



## **AGPT APPEALS POLICY 2020**

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<b>Supporting documents, procedures and forms:</b>	AGPT Application - Appeal
<b>Audience:</b>	Registrars training on the AGPT Program Regional Training Organisations Stakeholders

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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 training 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 competence.
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, GPT1, Core Generalist Training, Extended Skills, 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 Relevant College 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 with 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Recently Withdrawn	A registrar who was withdrawn from their RTO's training program and has appealed their withdrawal to their RTO within 20 business days of the date of withdrawal or the date they were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	An area defined by the Department of Health in Australia within which an RTO is required to deliver training to registrars enrolled on the AGPT Program.
Training Time	The length of time required to complete training on the AGPT Program as specified by the Relevant College.
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.

- 3.1.4 This Policy does not apply to registrars seeking to appeal decisions relating to the Fellowship exams/assessments, including results and outcomes of requests for special consideration or arrangements. These appeal processes are available through the Relevant College.
- 3.2 This Policy applies to Non-Clinical Decisions made by Regional Training Organisations (RTOs) and/or the Relevant College 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 in circumstances other than those specified in clause 3.3 below.
- 3.3 This Policy applies to Clinical Decisions made by RTOs and/or the Relevant College including, but not limited to:
  - 3.3.1 The readiness of a registrar to sit their fellowship exams and/or assessments;
  - 3.3.2 RTOs not supporting a registrar's request to apply to the Relevant College for additional support under the approach specified in clause 6 of the *AGPT Training Obligations Policy 2020*; or
  - 3.3.3 The withdrawal of a registrar due to their clinical performance which has impacted their progression through training; or
  - 3.3.4 Clinical competence of individual registrars.
- 3.4 When appealing a decision made by an RTO, registrars can only appeal the decision of the RTO to which they are enrolled. They are unable to appeal:
  - 3.4.1 The decision of another RTO to not accept a transfer from the registrar's current RTO or Training Region; or
  - 3.4.2 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 2019* and will come into effect as of 31 March 2020.
- 3.7 Registrars have the option of seeking advice and support in relation to any aspect of this Policy. Clause 6 of the *AGPT Program Policies Overarching Document 2020* specifies organisations that can provide this support.

## 4 Overview of Appeals under the AGPT Program

- 4.1 A registrar may appeal to the Relevant College by submitting an application for appeal via the process set out in Clause 5.
- 4.2 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 submitted to the Relevant College.

- 4.2.1 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 Relevant College.
- 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 Relevant College's decision.
- 4.4 If the registrar submits an application for an appeal and a Complaint (as per the *AGPT Complaints Policy 2020*) at the same time, the Relevant College will hear the appeal first and then consider the Complaint once the appeal has concluded.
- 4.5 The Relevant College will make the final decision on all appeals and will notify the registrar or their nominated representative of the outcome 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 Relevant College waiting for information that has been requested and is reasonably required in order to consider the appeal.
- 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 their RTO's training program.
- 4.7 If the Relevant College'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 is 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 Relevant College.

## 5 Process for Appeals under the AGPT Program

- 5.1 If applicable, appeals must first be considered through the RTO's dispute resolution and appeals process before an appeal is submitted to the Relevant College.
- 5.2 Submitting an Application for Appeal
  - 5.2.1 In order to lodge an appeal, the registrar must complete the AGPT Application - Appeal form, attach any supporting documentation, including any further evidence they would like to be considered, and email it to the Relevant College at:
    - 5.2.1.1 [education.appeals@racgp.org.au](mailto:education.appeals@racgp.org.au) for RACGP; or
    - 5.2.1.2 [ceo@acrrm.org.au](mailto:ceo@acrrm.org.au) for ACRRM.
  - 5.2.2 This application for appeal must be submitted to the Relevant College within 20 business days of:
    - 5.2.2.1 Notification of the outcome of the registrar's appeal to their RTO; or
    - 5.2.2.2 Notification of the decision made by the Relevant College under the AGPT Program Policies that the registrar is seeking to appeal.
  - 5.2.3 The Relevant College will notify the registrar if the application is incomplete or is not within the scope of the *AGPT Appeals Policy 2020*.
    - 5.2.3.1 If the application is incomplete the Relevant College will provide information to assist the registrar to complete the application.
    - 5.2.3.2 If the application is not within the scope of the *AGPT Appeals Policy 2020* the Relevant College will provide an explanation as to why and, where possible, suggest alternative courses of action.
  - 5.2.4 Where the Relevant College has received an appeal application from a registrar who has been reported to the Medical Board of Australia under the mandatory notification arrangements, the Relevant College will await the outcome of the

Medical Board of Australia's review process before taking any further action about the appeal.

5.2.4.1 Depending on the outcome of the Medical Board of Australia's review, an appeal under the *AGPT Appeals Policy 2020* may or may not be required.

5.2.5 If the application is assessed as complete and as a matter for review under the *AGPT Appeals Policy 2020* the Relevant College 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 Relevant College receives a complete application for appeal against a decision made by the RTO, the Relevant College will notify the RTO and 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.

5.3.2 The RTO will have 15 business days to provide the material mentioned in clause 5.3.1 to the Relevant College.

### 5.4 Process for Considering Applications for Appeal

5.4.1 The Relevant College will review the application for appeal, supporting documentation and any other relevant documentation in the consideration of the Appeal.

