar who was withdrawn from their RTO's training program and has appealed their withdrawal to their RTO within 20 business days of the date of withdrawal or the date they were notified of their withdrawal, whichever is the later. |
| Training Region | A defined and agreed area in Australia within which an RTO is required to deliver training to registrars enrolled on the AGPT Program. |
| Voluntary Withdrawal | A registrar who chooses to withdraw from the AGPT Program either prior to the Commencement of Training or after the Commencement of Training. |

3 Application and Scope

- 3.1 This policy applies to decisions that affect registrars in relation to their participation on the AGPT Program, whether they are currently training or Recently Withdrawn.
- 3.1.1 This policy does not apply to applicants seeking selection onto the AGPT Program.
- 3.1.2 This policy does not apply to registrars who have accepted an offer to train on the AGPT Program but are yet to commence training.
- 3.1.3 This policy does not apply to registrars who withdraw from the AGPT Program under Category 1 – Voluntary. A Voluntary Withdrawal from the AGPT Program cannot be appealed.

- 3.2 This policy applies to Non-Clinical Decisions made by Regional Training Organisations (RTOs) and/or the Department of Health including, but not limited to:
 - 3.2.1 The progress of a registrar through the AGPT Program;
 - 3.2.2 The denial of a transfer from the rural pathway to the general pathway;
 - 3.2.3 The denial of a transfer to a different RTO or Training Region;
 - 3.2.4 The denial of an extension of training time;
 - 3.2.5 The denial of an exception to the allowances of the AGPT Program policies;
 - 3.2.6 RTOs not supporting a registrar's request for an exception to an AGPT Program policy or request for a further extension of training time; or
 - 3.2.7 The withdrawal of a registrar from the RTO's training program.
- 3.3 This policy applies to Clinical Decisions made by RTOs including, but not limited to:
 - 3.3.1 The readiness of a registrar to sit their fellowship exams and/or assessments;
 - 3.3.2 The withdrawal of a registrar from their RTO's training program under Category 2 – Clinical Competence or, in certain instances, Category 4 – Compliance with Education and Training Requirements of the *AGPT Withdrawal Policy 2017*; or
 - 3.3.3 Registrar remediations.
- 3.4 When appealing a decision made by an RTO, registrars can only appeal the decision of the RTO to which they are enrolled including, but not limited to:
 - 3.4.1 Being unable to appeal the decision of an RTO to not accept a transfer from the registrar's current RTO or Training Region; or
 - 3.4.2 Being unable to appeal in instances where they are on an approved temporary transfer to an RTO and then request a permanent transfer to remain with the RTO to which they temporarily transferred, which is declined by that RTO.
- 3.5 Registrars cannot lodge an appeal against their withdrawal from the RTO's training program or the AGPT Program if they have previously appealed the denial of an extension of training time and were subsequently withdrawn following that appeal as they had exhausted their available training time.
- 3.6 This policy supersedes the previous *AGPT Appeals Policy 2017* and will come into effect as of 29 May 2017.

4 Overview of Appeals under the AGPT Program

- 4.1 A registrar may appeal to the Department of Health about a Non-Clinical Decision made by the Department of Health or an RTO or a Clinical Decision made by an RTO by submitting an application for appeal via the process set out in Clause 5.
- 4.2 All appeal applications under this policy need to be submitted to the Department of Health.
 - 4.2.1 All appeals relating to a decision made by an RTO must first be considered through the RTO's dispute resolution and appeals process before an appeal can be lodged with the Department of Health. Registrars wanting to appeal a decision made by their RTO must include information regarding the outcome of their appeal to the RTO in their submission to the Department of Health.
- 4.3 A registrar must lodge their application for appeal within 20 business days of receiving notification of the RTO's decision or the reconsideration under Clause 4.2.1 or within 20 business days of receiving notification of the Department of Health's decision.
- 4.4 If the registrar submits an application for an appeal and a Complaint (as per the *AGPT Complaints Policy 2017*) at the same time, the Department of Health will hear the appeal first and then consider the Complaint.
- 4.5 The Department of Health will make the final decision on all appeals (both Clinical and Non-Clinical) and will notify the registrar or their nominated representative in writing within 60 business days of receipt of a complete application.

