

Part 1

Purpose & Scope

The Postgraduate Medical Council of Victoria Inc. (PMCV) has delegated functions in relation to intern accreditation for the Medical Board of Australia (MBA) and the Department of Health and Human Services (DHHS) has authorised PMCV to review and approve postgraduate year two posts (PGY2).

This policy provides a framework based on the principles of natural justice and procedural fairness to define the grounds for appeals or complaints of an accreditation decision and a process for its review and resolution in a fair and timely manner.

Victorian health services may appeal any accreditation decision made by the PMCV Accreditation Committee following a survey visit or other review.

1. Context

1.1 The PMCV Accreditation process provides a number of opportunities for feedback to and from a Health Service prior to the final survey report (for Survey Visits) and Accreditation Decisions. These include:

1.1.1 The debriefing provided by the Team Leader at the conclusion of a Survey Visit that highlights the achievements and immediate concerns, particularly in regard to patient safety or Junior Doctor wellbeing.

1.1.2 The draft survey report forwarded to the Health Service after the Survey Visit. The Health Service is invited to review and comment on the report for factual errors.

1.1.3 The final survey report which is approved by the PMCV Accreditation Committee that includes Accreditation status, length of Accreditation, Conditions of Accreditation and improvement Recommendations is then sent to the Health Service. Health Services are invited to formally respond to each of the Conditions and Recommendations and provide feedback on the accreditation process. On occasion, further dialogue may be required between the PMCV Accreditation Committee and the Health Service to clarify the Conditions and/or Recommendations, the timing of their review and their associated Accreditation implications.

1.1.4 For other, more limited reviews (e.g. mid-cycle, new rotation), information specific to accreditation decisions is provided and Health Services have the opportunity to respond.

1.2 These measures are implemented to ensure that PMCV accreditation assessments and decisions are fair, based on accurate information and that the Health Service is fully aware of any concerns throughout the accreditation review process.

1.3 The survey team members, internal review members and appeals committee members should declare any conflicts of interest, and be free from any material conflicts.

Part 2

Policy Details

2. Conditions:

2.1 The Appellant may appeal against any of the decisions to which this policy relates, including:

2.1.1 The length of Accreditation e.g. less than full term (usually four years) accreditation of the training program or individual post(s).

2.1.2 Status of Accreditation e.g. core/ non-core intern post.

2.1.3 Non-accreditation of new post or Withdrawal of Accreditation of a Junior Doctor program or post(s).

2.1.4 Specific condition(s) associated with Junior Doctor programs and/or posts.

2.1.5 Improvement Recommendation(s).

2.2 Grounds for appeal by a health service include but are not limited to:

2.2.1 Relevant and significant information which was made available to the Survey Team was not considered in the Accreditation Decision(s) or irrelevant information was considered in the Survey Team Accreditation Decision;

2.2.2 That the Accreditation Decision was not one which a rational decision-maker could have made in good faith;

2.2.3 PMCV approved regulation, policy or procedure that relates to the making of a decision was not adhered to;

2.2.4 Actual or perceived bias and/or material conflict of interest;

2.2.5 Information provided by the Survey Team was not duly considered in the Conditions and/or Recommendations of the Accreditation Committee;

2.2.6 Lack of procedural fairness; and/or

2.2.7 the Accreditation Decision was made for an improper purpose.

Disputing an Accreditation Decision

If a Health Service does not agree with an Accreditation Decision, it must go through the reconsideration and internal review processes before lodging a formal Appeal.

The PMCV CEO may permit an Appellant to commence the process at the internal review or Appeal stage where satisfied that there are exceptional circumstances.

3. Reconsideration

3.1 If a Health Service contests an Accreditation Decision, the PMCV Accreditation Committee will determine the significance of the contested Accreditation Decision (or any part thereof) and whether it has a bearing on the accreditation status of the Health Service.

3.2 If it is found to be significant, the Health Service will be advised that failure to comply with the Accreditation Decision (or part thereof) will impact on its accreditation status and/or length of accreditation.

3.3 The Health Service may either accept the Accreditation Decision or seek a review using the appeal process described in this policy.

4. Internal Review

Commencing Internal Review

4.1 If, after an Appellant has gone through reconsideration, an Appellant disputes a reconsideration decision, it must notify the PMCV CEO that it wishes to commence an internal review (Review Notification) within four weeks of receiving a reconsideration decision. The Review Notification must:

4.1.1 be in writing;

4.1.2 include a description of the aspect of the reconsideration decision that is disputed, and the grounds on which it is disputed; and

4.1.3 include any relevant evidence to support the dispute.

