

Standard in Focus

Standard 1.5: Reconsideration, review and appeal processes

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- **1.5.1:** *The intern training provider has reconsideration, review and appeals processes that provide for impartial review of decisions relating to intern training. It makes information about these processes publicly available.*

This standard requires each provider to have clearly articulated processes that will be used to resolve disputes in relation to intern training, and to make those processes publicly available for any junior doctors in the program. It is important for this standard to reflect the procedures developed under standard 5.2.7, however the reconsideration, review and appeals processes should be different from the remediation processes. Appeals process such as this may, for example, commence following a decision of an Assessment Review Group that may adversely affect a trainee's advancement to the next stage of their training. Often these reconsideration, review and appeals processes are informed by the organisation's Human Resources Department processes, with consideration given to ensuring natural justice.

There are many considerations that need to be safeguarded during processes such as this, with the primary focus always being patient safety. Other considerations include ensuring that trainees have adequate support during a review and that the interventions of remediation are best when done early in attempt to correct or support trainees in difficulty before a situation escalates. Confidentiality, timeliness, precise documentation, and an opportunity for a right of reply are also necessary to ensure fairness and clarity in all processes.

An appeals process provides a fair and reasonable opportunity for a trainee to challenge a decision that will affect his or her future training pathway. This is an important step in ensuring that the ultimate decision that is reached has the highest chance at being the correct decision for that trainee. Grounds for making an appeal are further explained in the notes under standard 1.5.1 in the *AMC's Intern Training – National standards for programs document*. These may include:

- Errors in due process, procedures, or law
- Consideration of relevant information that was not considered at all or properly at the time of the decision being made or that became available after the decision was made
- The original decision was made for a purpose other than for a purpose for which the power was conferred
- The original decision was made in accordance with a rule or policy without regard for the merits of the particular case
- The original decision was clearly inconsistent with the evidence

Providers must ensure that all industrial and legislative requirements regarding employment are duly upheld during these processes, which is why these reconsideration processes are often led or co-led by an HR delegate and/or medical administration personnel. It is important to remember that most trainees experiencing difficulties, with appropriate support and direction, will become competent clinicians and such issues will resolve over time.