



Reconsideration, Review and Appeal of Decisions Policy

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Reconsideration, Review and Appeal of Decisions Policy

Purpose and Scope

The Royal Australian and New Zealand College of Obstetricians and Gynaecologists (College/RANZCOG) is the peak body in Australia and New Zealand for training clinical Obstetricians and Gynaecologists specialists to world-class standards and the College's processes aim to uphold and maintain those standards. This means that not every decision of the College can be formally appealed.

The College is committed to providing clear advice to its members and other individuals and organisations about those of its decisions which are able to be reconsidered, reviewed and formally appealed. It is intended that this Reconsideration, Review and Appeal of Decisions Policy ('Policy') enables the College and those who have been subject to a decision which they consider unsatisfactory, to embark upon a defined pathway to enable resolution.

In order to assist all parties, procedures have been developed to indicate what is meant by reconsideration and review, and the connection between these processes and a formal appeal. Accordingly, the process consists of:

- (i) Reconsideration of the original decision – Phase One;
- (ii) Review of the original decision – Phase Two; and
- (ii) A formal appeals process by an Appeals Committee – Formal Appeal.

The reconsideration phase and the review phase provide for internal review which may resolve the matter and provide information which can be used in a Formal Appeal. Their conduct and findings, however, are explicitly "without prejudice" in the conduct of a Formal Appeal.

Definitions

In this Policy, unless otherwise indicated by the context:

- a) **Applicant** means a person who has formally requested a reconsideration, review or appeal of a decision (as the case may be);
- b) **College Board** means the Board of Directors of the College;
- c) **College Solicitor** means the solicitors appointed by the College from time to time; and
- d) **Decision** means a decision subject of this Policy and referred to in Section 1 of this Policy

1. Decisions to be reconsidered, reviewed or appealed

The following decisions can be subject to a reconsideration, review or appeal under this Policy:

- a) decisions of the College education and training committees in relation to the assessment of progress of trainees of the College (including admission, dismissal or recognition of training); or
- b) decisions in relation to applications for admission to Fellowship; or
- c) decisions in relation to applications from Specialist International Medical Graduates (SIMGs) for assessment for recognition on behalf of the Australian Health Practitioner Regulation Agency / Medical College Council of Australia through the Australian Medical Council, or the New Zealand Medical Council; or

- d) decisions in relation to examinations or training required to be undertaken by SIMGs for assessment as set out above; or
- e) decisions in relation to participation in the CPD programs and the statement of participation; or
- f) decisions in relation to accreditation for training; or
- g) such other decisions as the College Board may determine from time to time.

1.1 Application

1.1.1 Any person:

- a) whose interests are directly and adversely affected by an original decision that is inconsistent with an approved regulation or policy; and
- b) who is dissatisfied with that original decision

may, within the specified timeframe, apply to the original decision maker to have the original decision reconsidered, reviewed and/or considered at a hearing of the appeals committee where there is demonstrable evidence of one or more grounds of appeal.

1.1.2 The onus of establishing the relevant grounds of a request falls upon the Applicant.

1.1.3 Applications must:

- a. state the decision in respect of which the request is being made
- b. clearly state the grounds for application under Section 1.2
- c. provide a brief outline of the matters in issue; and
- d. be accompanied by any further information not previously provided in relation to the matter
- e. state the remedy sought

1.1.4 Applications submitted under this policy will not be accepted where the Applicant is seeking an exemption from an approved policy or regulation.

1.1.5 This policy is not intended to provide an avenue for any person to contest results awarded, decisions of assessors taken in or about any assessment, allegations of poor training or supervision or general grievances.

1.1.6 A reconsideration, review or appeal application related to a candidate's assessment, performance and/or result in training and/or an examination:

- a) must demonstrate clearly prima facie grounds as described in Section 1.2 of this Policy;
- b) will not be accepted where the application relates to matters that fall under the remit of the *Exceptional Circumstances and Special Consideration Policy and Procedure*, and where that policy was not utilised within the timeframe outlined therein and results of the examination have been published, regardless of the reasons cited for not submitting an application under that policy;
- c) will not be accepted where the basis of the application is a belief by an applicant that they should have passed an examination or component thereof based on their recall of a response (written or oral) provided in the examination in question;
- d) will not be accepted where the basis of the application is that the applicant was, or was not, supplied with specific information in the course of the conduct of a component of a clinical examination that is perceived to be in conflict with that provided to other candidate(s), unless verifiable evidence is supplied to support the application;
- e) will not be accepted where the basis of the application is the provision of additional information following receipt of feedback from the College on their performance in an examination;

1.1.7 This policy is not intended to provide an avenue for person(s) to be exempted from any requirements or components of any training program on the basis of ignorance of relevant published Regulations and/or Policies.

