



## Appeals Policy

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June 2021 | Version 2.2

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## Glossary of Terms

Term	Meaning
<b>Accreditation</b>	Evaluation of a degree program, intern training program (ITP) and continuing professional development (CPD) activity against defined standards. This evaluation ensures that the education and training leading to registration as a pharmacist is rigorous and prepares individuals to practise safely.
<b>Administrative breach</b>	Anytime a documented, approved and published APC process is not followed causing harm to a stakeholder or candidate. This includes actions of a third party acting on behalf of APC
<b>APC Appeals Panel</b>	The panel convened in accordance with paragraph 6.
<b>APC Business Unit Executive Director</b>	The person who as is appointed or occupies the position of APC Business Unit Executive Director for the relevant area from time to time.
<b>Appellant</b>	The person making an appeal under this Policy and paragraph 5.3.
<b>Appeal</b>	A formal request by an individual pharmacist for review of a decision or administrative process.
<b>Examination</b>	An assessment tool used to determine an individual's knowledge or competency against a required minimum standard.
<b>Independent Appeals Committee</b>	The committee convened in accordance with paragraph 7.
<b>Initial eligibility assessment</b>	The decision made by the APC of the suitability of and appropriate pathway for overseas pharmacists to follow to commence the registration process in Australia (eg. Stream A or B).
<b>Policy</b>	This Australian Pharmacy Council Appeals Policy as approved and amended from time to time.
<b>Program</b>	A course of study provided by an education provider.

## List of Abbreviations

Abbreviation	Term
<b>APC</b>	Australian Pharmacy Council
<b>CPD</b>	Continuing Professional Development
<b>IAC</b>	Independent Appeals Committee
<b>ITP</b>	Intern Training Program

# Appeals Policy

## 1. Purpose

The purpose of this Policy is to describe the processes and procedures available to APC stakeholders seeking to appeal an APC decision. It has been developed to ensure procedural fairness for our stakeholders and candidates.

## 2. Scope

2.1 This Policy applies to our Accreditation, Assessment, or Examination activities or decisions.

## 3. Policy Statement

3.1 Under the Health Practitioners Regulations Act 2009 (the Law), accrediting bodies must maintain and make available an appeals process to those programs and individuals they assess.

3.2 We maintains a two-tier appeals process as set out in paragraphs 5 to 8 below.

## 4. Roles and Responsibilities

4.1 The relevant APC Business Unit Executive Director is responsible for ensuring, so far as is practicable:

- a) that programs or individuals have access to this Policy when reasonably required (in the event concerns are raised regarding an APC decision);
- b) that the relevant parties have access to information concerning the procedures required for each type of appeal; and
- c) that the relevant appeal panels are convened and decision outcomes communicated in a timely fashion and in accordance with this Policy.

## 5. General Appeal Procedures

5.1 An APC accreditation, assessment, or examination stakeholder may appeal an Accreditation, Examination or Initial eligibility assessment decision by APC (Appellate Decision) in accordance with this Policy.

### **Accreditation**

5.2 The reasons for submitting an appeal would include but are not limited to one or more of the following grounds:

- a) that our procedures that relate to the making of the decision were not observed;
- b) that relevant and significant information, whether available at the time of the original decision or which became available subsequently, was not considered or not properly considered in the making of the decision to refuse or withdraw accreditation;
- c) that irrelevant information was considered in the making of the decision to refuse or revoke accreditation;
- d) that the original decision was clearly inconsistent with the evidence and arguments put before the Accreditation Committee
- e) that an error in law or in due process occurred in the formulation of the original decision

### **Assessment**

- f) that APC procedures that relate to the making of the decision were not observed

### **Examination**

- g) that there was an administrative breach during an Examination.

### **Conduct of the review**

5.3 All appeals must be made in writing (letter or email) to us by the person or program who is the subject of the decision and who is seeking the appeal (the Appellant). The request must include:

- A detailed explanation of each reason as to why the decision is being appealed
- All relevant material to support the application for a review

Appeals must state the grounds and reasons as to why one or more of paragraphs 5.2 or 8.1.1 applies and otherwise conform to the requirements of paragraph 7.2 or 8.2.2 as applicable.

