

# THE ROYAL AUSTRALIAN COLLEGE OF GENERAL PRACTITIONERS

## 1. POLICY TITLE BOARD OF CENSORS' DECISIONS REVIEWS

- 1.1 Policy number: AS-E-013.2  
1.2 Category: Organisational  
1.3 Approval date:  
1.4 Revision due date: April 2013  
1.5 Unit responsible: Assessment

## 2. POLICY DECLARATION

This policy describes the rules, procedures and terms of reference for the reconsideration and review of assessment decisions made in the Censor-in-Chief's portfolio.

**This policy is approved by Council and authorised by the CEO.**

## 3. BACKGROUND

The College is committed to treating all assessment candidates and applicants to the assessment process in a fair manner. This policy describes how the College deals with issues raised by those who think they have received an incorrect ruling or decision from the Censor-in-Chief or his or her delegate, or from the Assessment Department of the College. This policy describes the ethical and legal framework in which College decisions are made, and the rules and procedures for reviews of those decisions that ensure that any assessment decision by the College can be reviewed in a fair and impartial manner, based on facts, and within the framework of College policies and standards.

This policy acknowledges that as a qualifying body there is a high likelihood that the College will have disputes with examination and other assessment candidates and applicants. The policies and procedures described in this policy provide a structured, well organised step in the overall process of dispute resolution, involving reconsideration of decisions by those who made the original decision, and then review if necessary by a properly constituted committee with formal terms of reference.

These policies and procedures articulate, for the Censor-in-Chief and the Assessment Department, the requirements in Section 5 of the College *Appeals* policy, which requires, in all instances, structured reconsiderations and reviews of decisions in the earlier steps of grievance resolution processes. This policy therefore represents part of the mechanisms for avoiding the progression through to costly and complicated formal appeals of disputes around assessment matters.

College policies take into consideration the prevailing legal and professional conditions, and the available resources for implementation. This policy and its procedures is important to the College as it deals with matters that often involve a person's capacity to become qualified and/or to participate in their chosen profession. As a qualifying body (a body that confers professional qualifications) under the Equal Opportunity Act 1995 (Victoria) and other Australian equal opportunity legislation, the College acts fairly. This includes a willingness to provide mechanisms for robust review of its processes and decisions.

Examination candidates and other assessment candidates, and applicants for College assessments, will agree to abide by these policies and procedures.

A similar "reconsideration and review process" is known to operate well for other Australasian medical colleges, as outlined in the "Brennan report", see:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/work-pubs-mtrp-train>

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## i) Objectives

The objectives of this policy are to:

- Ensure that procedures exist for review of College decisions regarding examinations and other forms of assessment
- Comply with the Equal Opportunity Act 1995 (Victoria) and similar legislation from other Australian jurisdictions
- Articulate in a public forum rules and processes that will ensure that any decision in relation to assessment made by the College can be reviewed in a fair and impartial manner based on facts and adhering to policies
- Avoid conflicts of interest

The objective of all College policies is to continually improve the capacity of general practice to deliver the highest quality of services to patients

## ii) Specific Aims

The specific aims of this policy are to describe the rules and procedures for reviews of College decisions relating to examinations and other forms of assessment, including to:

- Provide procedures for reconsideration of decisions, in relation to assessment and examination, by those who made the original decisions
- Articulate the policies, processes and terms of reference for reviews of decisions by the Board of Censors' Decisions Review Committee
- Explain the principles guiding College decision making and decisions reviews, including consistency with natural justice and avoidance of conflict of interest.

## 4. BODY OF POLICY

The Censor-in-Chief (whether Chair of the reconsideration or review panel at the time or not) and the Chief Executive Officer (or nominee) will have responsibility to ensure that this policy is properly implemented in the case of a reconsideration or review of a decision.

### 4.1 Reconsideration and review of assessment decisions

Under this policy, decisions to which challenges are made or from which disputes arise will be:

- first **reconsidered** by the body that made the original decision.

If the body that made the original decision upholds its original decision the matter will then be:

- subsequently **reviewed** by the Board of Censors' Decisions Review Committee.

Both of these are required steps before a matter can go to formal appeal (see the College *Appeals* policy). This policy, and procedures implemented under this policy, will comply with the College *Appeals* policy, including Section 5.1.