1.2 Grounds for application under this policy

1.2.1 In order for any application made under this policy to progress to reconsideration, review or appeal, there must be demonstrable evidence, provided at the time of the application, of one or more of the following grounds relating to the outcome of a decision that is the subject of the application:

- a) that an error in law or in due process occurred in the formulation of the original decision;
- b) that the relevant approved regulation or policy was not correctly applied;
- c) that procedures required by approved College policies or regulations to be observed in connection with the making of the original decision were not observed;
- d) that relevant and significant information, existing at the time of the original decision and which should have been known to the decision-maker, was not considered or not properly considered in the making of the original decision. (Evidence of any further training or experience by an Applicant during the period between the making of the original decision, the subject of the appeal, and the date of hearing of any reconsideration, review or appeal, shall not be considered as information that becomes available subsequent to the original decision).
- e) that irrelevant information was considered by the original decision-maker in the making of the original decision;
- f) that the original decision was made for a purpose other than a purpose for which the power was conferred, or by a body that was not empowered to make the decision.
- g) that the original decision was clearly inconsistent with the evidence and arguments put before the body making the original decision.

1.3 Acceptance of applications

1.3.1 The College reserves the right not to accept an application for reconsideration, review or appeal where the Applicant is unable to produce any reasonable or relevant evidence in support of the stated grounds on which the application is based.

1.4 Discretion of the CEO

1.4.1 Where request for review is accompanied by additional material not previously considered in 'reconsideration' phase, the CEO has the discretion to allow the process to commence at reconsideration phase before commencing 'review' phase, regardless of whether the reconsideration phase was completed. The CEO has the discretion to allow the process to commence at the 'review' phase or to proceed directly to the appeals committee where they are satisfied that there are exceptional circumstances which make it justifiable and appropriate to do so.

1.4.2 A request for the CEO to exercise their discretion under this clause may also be made by the Applicant at the time of submission of any application under this policy.

1.5 Fees

1.5.1 No fee is payable on request for Review.

1.5.2 The College requires that the Applicant pay an application fee before a request for Reconsideration and lodgement of Appeal. The application fee is such amount as the College Board may determine from time to time.

1.5.3 The College will refund the Appeal fee in the case that the appeal is upheld. The Fees paid for reconsideration will not be refunded.

1.5.4 The CEO and Appeals Chairperson may waive all or part of the application fee and costs if it thinks appropriate.

1.5.5 In case of an appeal the Applicant will meet all costs including, but not limited to, travel and accommodation, regardless of the outcome of the appeal.

2. Phase one – Reconsideration

A. If the decision relates to an examination result

No.	Action	Timeline/College Response
1.	The Applicant is notified by the College in writing of their examination result.	
2.	<p>If an Applicant wishes to make an application for reconsideration of the decision, the Applicant writes to the College to request a reconsideration of their examination result.</p> <p>The Applicant must identify the grounds for the request and provide any supporting information.</p> <p>The Applicant may provide information to address the grounds for the request for reconsideration.</p> <p>If the original decision maker determines in their absolute discretion that there are insufficient grounds for an application for reconsideration or that the information provided by the Applicant falls outside of the grounds and terms contained in this Policy or other College policies, the College will not be obliged to consider the application or the further information provided (as the case may be).</p> <p>Process issues in the conduct of the examination are grounds which will be considered for a reconsideration request.</p> <p><u>Special Considerations</u> (such as health, family, and other issues) will not be addressed under this Policy. In this regard, candidates are referred to the <i>RANZCOG Exceptional Circumstances and Special Consideration Policy and Procedure</i> to make applications under timelines prescribed therein.</p>	<p>Request is to be received within thirty (30) calendar days of notification of the examination result. Note that this period includes non-business days.</p> <p>The College will acknowledge receipt of request.</p>
3.	If the original decision maker determines that the application for reconsideration is supported by sufficient grounds, then the application will be considered. This involves the original decision-maker obtaining all supporting documentation from the examination process.	
4.	<p>The original decision-maker confers in writing with the Examiner of the topic(s) and, in the case of oral examinations, also confers in writing with the individual examiner(s) who assessed the Applicant.</p> <p>Should the original decision-maker find themselves in the situation where they feel that consultation with the examiners is not possible, the original decision-maker may implement a feasible alternative process.</p>	

