



# AOAC QUALIFICATION AND SKILLS ASSESSMENT APPEALS POLICY

NOVEMBER 2017

# AOAC Qualification and Skills Assessment Appeals Policy

<b>Name of Policy</b>	Qualification and Skills Assessment Appeals Policy	
<b>Description of Policy</b>	This policy indicates the processes and procedures available to AOAC Qualification and Skills Assessment candidates wishing to appeal an AOAC decision	
<b>Category</b>	Qualification and Skills Assessment	
<b>Scope</b>	This policy applies to all Qualification and Skills Assessment Candidates and assessments administered by the AOAC Qualification and Skills Assessment Committee	
<b>Status</b>	<input type="checkbox"/> New policy	<input checked="" type="checkbox"/> Revision of existing policy
<b>Last Revised</b>	April 2014	
<b>Next Review</b>	November 2020	

<b>Cleared by</b>		Date:
<b>Responsible Officer</b>	Executive Officer	
<b>Author</b>	Louise Straughair, Secretariat Support	
<b>Approved by</b>	AOAC Board	Date: 22/09/2017
<b>Signed</b>		

<b>Related Documents</b>	
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## 1. Purpose

- 1.1 This policy was developed to indicate the processes and procedures available to AOAC Qualification and Skills Assessment (QSA) Candidates seeking to appeal an AOAC decision.

## 2. Scope

- 2.1 This policy applies to AOAC Qualification and Skills Assessment assessments, examinations or assessment outcomes.<sup>1</sup>

## 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 individuals they assess.

## 4. Key Definitions

- 4.1 **AOAC Appeals Panel** is the panel convened in accordance with paragraph 6.1 and 6.2
- 4.2 **Assessment Outcome** is the result obtained by the candidate in the examination process
- 4.3 **Appellant** is the person making an appeal under this Policy
- 4.4 **Appeal** is a formal request by a candidate for review of an assessment outcome or administrative process
- 4.5 **Appeal Decision** is the outcome determined by the AOAC Appeals Panel
- 4.6 **Capabilities for Osteopathic Practice** is the framework that defines the scope and approaches of practice for osteopaths.
- 4.7 **Examination** is an assessment tool used to determine an individual's knowledge or competency against a required minimum standard
- 4.8 **Policy** This Australasian Osteopathic Accreditation Council Appeals Policy as approved and amended from time to time.

## 5. Appeals Overview

- 5.1 An AOAC QSA candidate may appeal a Stage 1 assessment, Stage 2 or Stage 4 examination or in accordance with this Policy.
- 5.2 An Appeal must be made using the appropriate form available from the AOAC website or from the AOAC Executive Officer.
- 5.3 An Appeal will only be actioned upon receipt of the prescribed fee as detailed described on the AOAC website.
- 5.4 In submitting an appeal under this Policy, the Appellant acknowledges that:

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<sup>1</sup> Please Note: Examination results (e.g. 'Fail') cannot be appealed. AOAC will not apply special consideration or change an examination result as part of the appeals process (for example, a 'Fail' result will not change to a 'Pass').

- i. The Appellant bears the onus of demonstrating that the assessment decision was in error and, until that onus is discharged to the reasonable satisfaction of the relevant appeal body, the appealed outcome shall remain valid and unchanged; and
- ii. That the AOAC bears no liability for any delay in the assessment or examination processes even where the process of review or appeal extends beyond the expected or anticipated timelines.

#### 5.5 Desktop Assessment - Stage 1

Appeals for Stage 1 may be made to an Appellate Decision on the grounds that the administrative review of a Stage 1 assessment decision was in error or that there was breach in the assessment process leading to that decision.

- i) Where an appellant believes they have been disadvantaged as a result of incorrect handling of their application or incorrect advice on the part of the AOAC, they can apply to AOAC in writing for an administrative review so that appropriate investigation may be undertaken.
- ii) An administrative review may be justified based on an incorrect interpretation of documentation submitted by an applicant as part of either the Competent Authority or Standard Assessment Pathway.