The appeal must be accompanied by the relevant fee (if applicable).

Appeals that are incomplete, not accompanied by payment of the applicable fees as advised on our website, or otherwise do not comply with this Policy will not be processed or accepted.

5.4 In submitting an appeal under this Policy, the Appellant acknowledges that:

- a) the Appellant bears the onus of demonstrating that the subject decision was in error and, until that onus is discharged to the reasonable satisfaction of the relevant appeal body, the appealed decision shall remain valid and unchanged; and
- b) we bear no liability for any delay in the accreditation, assessment, or examination processes even where the process of review or appeal extends beyond the expected or anticipated timelines.

## **6. Appeals relating to Accreditation**

6.1 For an appeal against an accreditation decision a Review Panel will consider the education providers application for review and may, at its sole discretion, take into account other material such as:

- the Site Evaluation Team (SET) final accreditation report
- information submitted by the education provider to the Accreditation Committee
- other relevant and significant information which was not available at the time of the Accreditation Committee or APC Board decision but became available subsequently.

## **7. Appeals relating to Examinations**

7.1 Examination results may be appealed in writing following the procedures outlined below.

7.2 An Appeals Committee will consider evidence provided by the candidate that an action of APC or its partners led to circumstances (not of the candidates making or known prior to taking an examination) that meant that the examination result could not have fairly represented the candidate's ability at the time of the examination.

7.3 An examination is APC's sole process for assessing the candidate's ability, therefore, the candidate cannot provide independent evidence of their ability and the Appeals Committee will not consider any assessment by the candidate or a third party of the candidate's ability or any comparison to the ability of any other candidate.

## 8. Initial Appeal

### 8.1. Appeal to the APC Appeals Panel

8.1.1 At first instance, the Appellant may make an appeal to an APC Appeals Panel (the Appeal).

8.1.2 The APC Appeals Panel will consist of at least three (3) members all of whom are to be independent of the Appellant, have formally agreed to uphold the APC Conflict of Interest Policy and must not have participated in the original decision.

If the appeal is against the APC Board decision to withdraw accreditation of an education provider the Appeals Panel in addition to 8.1.2, will include:

- A nominee of the Council of Pharmacy Schools
- A Head of an International Pharmacy School / Program
- A person nominated by the CEO with experience in investigation of complaints who is not a pharmacist

8.1.3 No member may sit on the APC Appeals Panel if they have a material personal conflict or material perceived conflict in relation to the Appellant or the subject of the Appeal.

### 8.2. Appeal Process

8.2.1. The Appellant must lodge the Appeal with the APC within 30 days of receipt of the original decision.

8.2.2. The Appeal must include the following:

- a) payment of the relevant [appeal fee](#) (if applicable);
- b) an address for service for the Appellant (email or postal address);
- c) a written summary identifying the decision to be appealed and the circumstances giving rise to the Appeal; and
- d) any relevant supporting documentation as described (above) or other material relating to or supporting the Appeal and upon which the Appellant relies.

8.2.3. The APC will, within five (5) business days of lodgement of the Appeal:

- a) acknowledge receipt and acceptance of the Appeal (Acceptance Date); or
- b) if the Appeal is incomplete or does not otherwise meet the requirements of this Policy, give notice of the rejection of the Appeal
- c) subsequent to accepting the appeal and if it is determined that there needs to be a site visit then the appellant must pay the costs of the site visit.

8.2.4. Within ten (10) business days of the Acceptance Date, the APC will appoint an APC Appeals Panel. The role of the Panel will be to consider and assess the Appeal, supporting documentation and any other documentation or information pertinent to the Appeal.

### 8.3. Request for input

8.3.1. In conducting its review, the APC Appeals Panel must consider and assess all the information and material provided to it in relation to the Appeal. Any assessment or treatment or relevance of any information provided is within the unfettered discretion of the APC Appeals Panel.