- 4.5.1 The 60 business day period does not include any delay caused by the Department of Health or the Relevant College waiting for information that has been requested and is reasonably required in order to reconsider the decision.
- 4.6 Registrars cannot seek a further AGPT Program 3GA Medicare Provider Number issued by the Department of Human Services – Medicare if they are withdrawn from the AGPT Program.
- 4.7 If the Department of Health’s decision overturns the registrar’s withdrawal through appeal, and they are reinstated onto the AGPT Program, the registrar will need to apply for, and be issued with, a new AGPT Program 3GA Medicare Provider Number.
- 4.8 If the application for appeal was lodged by an Australian Defence Force (ADF) registrar, Joint Health Command will be notified of the appeal and outcome once the appeal has been finalised by the Department of Health.

5 Process for Appeals under the AGPT Program

- 5.1 Submitting an Application for Appeal
 - 5.1.1 In order to lodge an appeal, the registrar must complete the 2017 AGPT Application - Appeal form, attach any supporting documentation, including any further evidence they would like to be considered, and email it to the Department of Health at AGPTManagement@health.gov.au.
 - 5.1.2 This application for appeal must be submitted to the Department of Health within 20 business days of:
 - 5.1.2.1 Notification of the outcome of the registrar’s appeal to their RTO; or
 - 5.1.2.2 Notification of the decision made by the Department of Health that the registrar is seeking to appeal.
- 5.2 Initial Assessment of an Application for Appeal
 - 5.2.1 On receipt of the application for appeal, the Department of Health will assess the application to determine whether:
 - 5.2.1.1 The application is complete and on the proper form;
 - 5.2.1.2 The application relates to a Clinical or a Non-Clinical Decision; and
 - 5.2.1.3 The matter is one for review under the *AGPT Appeals Policy 2017*.
 - 5.2.2 The Department of Health will notify the registrar if the application is incomplete or is not within the scope of the *AGPT Appeals Policy 2017*.
 - 5.2.2.1 If the application is incomplete the Department of Health will provide information to assist the registrar to complete the application.
 - 5.2.2.2 If the application is not within the scope of the *AGPT Appeals Policy 2017* the Department of Health will provide an explanation as to why and, where possible, suggest alternative courses of action.
 - 5.2.3 Where the Department of Health has received an appeal application from a registrar who has been reported to the Medical Board of Australia under the mandatory notification arrangements, the Department of Health will await the outcome of the Medical Board of Australia’s review process before taking any further action about the appeal.
 - 5.2.3.1 Depending on the outcome of the Medical Board of Australia’s review, an appeal under the *AGPT Appeals Policy 2017* may or may not be required.
 - 5.2.4 If the application is assessed as complete and as a matter for review under the *AGPT Appeals Policy 2017* the Department of Health will advise the registrar via email and provide the timeframe in which they can expect an outcome to be reached.

- 5.3 Request for Information
 - 5.3.1 When the Department of Health receives a complete application for appeal against a decision made by the RTO, the Department of Health will notify the RTO in writing once the initial assessment has been completed.
 - 5.3.2 The Department of Health's notification under section 5.3.1 will include a request that the RTO provide all relevant material about the making of their decision, including any policies and procedures, supporting documents and any further evidence the decision-maker may wish to provide.
 - 5.3.3 The decision maker will have 15 business days to provide the material mentioned in 5.3.2 to the Department of Health.
 - 5.3.4 When the Department of Health receives a complete application for appeal against a decision made by the Department of Health, all materials relevant to the making of the original decision will be considered as part of the appeal process.
- 5.4 Process for Applications for Appeal Against Clinical Decisions
 - 5.4.1 Applications for appeal relating to Clinical Decisions made by the RTO will be forwarded by the Department of Health to the Relevant College to be considered under the Relevant College appeals policy.
 - 5.4.1.1 The registrar will be notified via email if the application for appeal is forwarded to the Relevant College.
 - 5.4.1.2 If a registrar is pursuing dual Fellowship, the registrar may nominate which College considers the appeal.
 - 5.4.1.3 If the Department of Health is unable to determine from the application whether the appeal relates to a Clinical Decision or a Non-Clinical Decision, then the Department will refer the application to the Department's Medical Advisor and/or the Relevant College for advice prior to any further handling of the appeal.
 - 5.4.2 Where the Department of Health determines that the application relates to both Clinical Decisions and Non-Clinical Decisions the Department of Health will either:
 - 5.4.2.1 Determine that the decision being appealed involves primarily a Clinical Decision and forward the appeal to the Relevant College to be considered through the College appeals process; or
 - 5.4.2.2 Determine that the decision being appealed is determined to be primarily a Non-Clinical Decision and the appeal will be assessed by the Department of Health.
 - 5.4.3 Once the Relevant College has considered the application for appeal against a Clinical Decision made by the RTO, the College will provide their assessment and recommendations to the Department of Health.
 - 5.4.4 On receipt of the Relevant College's assessment and recommendation the Department of Health will review the appeal and reach a decision on the outcome. This outcome will then be communicated to the registrar or their nominated representative.
- 5.5 Process for Considering Applications for Appeal Against Non-Clinical Decisions
 - 5.5.1 The Department of Health may review the following documentation when considering the application for appeal, where relevant:
 - 5.5.1.1 The registrar's completed application form and all submitted supporting documentation and evidence;
 - 5.5.1.2 The registrar's training record (the Department will specify which parts of the record will be required and may seek further documents during the consideration of the appeal if required);

