



<b>Policy Name</b>	Appeals of Accreditation Decisions
<b>Consultation and Date Approved</b>	Accreditation Committee: 28 November 2011 Endorsed PMCV Board (with amendments): 6 August 2012  Review: Accreditation Committee: 16 February 2015 and PMCV Board: 27 February 2015
<b>Responsible Officer</b>	Accreditation Manager

### **Purpose & Scope**

The Postgraduate Medical Council of Victoria Inc. (PMCV) has delegated functions in relation to intern accreditation from the Medical Board of Australia (MBA) and the Department of Health and Human Services (DHHS) has authorised PMCV to survey postgraduate year two posts (PGY2). Accreditation of intern and review of PGY2 training programs and posts in Victoria is undertaken by PMCV in a combined accreditation process which, in particular, involves concurrent accreditation survey visits.

The key objective of this policy is to provide a framework to define the grounds for appeals or complaints and a process for their review and resolution in a fair, timely and equitable manner.

A facility may appeal against any accreditation decision made by the PMCV Accreditation Committee following a survey visit.

### **Context**

The PMCV accreditation process provides a number of opportunities for feedback to and from facilities prior to the final survey report and recommendations. These include:

1. The debriefing provided by the Team Leader at the conclusion of the survey visit which highlights the achievements and immediate concerns in regards to patient safety or JMO welfare.
2. The draft survey report which is generally forwarded to facilities within two weeks following the survey visit and which invites the facility to review and comment for factual errors.
3. The final survey report includes accreditation status and improvement recommendations. Facilities are invited to respond to the recommendations. On occasions, further dialogue may be required between PMCV and the facility to clarify the recommendations, the timing of their review and their associated accreditation implications. Any such further correspondence will be reviewed by the Accreditation Committee.

These measures are intended to ensure that PMCV accreditation assessments and therefore recommendations are based on accurate information, reflect the consensus view of the survey team and that the facility is fully aware of any concerns throughout the survey visit process.

Should a facility contest a specific accreditation recommendation (other than accreditation status), the PMCV Accreditation Committee will determine the significance of the recommendation, and whether it has a bearing on the accreditation status of the facility. Should it be deemed to be of material significance, the facility will be advised that failure to comply with the recommendation will impact on their accreditation status. This may result in the facility either accepting the recommendation, or seeking a formal review using the appeal process.

## Definitions

**Accreditation:** of prevocational medical training programs and posts is a process undertaken by an accreditation authority (PMCV) that establishes and monitors standards to ensure high quality clinical training for junior doctors (interns and PGY2s). This comprises:

- Quality assurance, involving facility self-evaluation and external peer review of compliance with the standards, and remediation following review (conditions);
- Quality improvement involving peer review with a focus on excellence identifying commendations (best practice) and recommendations for improvement; and
- Continuous improvement involving ongoing monitoring by the facility itself as well as regular formal reviews by the accreditation authority.

**Accreditation Committee:** A committee of PMCV which is responsible for promoting excellence in clinical training, appropriate educational and learning experiences and effective supervision through accreditation of intern and PGY2 posts to ensure the highest standards of patient safety and medical care.

**Appeal:** A request for review of accreditation recommendations made by a survey team or a recommendation of the Accreditation subcommittee.

**Appeals Committee:** an independent group established by PMCV responsible for reviewing the accreditation recommendations regarding the facility making the appeal.

**Facility:** The organisation or clinical setting where junior doctors work. These organisations will usually be hospitals or health services but may also be health care centres or supervised practice in community settings (e.g. general practice) which have met PMCV accreditation requirements for prevocational medical training.

**Junior Doctor:** A medical practitioner who is their first two years of prevocational medical training (intern or PGY2). Also referred to as junior medical officers (JMOs) or hospital medical officers (HMOs).

**Survey teams:** Are established to undertake the assessment of applications for accreditation at new facilities and provide recommendations in relation to re-accreditation of facilities that provide intern and/or PGY2 training programs in Victoria. The team, via the Team Leader, reports to the PMCV Accreditation subcommittee.

**Survey visit:** The purpose of the survey visit is for the survey team to review the facility which includes examination of evidence as documented by the facility, analysis of junior doctor feedback provided prior to visit, a tour of the prevocational training facilities, and meetings with key staff to discuss previous visit recommendations and discuss the current prevocational training program.

**Conditions:** A condition would be a requirement to be met for ongoing accreditation of the program/ post and would be followed up within the next 12 months.) They generally relate to compliance with the standards or guidelines and timelines for implementation will be determined.

**Recommendations:** All survey reports include recommendations for improvement to the prevocational training program. A response in relation to recommendations is required following the survey and would be part of the usual progress reporting process (mid-cycle).



## **Policy Details**

### **Formal Appeal Conditions:**

A facility may formally appeal against accreditation decisions as below:

- Less than full term accreditation of an intern post(s).
- Withdrawal of accreditation of an intern or PGY2 program or post(s).
- Specific condition(s) associated with intern/PGY2 programs and/or posts.
- Improvement recommendation(s).