8.3.2. During the course its review, the APC Appeals Panel:

- a) may contact the Appellant in writing requesting the provision of additional information;

- b) if the Appeal concerns an Accreditation decision regarding physical facilities, a site inspection of those facilities may be required (see 8.3.3)
- c) may make its own inquiries as it sees fit and seek such further information from the parties who made the original decision, from third parties and third party sources as it considers appropriate without limit (but it has no obligation to do so), and in each case it must take into account the confidentiality requirements of this Policy;
- d) may obtain any other information that may be, in the unfettered opinion of the APC Appeals Panel, appropriate, prudent, relevant or necessary to the subject or circumstances of the Appeal and the Appellant without limit (but it has no obligation to do so) and in each case it must take into account the confidentiality requirements of this Policy; and
- e) must contact the Appellant in writing and notify them of any new information received during the course of the review which the APC Appeal Panel consider is relevant to the Appeal and seek the Appellant's further input or response to that information.

8.3.3. Where a site visit is proposed for the purposes of the Appeal, the Appellant will be responsible for paying all costs reasonably incurred by the APC Appeals Panel for the site visit. The APC Appeals Panel will notify the Appellant in writing of the proposed site visit and seek the Appellant's consent to the estimated costs. If the Appellant declines to fund the said costs, then the Appellant shall be deemed to have withdrawn their Appeal.

8.3.4. If the Appellant refuses or fails to respond within the timeframe the Appellant will be deemed to have waived their right to respond and the Appeal

## 8.4. Appeal Determination

8.4.1. The APC will notify the Appellant in writing of the likely timeframe for the consideration and notification of the outcome of the Appeal within 30 days of the Acceptance Date

8.4.2. The Appeal Decision must state the reasons for the decision and advise that the Appellant has 30 days to seek a review of the Appeal Decision, but need not indicate any weighting as to relevance of any or all information provided or considered.

## 9. Appeal Outcomes

### Fees

9.1. If an Appeal is upheld:

- a) against an Accreditation decision and/or process, any refund of fees will be dependent on the grounds and context of the appeal and a matter for the discretion of the APC;
- b) against an Initial eligibility assessment decision, the APC will refund all appeal fees to the Appellant within 10 business days of that decision;
- c) against an examination result, the examination result is null and void and APC will refund all Examination and appeal fees to the Appellant within 10 business days of that decision.

### Accreditation

9.2. The APC Appeals Panel's determination may be:

- a) that the original accreditation decision is confirmed
- b) that the original accreditation decision is revoked (either in whole or in part) and the AC must further consider the accreditation decision, or
- c) that the original accreditation decision is revoked and the AC must replace it with a different accreditation decision specified by the APC Appeals Panel.

The Appeal Decision will not be subject to further appeal or review.

## 10. Confidentiality

10.1 All activities surrounding the processing of an Appeal under this Policy, including the content of any application by the Appellant and the decisions and deliberations of the APC Appeals Panel and Independent Appeals Committee are subject to the APC Privacy Policy. Members of the APC Appeals Panel and the Independent Appeals Committee will be required to sign an APC Confidentiality agreement prior to reviewing appeals.

## 11. Correspondence to APC

11.1. Any correspondence to be sent to APC for the purposes of this Policy must be sent as follows:

- b) if the appeal relates to an Examination decision to [exams@pharmacycouncil.org.au](mailto:exams@pharmacycouncil.org.au)
- c) if the appeal relates to an Accreditation decision, to [accreditation@pharmacycouncil.org.au](mailto:accreditation@pharmacycouncil.org.au); or
- d) if the appeal relates to an Initial eligibility assessment decision, to [assessments@pharmacycouncil.org.au](mailto:assessments@pharmacycouncil.org.au)

## 12. Related documents/links

[Complaints Policy for Accredited Providers or Programs](#)

[Conflict of Interest Policy](#)

[Examination Fee Refund Policy](#)

[General Complaints Policy](#)

[Privacy Policy](#)

[Examinations Special Accommodation Policy](#)

## 13. References

Fees for appeals can be found [here](#).