- 5.5.1.3 The registrar's training profile (RIDE);
- 5.5.1.4 The registrar's publically available medical registration information available through the Australian Health Practitioner Regulation Agency (AHPRA) website, where applicable;
- 5.5.1.5 The RTO or Department of Health's documentation in relation to making the decision being appealed, where applicable;
- 5.5.1.6 Any document setting out the outcome of the RTO's appeal process, where applicable;
- 5.5.1.7 Any document setting out the outcome of the AHPRA review process, where applicable; and
- 5.5.1.8 Any other relevant documentation as required.
- 5.5.2 The Department of Health may seek additional advice from:
 - 5.5.2.1 The Department of Health's Medical Advisors;
 - 5.5.2.2 The RTO;
 - 5.5.2.3 The Relevant College;
 - 5.5.2.4 Other persons with experience or knowledge that is relevant to the appeal being considered.
- 5.5.3 The Department of Health will obtain written consent prior to releasing any information provided in the application for appeal outside of the Department of Health, RTOs and the Relevant College. Information will only be released in the interest of obtaining advice to assist in the consideration of the appeal. If permission is not granted, this may result in the Department of Health not having all the information necessary to consider the application for appeal.
- 5.5.4 Based on the information provided, the Department of Health will:
 - 5.5.4.1 Consider the application for appeal; and
 - 5.5.4.2 Decide if the decision was correct and appropriate, or whether the Department of Health should overturn the original decision
- 5.5.5 The Department of Health may also make recommendations in relation to the outcome of an application for appeal.
- 5.6 Notification of the Outcome of an Application for Appeal
 - 5.6.1 The registrar and RTO will be notified in writing by the Department of Health of the outcome of the appeal.
 - 5.6.2 It is expected that decisions made by the Department of Health following consideration of an appeal will be implemented by the RTO.
 - 5.6.3 Depending on the circumstances, the Department of Health may negotiate alternate arrangements with other RTOs to progress the registrar's training in line with the recommendations.
 - 5.6.3.1 If required, the Department of Health will assist the RTO and the registrar to seek a placement at a different RTO that can support the registrar. This will be done by exercising reasonable endeavours to find an alternative placement, by approaching a maximum of three alternative RTOs that have been identified as potentially suitable for the registrar and discussing the registrar's requirements with them.
 - 5.6.4 The registrar is unable to appeal the outcome and/or recommendation of the appeal.
 - 5.6.4.1 For example, the outcome of an appeal against the denial of an extension of training time is upheld and the registrar is subsequently withdrawn as they have exhausted their training time. The registrar is unable to appeal this withdrawal from the AGPT Program.

6 RTO Appeals Procedure

- 6.1 All RTOs must have dispute resolution and appeals policies and procedures in place to manage registrar disputes.
- 6.2 These policies and procedures must be published and accessible to all registrars in the RTO's Training Region.
- 6.3 Disputes and/or appeals submitted to the RTO by a registrar should be considered by someone who was not involved in making the decision that is being appealed, wherever possible.
- 6.4 The RTO's dispute resolution and/or appeals policies and procedures must:
 - 6.4.1 Provide clear documentation of the dispute resolution and/or appeals process used by the RTO;
 - 6.4.2 Provide clear timeframes for the lodgement and consideration of appeals to the RTO;
 - 6.4.3 Include a commitment to inform registrars in writing of the reasons for decisions, in particular the reasons for the outcomes that are reached after the review of registrars' appeals;
 - 6.4.4 State that registrars will have 20 business days from the date of notification of a decision made by their RTO to lodge an appeal with the RTO;
 - 6.4.5 State that registrars will have 20 business days from the date of notification of the outcome of their appeal to the RTO to lodge an appeal with the Department of Health; and
 - 6.4.6 Inform registrars of the appeal process available to them through the Department of Health.