In the event that a decision or finding against a candidate is upheld during reconsideration, the matter will only progress to review by the Board of Censors' Decisions Review Committee with a further request from the applicant. However, before progressing to review, the candidate will be notified of the decision to uphold the original decision, and given the opportunity to accept that decision.

### 4.2 Conflicts of interest

All rules and procedures in this policy adhere to the principles of avoidance of conflict of interest, and avoidance of the appearance of or potential for conflict of interest, by those reconsidering and reviewing decisions. All actions taken by the College in relation to reconsideration and review of decisions will as far as is practicable avoid conflicts of interest and the appearance of or potential for conflicts of interest. See also the RACGP Conflicts of Interest Policy:  
<http://www.racgp.org.au/policy/council>

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In relation to assessment decisions, a conflict may arise when:

- a person representing the College who was involved in making an original decision and/or was then involved in reconsideration of the decision, subsequently remains involved in review of the decision
- a person representing the College and involved in reconsideration of a decision knows the applicant
- a person representing the College and involved in reconsideration of a decision works within the same College Faculty as the applicant
- a person representing the College and involved in the original decision, or reconsideration or review of a decision, has a pecuniary interest in the complaint
- other circumstances exist that may put College representatives in a conflict of interest when making, reconsidering or reviewing decisions.

All conflicts of interest or potential conflicts of interest must be reported to the Chief Executive Officer or nominee as soon as they become known or apparent.

Whether there is a conflict of interest will be determined by the Chief Executive Officer (or nominee).

In the event that it is determined that a conflict of interest exists or may exist, individuals with a conflict of interest in a particular matter brought up for reconsideration or review:

- may be excluded from proceedings entirely
- may be offered the opportunity to make a written submission
- may attend proceedings in order to provide information and advice at the request of the Censor-in-Chief and with permission of the Chief Executive Officer
- notwithstanding this, must not be present at the time of determination of the truth or veracity of the evidence and facts, or be present at the time of making a decision, or be involved in any other way in the decision on a matter, whether the decision is made by voting or by another means.

Individuals who were involved as a College representative in any of the initial decisions made in relation to a particular matter brought before the Board of Censors' Decisions Review Committee (as individuals or as members of another Board, Committee, assessment panel or other body):

- may be excluded from proceedings entirely
- may be offered the opportunity to make a written submission
- may attend proceedings in order to provide information and advice at the request of the Censor-in-Chief and with permission of the Chief Executive Officer, and may be present at the time of determination of the truth or veracity of the evidence and facts
- notwithstanding this, must not be present at the time of making a decision or be involved in any other way in the review on a matter, whether decisions are to be made by voting or by another means.

The Chair and Chief Executive Officer (or nominee) will ensure, before convening the Board of Censors' Decisions Review Committee, that none of those taking part in a decision-making capacity were party to the original decision or reconsideration of the decision.

## **4.3 Scope of requests for reconsideration and review of assessment decisions**

4.3.1 A candidate may request reconsideration and review of a decision relating to:

- (i) a finding that the candidate is guilty of academic misconduct in breach of the *Academic Misconduct policy*
- (ii) a penalty imposed on the candidate in relation to a breach of the *Academic Misconduct policy*
- (iii) a denial to grant special consideration to the candidate under the *Special Consideration policy*
- (iv) the level or type of assistance offered in granting special consideration to the candidate under the *Special Consideration policy*
- (v) a finding that there was no procedural error in the conduct of an examination
- (vi) any other decision in relation to the assessment of the candidate, notwithstanding section 4.3.3 below.

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4.3.2 The College processes for which requests for reconsideration and review can be requested include:

- Applied Knowledge Test
- Key Feature Problems
- Objective Structured Clinical Examination
- Practice Based Assessment
- Eligibility for assessment via the training route
- Eligibility for assessment via the practice eligible route
- Modular Assessment Pathway
- Any other decision made in relation to an applicant to the College for a decision covered by a policy of the Board of Censors.

4.3.3 A candidate may not apply to have their examination papers or other assessment performance remarked.

4.3.4 See the following policies for more details on the decisions falling within the scope of requests for reviews:

- Assessment conduct of candidates policy
- Special consideration policy.

### **4.4 Making requests for reconsideration and review of assessment decisions**

Requests for reconsideration and review of assessment decisions may be made to the Board of Censors in accordance with this policy. Application for reconsideration or review must be received by the RACGP within 10 working days of the candidate being advised of the relevant outcome as defined in Section 4.3 above.

