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O-61 Accreditation Appeals Policy

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List of Abbreviations

Abbreviation	Term
APC	Australian Pharmacy Council

Accreditation Appeals Policy

Internal review of a decision to refuse to accredit a program of study

1. Purpose

1.1 The Australian Pharmacy Council (the APC) is an accreditation authority for the accreditation of programs of study for the pharmacy profession in Australia. The APC exercises accreditation functions under the Health Practitioner Regulation National Law (the National Law).

1.2 If, after an application is made for the accreditation of a program of study, the APC refuses to accredit a program of study (the initial accreditation decision), the education provider may apply for an internal review of that decision. A new decision-maker will then review the decision to refuse accreditation, and decide whether that decision should be affirmed, or whether a different decision should be made.

1.3 An education provider may apply for an internal review of any decision to refuse accreditation, including a decision to not re-accredit a program of study and a decision to not extend accreditation of a program of study.

1.4 This policy applies to:

- (a) How an application for internal review of an accreditation decision should be made; and
- (b) How the APC will undertake the internal review.

1.5 This policy does not apply to other decisions made by the APC, including a decision under the National Law to accredit a program of study with conditions.

2. How an application for internal review of an accreditation decision should be made

2.1 If an education provider disagrees with an initial accreditation decision, under s.48(5) of the National Law the education provider may apply to the APC to have the decision reviewed internally by the APC. This policy provides notice as to how an application for internal review under s.48(5) of the National Law must be made.

2.2 If an application for review is not made in accordance with this policy, the APC is not required to undertake a review of the decision to refuse to accredit the program of study.

2.3 An application for internal review must be made in writing and submitted to the APC either by email to accreditation@pharmacycouncil.org.au or by sending the application by prepaid post to the APC at Level 1, 15 Lancaster Place, Majura Park, Canberra Airport ACT 2609. The APC will not accept oral applications for review.

2.4 The application for review must clearly identify that the education provider is applying for an internal review of the initial accreditation decision under the National Law, and state the reasons why the education provider considers the decision is wrong.

2.5 Without limiting the reasons that an education provider may apply for internal review of an initial accreditation decision, an internal review may be sought on one or more of the following grounds:

- (a) that relevant procedures relating to the making of the initial accreditation decision were not observed;
- (b) that relevant and significant information, whether available at the time of the initial accreditation decision or which have become available subsequently, was not considered (or not properly considered) in the making of the initial accreditation decision;
- (c) that irrelevant information was considered in the making of the initial accreditation decision;
- (d) that an error was made in relation to a finding on a material fact;
- (e) that an error of law, including in relation to procedural fairness, was made in the initial accreditation decision.

Time limit

2.6 An application for internal review of an initial accreditation decision must be made within 30 days after the education provider receives notice from the APC of a decision to refuse to accredit a program of study. If an application for internal review is not made within that 30 day period, the APC is not required to undertake an internal review of the decision.

2.7 If an application for review is submitted by prepaid post, the education provider should allow sufficient time for the application to be received through the post. If an application for review is sent, but not received by the APC within the 30 day period, the APC is not required to undertake an internal review of the initial accreditation decision.

Documents and information submitted in support of application for internal review

2.8 An application for internal review should also include any new information and supporting documents the education provider seeks to have considered with the application. (It is not necessary for the education provider to provide documents and information submitted to the APC for consideration in relation to the initial accreditation decision.) While the APC may provide a further opportunity for an education provider to provide additional supporting evidence in support of an application for internal review during the course of the review (see paragraph 3.9(a)), the APC may also proceed to decide an internal review on the basis of the information in the application for internal review, and any supporting evidence submitted with the application (as well as the supporting evidence before the APC at the time of the initial accreditation decision). If the APC provides a further opportunity for an education provider to provide additional supporting evidence, any supporting evidence that the education provider wishes to be considered in the internal review must be provided by the date specified by the APC.

2.9 It is the obligation of the education provider to ensure that all documents and information that it wishes to be considered with the application for internal review are provided to the APC.

3. How the APC will undertake the internal review

3.1 Under the National Law, the internal review must not be carried out by a person who assessed the program of study for the accreditation authority.

3.2 When an application for internal review of an initial accreditation decision is received by the APC, the APC will confirm receipt of the application, and notify the education provider how the internal review will be undertaken, including who the internal review decision-maker will be.

3.3 Members of the APC Accreditation Committee will not be involved in making the internal review decision.

3.4 If appropriate to do so, having regard to the grounds on which an application for internal review is made and the issues to be determined in the review, the APC may engage an external advisor or external panel to assist the internal reviewer.

3.5 If an external panel is convened, the panel will consist of members who are:

- (a) independent of the APC; and
- (b) have not participated (in any way) in the initial accreditation decision'.

3.6 Members of an external panel may include:

- (a) a nominee of the Council of Pharmacy Schools;
- (b) a head of an International Pharmacy School / Program;
- (c) a person with experience in investigation of complaints who is not a pharmacist.

3.7 Any person selected as external advisor or member of an external panel will be required to comply with the APC Conflict of Interest Policy.

3.8 If an external advisor or an external panel is appointed to assist the internal reviewer, the advisor or panel will be required to prepare a report addressing the grounds on which the application for internal review has been made and include any recommendations that the advisor/panel considers appropriate regarding the outcome of the internal review. The internal reviewer will be required to take into account any report prepared by an external advisor or external panel in determining the internal review, and may adopt any of the findings and/or recommendations that the internal reviewer considers appropriate.

3.9 The information to be considered in an internal review will include (but is not limited to):

- (a) the application for internal review;
- (b) any documents and information submitted by the education provider in support of the application for internal review (i.e. any new supporting evidence submitted by the education provider);

- (c) the reasons for the initial accreditation decision;
- (d) documents and information submitted by the education provider in support of the initial request for accreditation of the program of study (i.e. the supporting evidence provided to the APC for consideration at the time of the initial accreditation decision);
- (e) any final assessment report taken into account in relation to the initial accreditation decision;
- (f) any other information or documents taken into account in making the initial accreditation decision;
- (g) other relevant and significant information not available at the time of the initial accreditation decision.

3.10 The internal reviewer (or external advisor or external panel) may also:

- (a) invite the education provider to provide further supporting evidence in support of its application for internal review;
- (b) obtain any other information, from any other source, that the internal reviewer (or external advisor or external panel) considers relevant to the outcome of the internal review.

3.11 The internal review will be conducted in accordance with the principles of procedural fairness.

Decision on the internal review

3.12 The internal reviewer must determine whether:

- (a) the program of study, and the education provider that provides the program of study, meet an approved accreditation standard for the profession; or
- (b) the program of study, and the education provider that provides the program of study, substantially meet an approved accreditation standard for the profession and the imposition of conditions on the approval will ensure the program meets the standard within a reasonable time.

3.13 The internal reviewer may:

- (a) affirm the initial accreditation decision to refuse accreditation of the program of study; or
- (b) set aside the initial accreditation decision, and substitute a decision to:
 - (i) accredit the program of study; or
 - (ii) accredit the program of study with conditions.

4. The decision

The decision of the internal reviewer will not be subject to further review or appeal by the APC.



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