5.	<p>The original decision-maker makes a determination with regard to the merits of the application for reconsideration. The original decision-maker may determine to do any of the following actions:</p> <ul style="list-style-type: none"> • To uphold the examination result. • To void the examination attempt and grant another attempt to the Applicant. 	
6.	<p>The original decision-maker determination is conveyed in writing to the Applicant. If the original decision is upheld, the written communication will contain:</p> <ul style="list-style-type: none"> • the reasons for the decision being upheld; and • instructions on how the Applicant can proceed to the next Phase. 	<p>Endeavour to provide outcome within eight (8) weeks of receipt of request for reconsideration.</p>
7.	<p>Following advice of the determination, the Applicant is required to advise the College whether they wish the next Phase to be instituted.</p>	<p>Within fourteen (14) calendar days of receipt of outcome of reconsideration process.</p>

B. If the decision relates to any other matter

No.	Action	Timeline/College Response
1.	The Applicant is notified by the College in writing of the relevant decision.	
2.	<p>If an Applicant wishes to make an application for reconsideration of the decision, the Applicant writes to the original decision-maker indicating the decision made and requesting a reconsideration of that decision.</p> <p>The Applicant must identify the grounds for the request and provide any supporting information.</p> <p>The Applicant may provide any information which they consider may assist in this process.</p> <p>If the original decision maker determines in their absolute discretion that there are insufficient grounds for an application for reconsideration or that the information provided by the Applicant falls outside of the grounds and terms contained in this Policy or other College policies, the College will not be obliged to consider the application, or the further information provided (as the case may be).</p>	<p>Request is to be received within thirty (30) calendar days of notification of the decision.</p> <p>The College will acknowledge receipt of request.</p>
2A.	In the case of a decision relating to assessment of an IMG, if the Applicant wishes to make an application for reconsideration of the decision, the Applicant writes to the original decision-maker requesting reconsideration of that decision. The Applicant may provide any information which they consider may assist in this process.	<p>Request is to be received within thirty (30) calendar days of notification of the decision.</p> <p>The College will acknowledge receipt of request.</p>
3.	The original decision maker will contact the officer, committee or College group responsible for the decision and requests that the decision be formally reconsidered through the appropriate mechanism.	
4.	<p>After consideration of the supporting material supplied by the Applicant, the original decision-maker may make any one of the following reconsiderations decisions;</p> <ul style="list-style-type: none"> ● affirm its original decision; ● vary its original decision; or ● set its original decision aside and make a new decision <p>Minutes of the original decision-maker's reconsideration deliberations must be kept in accordance with the ordinary practices of that entity.</p>	
5.	<p>The original decision-maker advises the Applicant of the determination in writing. If the original decision is upheld, the written communication will contain:</p> <ul style="list-style-type: none"> ● the reasons for the decision being upheld; and 	Endeavour to provide outcome within eight (8) weeks days of receipt of a request for reconsideration.

	<ul style="list-style-type: none"> instructions on how the Applicant can proceed to the next Phase. 	
6.	Following advice of the determination, the Applicant is required to advise the College whether they wish the next Phase to be instituted.	Within fourteen (14) calendar days of receipt of outcome of reconsideration process.