There is a fee of \$750 for a reconsideration of a decision, or for a review of a decision by the Board of Censors' Decisions Review Committee.

Applications for reconsideration and review of decisions must be addressed in writing, and accompanied by a cheque for \$750, to:

Board of Censors  
C/o Chief Executive Officer  
Royal Australian College of General Practitioners  
1 Palmerston Crescent  
South Melbourne  
Victoria 3205

The application must set out any grounds, and provide any documentary evidence, to support the candidate's belief that a reconsideration and review of a decision is required.

Within 10 working days after receiving from the candidate the request for a reconsideration and review, the Censor-in-Chief or his/her delegate will contact the candidate to acknowledge receipt of the candidate's request. The Censor-in-Chief's written notice to the applicant will inform the applicant that he or she may give a written submission setting out any relevant information to the Board of Censors within 10 working days after receiving the notice. The College will not consider any written submission that it receives more than 10 working days after the candidate receives the notice referred to in this Section.

The candidate may withdraw his/her request for a reconsideration and review of a decision at any time by notice in writing to the Board of Censors as above.

Enquiries (but NOT applications) may also be made to:

RACGP Assessment Department Free call: 1 800 626 901

or

Email: [assessment@racgp.org.au](mailto:assessment@racgp.org.au)

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## 4.5 Terms of Reference for reconsideration of decisions

A panel will be convened for the reconsideration of an assessment decision. The panel will be convened by the Board of Censors and the Chief Executive Officer (or delegate), and will report to the Board of Censors. The composition of the panel will be specific to the particular matter under reconsideration, and will include key decision makers involved in making the original decision(s).

The panel will comprise those involved in making the original decision, including but not limited to the assessors, Censors, and bodies and individuals involved in the assessments listed in section 4.3.2 of this policy. A reconsideration shall include at least two people, including one member involved in the original decision, both of whom will be Fellows of the College. College staff may attend.

The only matters to be brought before the panel will be decisions relating to performance in the College examinations or other assessment processes made previously by the panel or its members. The panel will have responsibility for reconsidering those decisions.

The applicant or their nominee may not attend the panel meeting.

The panel will have responsibility to:

- Gather and investigate evidence and facts on the matter brought before it
- Determine the truth and veracity of the evidence and facts
- Reconsider the outcome (the original decision) in the light of all of the reliable and appropriate evidence available
- Either reaffirm the original decision, or make a new decision
- Notify the Board of Censors of the outcome of the reconsideration.

The Board of Censors will notify the applicant of the outcome of the reconsideration as soon as practicable. The notice will set out the decision and specify reasons for the decision.

## 4.6 Terms of Reference for review of decisions – Board of Censors’ Decisions Review Committee

### 4.6.1 Responsibilities and duties

The Committee will have matters brought before it by those affected by decisions made within the Assessment portfolio, including decisions relating to performance in the College examinations, and any assessment listed in section 4.3.2 of this policy. The Committee will have responsibility for reviewing those decisions as made by other bodies and authorities within the Assessment portfolio, including but not limited to the examiners, the Board of Censors, and bodies and individuals involved in the assessment.

The Committee will have responsibility to:

- Gather and investigate evidence and facts on the matter brought before it
- Determine the truth and veracity of the evidence and facts
- Review the outcome (the original decision) in the light of all of the reliable and appropriate evidence available
- Either reaffirm the original decision, or make a new decision
- Notify the applicant of the outcome of the review as soon as practicable, but no more than 10 working days after the conclusion of the review. The notice will set out the decision and specify reasons for the decision.

### 4.6.2 Governance and membership of the Board of Censors’ Decisions Review Committee

- (i) The Committee will be part of the Assessment portfolio.
- (ii) The Committee will report directly to the Board of Censors.
- (iii) Each member of the Committee is equally accountable and responsible for acting according to the principles associated with being a member of a Committee. The

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President and the Chief Executive Officer or their nominee may attend any meeting and the President may Chair any meeting.

- (iv) Subject to limitations to the extent of participation described in Section 4.2 above, membership shall include at least three members, and can include any member of the Board of Censors and Council, provided that they are all Fellows of the College.

Subject to limitations to the extent of participation included in point 4.2 above, a quorum shall include the Censor-in-Chief (or nominee), and at least two other Fellows, including at least one who is not a Censor.