4.2 A review panel will be established, comprising the PMCV CEO and at least two PMCV Board members.

4.3 The Team Leader of the relevant Survey Team will be notified of the review and will be invited to review the Appellant's Review Notification and any additional evidence, and provide written comments to the review panel prior to the review panel meeting.

4.4 The panel will consider the evidence before the original decision maker and any evidence from the Appellant and Team Leader.

4.5 The review panel may:

4.5.1 affirm the original decision;

4.5.2 vary the decision;

4.5.3 set the decision aside and refer it back to the original decision maker; or

4.5.4 set the decision aside, make a new decision or appoint a new decision-maker

4.6 The decision will be forwarded to the PMCV Accreditation Committee and a formal response will be provided to the Appellant within four weeks of the review meeting.

4.7 If the matter is not resolved, the Appellant may request a formal Appeal before an Appeals Committee within 14 days of the notification of any decision. The outcome of the internal review will not prejudice any formal Appeal.

5. Appeal

Lodging an Appeal

5.1 The Appellant will retain any Accreditation length and status granted to it at its last completed Accreditation during the formal Appeal process. If the Appellant was not previously accredited then it will remain unaccredited until the outcome of the Appeal is determined.

5.2 An Appeal must be lodged with the PMCV Chief Executive Officer (CEO) (Appeal Notification) within the timeframe referred to above.

5.3 When lodging an Appeal, the Appellant must, in writing:

5.3.1 Identify the Accreditation Decision for which an Appeal is sought;

5.3.2 Specify the ground(s) for the Appeal; and

5.3.3 Provide supporting documentation/evidence.

5.4 The Appellant may provide additional written documentation to support the Appeal within 30 days of the Appeal Notification.

Appeals Committee

5.5 The Appeals Committee will comprise:

5.5.1 Two experienced prevocational Survey Team Leaders, who were not on the original Survey Team and who are not current Accreditation Committee members. One should have conducted Survey Visits with the PMCV and one from an interstate PMC;

5.5.2 A Nominee of the Appellant;

5.5.3 A Nominee of the Victorian Board of the Medical Board of Australia; and

5.5.4 A Nominee of the Department of Health and Human Services.

5.6 A Chair will be appointed from the Appeals Committee and a PMCV secretariat staff member will be the secretary to the Appeals Committee but is not a member of the Appeals Committee. Members of the Appeals Committee must not have been a party to the decision to which the Appeal relates.

5.7 The Appellant will be notified of the composition of the Appeals Committee and will have seven days to lodge any objections regarding its members.

Appeals Committee Meeting

5.8 The PMCV CEO will organise the date, time and location of an Appeals Committee meeting within three months of the Appeal Notification.

5.9 The Appeals Committee must act according to the rules of procedural fairness. The Appeals Committee is not bound by the rules of evidence and, subject to this policy and rules of procedural fairness may inform itself on any matter and in such manner as it thinks fit.

5.10 At least four weeks prior to the Appeal Committee meeting, the Appellant will provide the PMCV CEO with written submissions and copies of any relevant documents. The written submission must be within the context of the original Review Notification or Appeal Notification and cannot introduce new grounds for Appeal.

5.11 The Team Leader of the relevant Survey Team will be notified of the Appeal, and provide written comments to the Chair of the Accreditation Committee and Appellant prior to the Appeals Committee meeting.

5.12 The Chair of the 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.

5.13 The Appeals Committee will conduct its affairs with as little formality as possible and in accordance with the procedures set out in this policy, but otherwise, subject to this policy, will have full power to regulate its conduct and operation.

5.14 The Appellant has the right to appear before the Appeals Committee and to advocate orally the merits of the Appeal as represented through its written submissions.

5.15 Minutes of the hearings of the Appeals Committee along with the reviewed documentation will be recorded and filed with the relevant Accreditation documentation at PMCV.

Representative or Support Person

5.16 The Appellant may be accompanied by a support person or legal representative who is not permitted to act as an advocate for the Appellant, unless the Chair of the Appeals Committee has

given prior consent where it is felt that the Appellant would otherwise be at a disadvantage. The request for representation must:

5.16.1 be made by the Appellant in writing;

5.16.2 specify the reasons for the request; and

5.16.3 be submitted at least seven days prior to the Appeals Committee meeting.

The Appellant's representative (if any) may be invited to address the Appeals Committee regarding any particular legal issue that the Appeals Committee believes cannot adequately be addressed by the Appellant.