Grounds for appeal by a facility include but are not limited to:

- Relevant and significant information which was made available to the survey team was not considered in the making of the recommendations; and/or
- The report of the survey team was inconsistent with the information provided; and/or
- That irrelevant information was considered in the survey team decision; and/or
- Perceived bias of a surveyor or surveyors; and/or
- Information provided by the survey team was not duly considered in the recommendations of the Accreditation Committee; and/or
- Conduct of the accreditation process.

### **Lodging the appeal:**

The appeal must be lodged with the Chief Executive Officer PMCV within 14 days of receiving the Accreditation subcommittee endorsed survey report. A further 30 days will be allowed for the facility to provide written documentation to support the appeal.

When lodging an appeal, a facility must, in writing:

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

Following the lodging of an appeal the Chair, PMCV Board is notified and the appeal details will be reported to the PMCV Board at its next meeting.

### **Process following notification:**

#### *Mediation*

Mediation will be held between representatives of the appellant (facility) and the PMCV including the Accreditation Committee Chair, PMCV Chief Executive Officer and one other member of the Accreditation Committee who is independent of the matter under appeal. The Chair of the mediation committee will be chosen from one of the PMCV members. The mediation will be held at the PMCV secretariat within four weeks of the appeal notification, with administrative support by the PMCV Accreditation Manager. 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, Accreditation Committee prior to the mediation.

Outcomes of the mediation may include:

1. Upholding of initial accreditation decision by mutual agreement
2. Modification of initial accreditation decision by mutual agreement
3. Lack of resolution

Where a decision is made, this will be forwarded to the PMCV Accreditation Committee and a formal response will be provided to the appellant following this (within four 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.



### *Appeals Committee*

The Chief Executive Officer, PMCV will organise the date, time and location of an Appeals Committee within eight weeks of a formal request by the appellant.

At least three weeks prior to the appeal, the appellant will provide the PMCV Chief Executive Officer with written submissions and copies of any documents. The written submission must be within the context of the original submission for an appeal and cannot introduce new grounds for appeal. The Chair, Accreditation Committee will also provide submissions and copies of any documents, including the survey report, responses from surveyors, relevant committee minutes and any other relevant documents.

Members of the Appeals Committee must not have been a party to the decision to which the appeal relates. An Appeals Committee will consist of:

- Two experienced PMCV surveyors, who were not on the original survey team and who are not current Accreditation Committee members.
- A nominee of the appellant.
- A nominee of the Victorian Board of the Medical Board of Australia; and
- One other person nominated by the Department of Health and Human Services.

A Chair shall be appointed from the Appeals Committee to ensure that the rules of natural justice are

observed. A PMCV secretariat staff member shall be Secretary to the Appeals Committee but shall not be a member of the Appeals Committee.

Membership of the Appeals Committee will be notified to the appellant who will have seven days to lodge any objections regarding the membership.

All members of the Appeals Committee shall be entitled to vote on decisions and the outcome of the appeal shall be decided on the basis of majority vote. In the event of a tied vote, the Chair will exercise a casting vote.

The Appeals Committee will make a decision either:

- To uphold the original accreditation recommendation made by the Accreditation subcommittee; or
- Where reasonable doubt is established as to the accreditation status recommended, rejects the accreditation team's findings and recommends a re-visit of the relevant facility or department. Such a visit will focus on the specific areas of uncertainty or controversy; or
- Upholds the appeal and provides alternative recommendations to the Accreditation subcommittee.

The decision of the Appeals Committee will be made in writing and communicated to the PMCV Accreditation subcommittee within 14 days.

### **Findings**

The findings will be recommended to the PMCV Accreditation Committee and the appellant will be advised of the outcome of the appeal following this meeting.

The Council will provide advice to the Victorian Board of the Medical Board of Australia for their consideration.

### **Re-Visit**

Should another survey visit be recommended:

- The Appeals Committee would normally conduct the accreditation visit; however, may choose to recommend to the Chair of the Advisory Council the establishment of a new accreditation team.
- No appeal process following the re-visit will be available.

### **Appeal Costs**

Any costs relating to appearance of members of the Appeals Committee (e.g. travel, accommodation) are to be borne by the appellant. PMCV will support all administrative costs associated with the appeal.

When an appeal is lodged, the amount of \$1000 is to be forwarded by the facility to the PMCV to cover administrative costs. If the appeal is upheld, the amount of \$1000 will be refunded to the facility.



## References

- Confederation of Postgraduate Medical Education Councils (CPMEC ), *Prevocational Medical Accreditation Framework for the Education and Training of Junior Doctors, Accreditation Appeals Policy Version 2.4*, 21 June 2013, South Australia Medical Education and Training
- Royal Australasian College of Surgeons (RACS), *Appeals Mechanism*, June 2011

## Related documents

- PMCV Accreditation Guide