3. Phase two – Review

A. If the decision relates an examination result

No	Action	Timeline/College Response
1.	<p>The Applicant is notified by the College in writing of outcome of the reconsideration of the original examination result.</p> <p>The written notification will set out the:</p> <ul style="list-style-type: none"> • right of the Applicant to, within fourteen (14) calendar days of receipt of the written notification, request a review of the decision; and • contact details of the CEO (i.e., the person to whom the request for review must be directed); 	
2.	<p>The Applicant indicates in writing to the CEO that following the outcome of the reconsideration phase they wish the review phase to be activated.</p> <p>The Applicant must identify the grounds for the request and provide any supporting information.</p> <p>The Applicant can provide any additional information which they consider may assist in this process.</p> <p>If the CEO determines in their absolute discretion that there are insufficient grounds for an application for review or that the information provided by the Applicant falls outside of the grounds and terms contained in this Policy or other College policies, the College will not be obliged to consider the application or the further information provided (as the case may be).</p>	<p>This indication must be made within fourteen (14) calendar days of receiving advice of the outcome of the reconsideration process.</p>
3.	<p>The CEO refers the matter to a Review Panel constituted as per Section 3.2 of the Policy.</p> <p>The Examiners who have been party to the reconsideration will not take part in this review.</p>	
4.	<p>The Review Panel makes a determination with regard to the merits of the case. In doing so, that panel must have regard to:</p> <ul style="list-style-type: none"> • any information, documents and materials provided to it; • the application for review; and • any other information obtained by it which is relevant to the application for review. (Any new material or information must be provided to the Applicant for further comment or submission, before a decision is made). <p>The Review Panel may:</p>	

	<ul style="list-style-type: none"> Uphold the examination result. Void the examination attempt and grant another attempt to the Applicant. <p>The Review panel shall make its recommendation(s) to the RANZCOG Board for approval.</p>	
5.	<p>The CEO advises the Applicant of the review determination. If the original decision is upheld, the written communication will contain:</p> <ul style="list-style-type: none"> the reasons for the decision being upheld; and instructions on how the Applicant can proceed to the next Phase. 	Endeavour to provide outcome within eight (8) weeks of receipt of a request for review.
6.	Following advice of the determination, the Applicant is required to advise the College whether they wish to formally Appeal the decision.	Within fourteen (14) calendar days of receipt of outcome of request for review.

B. If the decision relates to any other matter

No.	Action	Timeline/College Response
1.	<p>The Applicant is notified by the College in writing of outcome of the reconsideration of the original decision. The written notification will set out the:</p> <ul style="list-style-type: none"> right of the Applicant to, within fourteen (14) calendar days of receipt of the written notification, request a review of the decision; contact details of the CEO (i.e., the person to whom the request for review must be directed); 	
2.	<p>The Applicant indicates in writing to the CEO that following the outcome of the reconsideration phase that they wish the review phase to be activated.</p> <p>The Applicant must identify the grounds for the request and provide any supporting information.</p> <p>The Applicant can provide any additional information which they consider may assist in this process.</p> <p>If the CEO determines in his or her absolute discretion that there are insufficient grounds for an application for review or that the information provided by the Applicant falls outside of the grounds and terms contained in this Policy or other College policies, the College will not be obliged to consider the application or the further information provided (as the case may be).</p>	This indication must be made within fourteen (14) calendar days of receiving advice of the outcome of the reconsideration process.
3.	<p>The CEO refers the request to a Review Panel constituted as per Section 3.2 of the Policy.</p> <p>Any individual who has been party to the reconsideration will not take part in this review.</p>	
4.	<p>The Review Panel makes a determination with regard to the merits of the case. In doing so, that body must have regard to:</p>	

	<ul style="list-style-type: none"> any information, documents and materials provided to it; the application for review; and any other information obtained by it which is relevant to the application for review. (Any new material or information must be provided to the Applicant for further comment or submission, before a decision is made). <p>The Review Panel may do any of the following:</p> <ul style="list-style-type: none"> Uphold the original decision. Overturn or vary the original decision. <p>The Review panel shall make its recommendation(s) to the RANZCOG Board for approval.</p>	
5.	<p>The CEO advises the Applicant of the review determination. If the original decision is upheld, the written communication will contain:</p> <ul style="list-style-type: none"> the reasons for the decision being upheld; and instructions on how the Applicant can proceed to the next Phase. 	Endeavour to provide outcome within eight (8) weeks of receipt of a request for review.
6.	<p>Following advice of the determination, the Applicant is required to advise the College whether they wish to formally Appeal the decision.</p>	Within fourteen (14) calendar days of receipt of outcome of request for review.