Findings of the Appeals Committee

5.17 The outcome of the Appeal will be based on a majority vote of the Appeals Committee, where the option to abstain is accepted. In the event of a tied vote, the Chair will exercise a casting vote.

5.18 The Appeals Committee may make one of the following decisions:

5.18.1 Uphold the original Accreditation Decision of the Accreditation Committee;

5.18.2 Reject the original Accreditation Decision and refer the matter back to the Accreditation Committee (or a newly comprised Survey Team) for the making of a new decision (upon such Conditions as the Appeals Committee may determine); or

5.18.3 Reject the original Accreditation Decision and make an alternative decision.

5.19 The decision of the Appeals Committee will be made in writing and communicated to the PMCV Accreditation Committee within 28 days.

5.20 The decision of the Appeals Committee will take effect from the date the decision is provided to the PMCV Accreditation Committee, PMCV Board, and the Appellant.

5.21 PMCV may make any notifications it deems necessarily as to the outcome of the Appeal, including to the Victorian Board of the Medical Board of Australia.

5.22 The decision of the Appeals Committee is final and binding.

Repeat Accreditation Site Visit

5.23 If the Appeals Committee rejects the Accreditation Decision and makes an alternative decision in accordance with clause 7.11.3, and the alternative decision requires a second Survey Visit:

5.23.1 The Appeals Committee may conduct the second Survey Visit; however, they may recommend to the PMCV Board that a new Survey Team is appointed.

5.23.2 The outcome of the second Survey Visit and subsequent Accreditation Decision(s) is final.

Appeal Costs

5.24 When an Appeal is lodged, the Appellant must pay \$1,000 to the PMCV to cover administrative and other costs relating to appearance of members of the Appeals Committee (e.g. travel, accommodation).

6. Definitions

Accreditation of prevocational medical training programs and posts: A process undertaken by an accreditation authority (PMCV) that establishes and monitors standards to ensure high quality clinical training for Junior Doctors.

Accreditation Committee: A committee of PMCV established to develop, monitor and evaluate accreditation standards and processes for the provision of prevocational medical education and training and for promotion of Junior Doctor wellbeing and safe quality patient care.

Accreditation Decision: A decision made following the Survey Visit by the Accreditation Committee in relation to accreditation status, length of accreditation, Conditions of accreditation and Recommendations for improvement as described in clause 2.1.

Appeal: A request for review of an accreditation decision made by a Survey Team or the Accreditation Committee.

Appeals Committee: An independent committee established by PMCV that is responsible for reviewing the Accreditation Decision regarding the health service making the Appeal.

Appellant: The Health Service applying for formal review of the Accreditation Decision.

Conditions: A condition is a requirement that must be met for ongoing Accreditation of the Health Service's program and/or post, implementation of which is reviewed within the next 12 months and at the mid-cycle review. They generally relate to compliance with the Accreditation standards or guidelines.

Health Service: The facility (usually a hospital but can also be a general practice or other community setting) or clinical setting (e.g. unit or department) where Junior Doctors work. All locations of the Health Service where Junior Doctors work must meet PMCV Accreditation requirements for prevocational medical training.

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

Nominee: is an individual who is (a) independent of the PMCV (b) independent of the Accreditation Committee and (c) not employed by, nor appointed to the Appellant.

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

Survey Team: Established by the Accreditation Committee to undertake the assessment of applications for Accreditation at new Health Services and provide Recommendations in relation to re-accreditation of Health Services that provide Junior Doctor (intern and/or PGY2) training programs in Victoria. The team, via the Team Leader, reports to the PMCV Accreditation Committee.

Survey Visit: The formal process undertaken by a PMCV survey team to assess the health service for intern and PGY2 training. This assessment includes examination of evidence as documented by the facility, analysis of Junior Doctor feedback, and meetings with key staff to discuss the current prevocational training program.

7. Related documents

PMCV Accreditation Guide

Version Control

Version approved along with date of next review.

Version	Amendments by	Changes	Date
V2	Accreditation secretariat/ RK Lawyers	Updated appeals structure	PMCV Board: 19 November 2020/ 11 March 2021 Review by Accreditation Committee Dec 2020/ Jan 2021
V1	Accreditation Manager		Accreditation Committee: 28 November 2011 PMCV Board: 6 August 2012
Review	Accreditation Manager		Accreditation Committee: 16 February 2015 PMCV Board: 27 February 2015

Approved by: PMCV Board

Next Review: 2023

Date: 19 November 2020 (minor changes endorsed 11 March 2021)