7 Roles and Responsibilities

- 7.1 Registrars are responsible for:
 - 7.1.1 Ensuring that all efforts are made to resolve any issue through their RTO's local dispute resolution and appeals policies and procedures prior to submitting an application for appeal to the Department of Health;
 - 7.1.2 If not satisfied with the outcome of their appeal to their RTO, submitting an application for appeal to the Department of Health within 20 business days of them being notified of the outcome of their appeal by their RTO;
 - 7.1.3 Providing their RTO and/or the Department of Health with all relevant evidence, supporting documentation and information relating to the decision they are seeking to appeal; and
 - 7.1.4 Ensuring that they do not seek a further AGPT 3GA Medicare Provider Number if they are withdrawn from the AGPT Program.
- 7.2 RTOs are responsible for:
 - 7.2.1 Communicating their local dispute resolution and appeals policies and procedures to all registrars training on their training program;
 - 7.2.2 Hearing a registrar appeal against decisions made by them before the appeal is lodged with the Department of Health;
 - 7.2.3 Informing the Department of Health of the outcome of appeals they receive from registrars where the original decision is upheld and it is probable that the registrars will submit an application for appeal to the Department of Health;
 - 7.2.4 If they are the decision maker in the decision being appealed, providing the Department of Health and the Relevant College (if applicable) with all relevant documentation relating to the making of the decision;
 - 7.2.5 Implementing the decisions made by the Department of Health after the consideration of the application for appeal, where applicable;

- 7.2.6 Ensuring that they do not facilitate further AGPT 3GA Medicare Provider Numbers for registrars who have been withdrawn; and
- 7.2.7 Ensuring they do not facilitate AGPT 3GA Medicare Provider Numbers that will extend beyond a registrars training time cap without documented approval of an extension of training time.
- 7.3 The Colleges are responsible for:
 - 7.3.1 Receiving applications for appeal against Clinical Decisions from the Department of Health;
 - 7.3.2 Considering applications for appeal against Clinical Decisions as per the process specified in the College's appeals policy; and
 - 7.3.3 Making recommendations based on their consideration of the application for appeal and forwarding these recommendations to the Department of Health.
- 7.4 The Department of Health is responsible for:
 - 7.4.1 Receiving applications for appeals, confirming receipt and conducting initial assessments of applications;
 - 7.4.2 Informing registrars if an appeal application is incomplete;
 - 7.4.3 Notifying the decision maker of the receipt of an application for appeal and requesting information relating to the decision;
 - 7.4.4 Forwarding all appeal applications about a Clinical Decision to the Relevant College to be considered under their appeal policy;
 - 7.4.5 Considering applications for appeal relating to decisions made by RTOs and/or the Department of Health;
 - 7.4.6 Seeking advice from relevant sources to assist in reaching an outcome of an application for appeal, where applicable;
 - 7.4.7 Notifying the registrar and RTO in writing of the outcome of an appeal and any recommendations, where applicable;
 - 7.4.8 Notifying Joint Health Command of appeals lodged by ADF registrars once the appeals have been finalised;
 - 7.4.9 Negotiating alternative arrangements with other RTOs to progress registrars through the AGPT Program, where applicable; and
 - 7.4.10 Implementing the decisions made after the consideration of the application for appeal, where applicable.

8 Compliance and Monitoring

- 8.1 The Department of Health will monitor:
 - 8.1.1 The total number of applications for appeal received by the Department of Health;
 - 8.1.2 The number of applications for appeal received that relate to Clinical Decisions; and
 - 8.1.3 The number of applications for appeal received that relate to Non-Clinical Decisions.

9 Related Documents

- 9.1 *AGPT Program Policies 2017 Overarching Document*
- 9.2 *AGPT Withdrawal Policy 2017*
- 9.3 *AGPT Program Leave Policy 2017*
- 9.4 *AGPT Extension of Training Time Policy 2017*
- 9.5 *AGPT Complaints Policy 2017*
- 9.6 *AGPT Transfer Policy 2017*
- 9.7 *AGPT Training Accessibility Policy 2017*

- 9.8 *AGPT Training Region Policy 2017*
- 9.9 *AGPT Training Obligations Policy 2017*
- 9.10 *AGPT Academic Post Policy 2017*
- 9.11 *AGPT Salary Support Policy 2016*
- 9.12 *2017 AGPT Application - Appeal form*
- 9.13 *RACGP Registrars Clinical Appeals Policy*
- 9.14 *ACRRM Appeals Policy for AGPT Registrars*

10 Version Control and Change History

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|-------------------------|--------------------------------------|
| Version Control: | 2 |
| Date Effective: | 29 May 2017 |
| Contact Person: | Director, GP Training Policy Section |