3.1 Where special leave is granted

Where the CEO has exercised their discretion for a matter to proceed directly by way of review (rather than by reconsideration), the application for review must:

- a) include all the information and documentation required for the reconsideration of an original decision; and
- b) be received by the CEO within the timeframe as stipulated in writing by the CEO.

3.2 Review Panel

3.2.1 The CEO may convene a Review Panel, which shall comprise of:

- One (1) member of the RANZCOG Board;
- Two (2) College Fellows (who may or may not be a RANZCOG Board member(s) or Councillor(s)); and
- The CEO or appropriate College Executive Director.

3.2.2 The Review Panel shall not include a member who participated in the original decision or the reconsideration decision or who otherwise has, or is perceived to have, a conflict of interest.

3.3 Proceedings of Review

3.3.1 The Review Panel shall consider, and conduct the review on the basis of:

- a) all the original material and documentation considered by the original decision-maker;
- b) all additional material and documentation supplied by the Applicant for the purposes of the review (if any);
- c) any additional material and documentation considered relevant by the Chairperson of the Review Panel;
- d) whether the principles of procedural fairness were followed when the original decision was made and (if relevant) when it was considered;
- e) adherence to College regulations, policies and procedures relevant to the decision; and
- f) the relief previously afforded to the Applicant for the circumstances relevant to the ground(s) on which the application is made (if any).

3.3.2 The Review Panel may exercise all of the powers and discretions that the original decision-maker was able to exercise and is not subject to the rules of evidence. Subject to the rules of procedural fairness and it may inform itself as it sees fit.

3.3.3 The Review Panel will accept information, whether written or oral, from the Chairperson of the committee involved in making the original decision and its reconsideration. Any additional information received by the Review Panel (from the Chairperson of the committee making the original decision or otherwise) shall be provided to the individual affected for their further written submission to the Review Panel before a final decision is made.

3.3.4 The individual does not otherwise have the right to attend any meetings of the Review Panel or to make any oral submissions to it, either personally or through any other party.

3.3.5 The powers of a Review Panel are the same as those for the Appeals Committee as set out in Section 4.6.3 of this Policy.

3.3.6 All proceedings shall remain confidential, save for information relating to decisions distributed as outlined in this Policy.

3.4 Outcome of Review

3.4.1 The Review Panel may make any one of the following review decisions:

- a) affirm the original decision or reconsideration decision

- b) set aside the original decision or reconsideration decision and refer the matter to the original decision-maker for further consideration in accordance with any directions or recommendations it may make, or
 - c) set aside the original or reconsideration decision and make any further decision it thinks appropriate
- 3.4.2 The College will provide the potential Applicant with the outcome of the review, the document being subject to any obligations of privacy and confidentiality that may apply.
- 3.4.3 Minutes of the hearing of the Review Panel shall be confined to a list of all persons present, a report listing the documentation presented and a report of the review recommendation, including reasons for the decision.
- 3.4.4 The Review Panel must make its recommendation(s) to the College Board for approval.
- 3.4.5 Following the conclusion of the review process, the CEO must be satisfied that all other avenues to resolve the issues of concern to the potential appellant have been exhausted before a formal appeal can be lodged and an Appeals Committee constituted.

4. Formal appeal

4.1 Appeal lodgement

- 4.1.1 Within fourteen (14) calendar days of the Applicant being notified in writing of the outcome of the review of the original decision, the Applicant must advise the College that they wish to appeal the review decision.
- 4.1.2 Any Applicant who has made a notification as per above must, within two (2) months of receipt of notice of the outcome of the review of the original decision, lodge their appeal with the CEO.

4.2 Appeals process

- 4.2.1 The 'Procedures for the Conduct of Appeals Committee Meeting' set out in Terms of reference.
- 4.2.2 Before convening an Appeals Committee, the CEO will ensure that both a reconsideration and review of the decision to be appealed have been conducted unless determined otherwise by the CEO. Such reconsideration and review does not constitute an appeal under these Sections. An appeal is to be conducted in a manner consistent with the processes outlined below.