The Censor-in-Chief will be Chair, unless the Censor-in-Chief is excluded subject to Section 4.2 above, in which case a Censor will be Chair.

Staff of the College shall attend Committee meetings and provide secretariat support as requested by the Chair.

The Chief Executive Officer may attend any meeting.

The applicant or their nominee may not attend the Committee meeting.

- (v) The Board of Censors' Decisions Review Committee may meet in person, by telephone, or by any other means of audio or audiovisual equipment that allows all persons participating in the meeting to hear each other at the same time.
- (vi) If a candidate applies for reconsideration and review of a decision, the Board of Censors' Decisions Review Committee will be given any material that the College relied on in making the initial decision.

## 5. PROCEDURES

### 5.1 Access to published policy

Members, Staff, and the general public will have access to this policy.

### 5.2 Promulgation of published policy

Relevant Members and Staff will be sent communications explaining the function and role of this policy. Staff will be further educated in how to use and apply this policy.

All examination candidates will be provided with access to a copy of this policy at least one month prior to the date of an examination.

### 5.3 Related policy

The College *Appeals policy* sets out the framework upon which the *Board of Censors' Decisions Reviews policy* is based.

A flow chart setting out the full reconsideration, review and appeals process can be found in the *Appeals policy*.

### 5.4 Review of this policy

This policy will have a review cycle of three years.

Appendices

Appendix 1 Application for Reconsideration  
Appendix 2 Application for Review

# REQUEST FOR A RECONSIDERATION



THE ROYAL AUSTRALIAN  
COLLEGE OF  
GENERAL PRACTITIONERS

Assessment Department  
College House  
1 Palmerston Crescent  
South Melbourne, Victoria 3205

Tel 1800 626 901  
Fax 03 8699 0583  
Email [assessment@racgp.org.au](mailto:assessment@racgp.org.au)

[www.racgp.org.au](http://www.racgp.org.au)

ACN 000 223 807 ABN 34 000 223 807

**Please read the Board of Censors' Decisions Reviews Policy carefully before completing this form.**

**Please note that a reconsideration process must be completed before a candidate will be permitted to apply for a review or appeal process.**

**An application for reconsideration must be received by the RACGP within 10 working days of the notification of a decision.**

## Personal Details

RACGP No:	Exam segment:
Family name:	Given Names:
Contact Phone Numbers (day):	(other):
Email:	

**Summary of application or please attach your typed letter:**

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## Reconsideration Fee

Cheque or money order

**\$750**

**Please Note: Your request must have supporting documentation and payment attached**

## Candidate declaration

I have read the Board of Censors' Decisions Reviews Policy (AS-E-013.2), and I certify that all information, including supporting documentation, is complete and accurate. I have read the Academic Misconduct Policy (AS-E-010.2), and I certify that all information provided is true and valid according to that policy. I hereby authorise the RACGP to contact professional authorities concerned for the purpose of verifying any information I have supplied.

**CANDIDATE'S SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

# REQUEST FOR A REVIEW



Assessment Department  
College House  
1 Palmerston Crescent  
South Melbourne, Victoria 3205

Tel 1800 626 901  
Fax 03 8699 0583  
Email [assessment@racgp.org.au](mailto:assessment@racgp.org.au)

[www.racgp.org.au](http://www.racgp.org.au)

ACN 000 223 807 ABN 34 000 223 807

**Please read the Board of Censors' Decisions Reviews Policy carefully before completing this form.**

**Please note that a reconsideration process is completed before an application is made for a review or appeal process.**

**An application for a review must be received by the RACGP within 10 working days of the notification of a reconsideration decision.**

## Personal Details

RACGP No:	Exam segment:
Family name:	Given Names:
Contact Phone Numbers (day):	(other):
Email:	

**Summary of application or please attach your typed letter:**

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## Review Fee

Cheque or money order

**\$750**

**Please Note: Your request must have supporting documentation and payment attached**

## Candidate declaration

I have read the Board of Censors' Decisions Reviews Policy (AS-E-013.2), and I certify that all information, including supporting documentation, is complete and accurate. I have read the Academic Misconduct Policy (AS-E-010.2), and I certify that all information provided is true and valid according to that policy. I hereby authorise the RACGP to contact professional authorities concerned for the purpose of verifying any information I have supplied.

**CANDIDATE'S SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_