5.4.2 The Relevant College may seek additional advice from:

5.4.2.1 The RTO;

5.4.2.2 The Department of Health;

5.4.2.3 The other GP College (particularly for dual fellowship registrars); or

5.4.2.4 Other persons with experience or knowledge that is relevant to the appeal being considered.

5.4.3 The Relevant College will obtain written consent prior to releasing any information provided in the application for appeal outside of the RTOs and the Relevant College.

5.4.3.1 Information will only be released in the interest of obtaining advice to assist in the consideration of the appeal.

5.4.3.2 If permission is not granted, this may result in the Relevant College not having all the information necessary to consider the application for appeal.

5.4.4 Based on the information provided, the Relevant College will:

5.4.4.1 Consider the application for appeal; and

5.4.4.2 Decide if the original decision was correct and appropriate, or whether the Relevant College should overturn the original decision.

5.4.5 The Relevant College may also make recommendations in relation to the outcome of an application for appeal.

5.4.6 Registrars are to contact the Relevant College for further information regarding the process for Appeals if necessary.

### 5.5 Notification of the Outcome of an Application for Appeal

5.5.1 The registrar and RTO will be notified in writing by the Relevant College of the outcome of the appeal.

5.5.2 It is expected that decisions made by the Relevant College following consideration of an appeal will be implemented by the RTO.

- 5.5.3 Depending on the circumstances, the Relevant College may negotiate alternate arrangements with other RTOs to progress the registrar's training in line with the recommendations.
  - 5.5.3.1 If required, the Relevant College 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.
- 5.5.4 The registrar is unable to appeal the outcome and/or recommendation of the appeal. This includes, but is not limited to:
  - 5.5.4.1 Where 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 Relevant College; and
  - 6.4.6 Inform registrars of the appeal process available to them through the Relevant College.

## 7 Roles and Responsibilities

- 7.1 Registrars are responsible for:
  - 7.1.1 Ensuring that, if applicable, 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 Relevant College;
  - 7.1.2 If not satisfied with the outcome of their appeal to their RTO, submitting an application for appeal to the Relevant College within 20 business days of them being notified of the outcome of their appeal by their RTO;
  - 7.1.3 If appealing a decision made by the Relevant College, submitting an application for appeal to the Relevant College within 20 business days of them being notified of the Relevant College's decision they are seeking to appeal.

- 7.1.4 Providing their RTO and/or the Relevant College with all relevant evidence, supporting documentation and information relating to the decision they are seeking to appeal; and
  - 7.1.5 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 Ensuring their local dispute resolution and appeals policies and procedures are accessible to all registrars training on their training program;
  - 7.2.2 Hearing a registrar appeal against decisions made by them before any appeal is lodged with the Relevant College;
  - 7.2.3 Informing the Relevant College of appeals they receive from registrars where it is probable that the registrars will submit an application for appeal to the Relevant College;
  - 7.2.4 If they are the decision maker in the decision being appealed to the Relevant College, providing the Relevant College with all relevant documentation relating to the making of the decision;
  - 7.2.5 Implementing the decisions made by the Relevant College 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 registrar's training time cap without documented approval of an extension of training time.
- 7.3 The Relevant College is responsible for:
- 7.3.1 Receiving applications for appeals, confirming receipt and conducting initial assessments of applications;
  - 7.3.2 Informing registrars if an appeal application is incomplete;
  - 7.3.3 Notifying the decision maker of the receipt of an application for appeal and requesting information relating to the decision;
  - 7.3.4 Considering applications for appeal against Clinical Decisions;
  - 7.3.5 Considering applications for appeal against non-Clinical Decisions;
  - 7.3.6 Seeking advice from relevant sources to assist in reaching an outcome of an application for appeal, where applicable;
  - 7.3.7 Notifying the registrar and RTO in writing of the outcome of an appeal and any recommendations, where applicable;
  - 7.3.8 Notifying Joint Health Command of appeals lodged by ADF registrars once the appeals have been finalised;
  - 7.3.9 Negotiating alternative arrangements with other RTOs to progress registrars through the AGPT Program, where applicable; and
  - 7.3.10 Implementing the decisions made after the consideration of the application for appeal, where applicable.

## **8 Compliance and Monitoring**

- 8.1 The following will be monitored by the Relevant College:
  - 8.1.1 The total number of applications for appeal received by the Relevant College;
  - 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 2020 Overarching Document*
- 9.2 *AGPT Academic Post Policy 2020*
- 9.3 *AGPT Australian Defence Force Registrars Policy 2020*
- 9.4 *AGPT Complaints Policy 2020*
- 9.5 *AGPT Extension of Training Time Policy 2020*
- 9.6 *AGPT Program Leave Policy 2020*
- 9.7 *AGPT Rural Generalist Policy 2020*
- 9.8 *AGPT Training Accessibility Policy 2020*
- 9.9 *AGPT Training Obligations Policy 2020*
- 9.10 *AGPT Training Region Policy 2020*
- 9.11 *AGPT Transfer Policy 2020*
- 9.12 *AGPT Withdrawal Policy 2020*
- 9.13 *AGPT Application - Appeal form*
- 9.14 *ACRRM Appeals Policy for AGPT Registrars*
- 9.15 *RACGP Registrars Clinical Appeals Policy*

## 10 Version Control and Change History

<b>Version Control:</b>	5
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