4.3 Appeals Committee

- 4.3.1 If a person validly applies to the CEO to appeal a decision the CEO may convene an Appeals Committee.
- 4.3.2 The Appeals Committee, who will comprise:
 - a) Three (3) persons (one (1) of whom shall be the Chairperson) who are not College members; and
 - b) Two (2) College Fellows who were not party to any decision to which the appeal relates (in the event of an appeal involving a subspecialist, one of the Fellows should be a subspecialist from that particular subspecialty).none of whom participated in the original decision, the reconsideration decision or the review decision, or who otherwise has or is perceived to have a conflict of interest.
- 4.3.3 The CEO or their delegate will be the Secretary to an Appeals Committee, but is not for the purposes of voting a member of the Appeals Committee.
- 4.3.4 The Chairperson may, at their discretion, invite the College Solicitor to act as legal adviser to an Appeals Committee. The College Solicitor is not a member of the Appeals Committee.
- 4.3.5 A quorum for meetings of the Appeals Committee will be the Chairperson and three (3) other members. All members shall be entitled to vote on decisions, with decisions of the Committee being decided by a simple majority of those members present. In the event of an equality of votes, the Chairperson may exercise a casting vote.
- 4.3.6 Applicants will be advised in writing of the composition of the Appeals Committee, and advised that should they believe any member to have a conflict of interest that may impair that individual's ability to impartially consider the matter, they have the right to have the matter considered by the Chairperson of the Appeals Committee or the College CEO where the conflict is believed to be associated with the Chairperson. The Applicant will be advised that any such request, including any relevant supporting documentation or other material(s) should be provided not less than 14 days prior to the scheduled date of the appeal hearing and that, depending on the availability of a suitable replacement should the Chairperson or CEO believe that such a conflict does exist, the appeal hearing may need to be delayed or rescheduled in order to obtain a suitable replacement member, or that the appeal may proceed with a reduced membership of the Appeals Committee. Such decision being at the discretion of the Chairperson or CEO as applicable. Any costs incurred by the Applicant as a result of any delay(s) or changes or previously advised arrangements will be borne by the Applicant.
- 4.3.7 The Chairperson of the Appeals Committee may request that a representative of the original decision-maker be asked to attend and address the Appeals Committee on matters relevant to the appeal. The representative will be given opportunity to comment on submissions of the Applicant and the original decision-maker.

4.3.8 The decisions which may be appealed to an Appeals Committee are those listed in this Policy.

4.4 Consideration of Appeals

4.4.1 At least twenty-one (21) calendar days before an Appeals Committee hearing, the CEO will advise the Applicant in writing of:

- a) the date, time and place of the hearing; and
- b) the Applicant's right to appear, at their own cost, before the Appeals Committee and to seek leave to have legal representation (at their own cost).

4.4.2 In any appeal, the Applicant will have the onus of proof to establish the grounds of the appeal.

4.4.3 Subject to these Sections, an Appeals Committee has full power to regulate its conduct and operation as it thinks appropriate.

4.4.4 An Appeals Committee will:

- a) conduct the hearing with as little formality and technicality, and with as much expedition, as a proper consideration of the matters before the Appeals Committee permit;
- b) to the extent it thinks appropriate – conduct the hearing in accordance with its terms of reference
- c) act according to the rules of natural justice; and
- d) decide each appeal on its merits.

4.4.5 An Appeals Committee:

- a) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks appropriate;
- b) may consider all relevant information that it thinks appropriate; and
- c) may invite any person to appear before it or to provide information.

4.4.6 An Applicant may make written submissions to an Appeals Committee. The Applicant must give any written submissions and provide any relevant information in support of their submission to the CEO at least fourteen (14) calendar days before the Appeals Committee hearing. In relation to these submissions and the appeal generally:

- a) The Applicant has the right to appear before the Appeals Committee and to advocate the merits of the appeal themselves as set out in their written submissions.
- b) The Applicant has the right to be accompanied by a support person, who may not act as an advocate for the Applicant.
- c) The Applicant is not entitled to be accompanied by a legal representative (or any other person who shall act as an advocate) before the Appeals Committee unless the Committee Chairperson has given prior consent where it is felt that an Applicant could not present, or would be disadvantaged in their appeal if required to present in person. Any request for such representation:
 - must be made by the Applicant
 - specify the reasons on which the request is made, and
 - be received by the CEO at least seven (7) working days prior to the date of the relevant appeals committee hearing.
- d) The Applicant's support person and, if the Applicant has approval, legal advisor may not act as an advocate for the Applicant, but the legal adviser (if any) may be incited to address the Appeals Committee regarding any particular legal issue that the Appeals Committee believes cannot adequately be addressed by the Applicant.
In such cases the College Solicitor may be invited to attend meetings of the Appeals Committee to assist the committee in the hearing of the appeal.

4.4.7 The Appeals Committee must keep confidential:

- a) any transcript of a hearing; and
- b) any other information relating to an appeal that the Appeals Committee receives.

- 4.4.8 Notwithstanding the above, the Appeals Committee may disclose the above matters:
- if required to do so by law or a government body; or
 - in a report prepared under this Policy.
- 4.4.9. An Appeals Committee will prepare minutes of the hearing setting out:
- a report of the Appeals Committee's decision; and
 - the Appeals Committee's decision, if any, to the College Board.
- 4.4.10 The Appeals Committee will notify the College Board a copy of the reasons document. The College Board may publish or convey a deidentified part of the minutes if it thinks such publication is appropriate.

4.5 Delegation

- 4.5.1 The CEO may delegate their powers and duties in respect of any appeal to such person as they determine.

4.6 Decisions of the Appeals Committee

- 4.6.1 An Appeals Committee may, upon considering all submissions, do any one or more of the following as the circumstances permit:
- confirm the decision under appeal; or
 - revoke the decision under appeal (except in the case of examination results); or
 - revoke the decision under appeal and refer the decision back to the relevant College Board or Committee for further consideration in accordance with the Appeals Committee's directions; or
 - revoke the decision under appeal and make recommendations to the College Board on an alternative decision; or
 - make suggestions to CEO and to the College Board with regards to matters covered by the appeal.
- 4.6.2 In all cases the Appeals Committee's decision is final.
- 4.6.3 The Appeals Committee cannot make a decision that the original College decision-maker could not have made.
- 4.6.4 An Appeals Committee may not:
- make any decision that the original decision-maker could not have made, or was not empowered to make;
 - revoke any clinical or examination assessment of any Applicant and replace the assessment with an assessment of its own;
 - recommend a pathway to Fellowship for an SIMG without reference to a new SIMG assessment panel;
 - elevate an Applicant above others in a competitive assessment or selection process; or
 - award Fellowship or other College membership to any Applicant.
- 4.6.5 The Appeals Committee will issue a written decision, with reasons for the decision, within three (3) weeks of the appeal hearing.
- 4.6.6 The Appeals Committee's decision takes effect from the date of forwarding of the decision to the Applicant and any College body.
- 4.6.7 Where an appeal decision is determined by the College President and/or CEO to have direct relevance and ramifications beyond the entity that made the original decision, and where it is considered necessary in order for College process to be altered as a result of the decision of an appeal, and with the agreement of the Chairperson of the Appeals Committee, the decision of the Appeals Committee, along with information relating to the summary of the reason(s) for the decision that is considered to be of direct relevance, may be conveyed to such other bodies or staff as is considered necessary, provided that the information conveyed is first de-identified to protect the confidentiality of the appeal proceedings.

4.6.8 Save for Section 4.6.1 (e) the Applicant shall bear all costs incurred by them in connection with the Appeal, including any legal, travel or accommodation costs.

4.7 Annual Report

4.7.1 The College may publish annually a deidentified report on the activities conducted under this policy including the number of appeals lodged and the result of appeals.

4.8 Related RANZCOG documents

- RANZCOG Constitution
- RANZCOG Regulations
- RANZCOG Code of Conduct
- RANZCOG Organisational Values
- Exceptional circumstances and Special Consideration Policy and Procedure
- Complaints Policy
- Conflicts of Interest Policy
- Bullying, Harassment and Discrimination Policy
- Privacy Policy

Version	Date of Version	Pages revised / Brief Explanation of Revision
v1	August 2022	Creation of this Policy by converting Regulation A2 and merging with Reconsideration Policy

Policy Version:	Version 1
Policy Owner:	Governance & Legal
Policy Approved by:	RANZCOG Board
Review of Policy:	August 2024