#### 5.6 Standard Pathway – Stage 2 or Stage 4 Assessment, and Competent Authority Pathway – Stage 2

i) Appeals for Stage 2 and Stage 4 of the Standard Pathway or Competent Authority Pathway – Stage 2 can only be made on the following basis:

- The assessment was inappropriately conducted and/or not conducted in accord with the information provided to the Candidate when their application to undertake the examination was accepted;
- The procedural requirements as specified in the current Candidate Guide were not followed in a significant manner or to a significant extent;
- The assessment was of an inappropriate scale or degree of difficulty that is not consistent with the requirements for safe, competent practice as an Osteopath in Australia as described in the *Capabilities for Osteopathic Practice*;
- An assessor(s) was biased; or,
- An assessor(s) made an error of fact in assessing the content.

ii) Matters that are not part of the procedures of examinations include:

- The academic or skill standard set by the Qualifications and Skills Assessment Committee (QSAC)
- Late arrival for examinations on the part of the appellant
- The grade awarded to the appellant for any component of examinations unless there is evidence that the mark applied to the examination is incorrect

- Personal illness experiences during examinations unless accompanied by a medical certificate and corroborative evidence obtained within 7 days of the assessment
  - Causes external to the examinations, such as a lack of time to adequately prepare for the examinations
- iii) The fact that an applicant disagrees with an assessment result is not sufficient grounds for an appeal.

## 7. Appeal Process

### Establishment of an Appeals Panel

- 7.1 At first instance, the Appellant may make an appeal to the AOAC Appeals Panel (the Appeal).
- 7.2 The AOAC 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 AOAC Conflict of Interest Policy and must not have participated in the original assessment outcome.
- 7.3 No member may sit on the AOAC Appeals Panel if they have a material personal conflict or material perceived conflict in relation to the Appellant or the subject of the Appeal.

### Appeal Process

- 7.4 The Appellant must lodge the Appeal with the AOAC within 30 days of receipt of the original assessment outcome. Appeals lodged after this date will not be considered.
- 7.5 The Appeal must include the following:
- i. Payment of the relevant appeal fee
  - ii. An address for service for the Appellant (email or postal address)
  - iii. A written summary identifying the assessment outcome to be appealed and the circumstances giving rise to the Appeal; and
  - iv. Any relevant supporting documentation or other material relating to or supporting the Appeal and upon which the Appellant relies.
- 7.6 The AOAC:
- i. Will acknowledge receipt and acceptance of the Appeal (acceptance date) within five (5) business days of lodgement of the Appeal: or,
  - ii. Reject the Appeal if the Appeal is incomplete or does not otherwise meet the requirements of the Policy.
- 7.7 Within ten (10) business days of the Acceptance Date, the AOAC will convene the AOAC Appeals Panel to consider and assess the Appeal, supporting documentation and any other documentation or information pertinent to the Appeal.

### Request for Input

- 7.8 In conducting its review, the AOAC 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 AOAC Appeals Panel.

- 7.9 During its review, the AOAC Appeals Panel:
- i. May contact the Appellant in writing requesting the provision of additional information
  - ii. May make its own inquiries as it sees fit and seek such further information from the parties who made the original assessment outcome, 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 consider the confidentiality requirements of this Policy
  - iii. May obtain any other information that may be, in the unfettered opinion of the AOAC 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 consider the confidentiality requirements of this policy; and
  - iv. Must contact the Appellant in writing and notify them of any new information received during the review which the AOAC Appeals Panel consider is relevant to the Appeal and seek the Appellant's further input or response to that information.
- 7.10 If the Appellant refuses or fails to respond within the timeframe specified in the request made under paragraph 7.9(i.) (provided it is not less than 2 business days), the Appellant will be deemed to have waived their right to respond and the Appeal will be determined based on the written information supplied to the AOAC Appeals Panel.

### **Appeal Determination**

- 7.12 The AOAC will notify the Appellant of the Appeal Decision in writing within 30 days of the Acceptance Date (the Appeal Decision).
- 7.13 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 any or all information provided or considered.
- 7.14 The Appeal Decision may include, but is not limited to:
- The Appeal is denied and result awarded will stand
  - The assessment is to be reconducted for a Stage 2 or Stage 4 Assessment, or
  - The Stage 2 assessment is to be remarked and a new result is awarded.

An Appeal Decision will not include the overturning of a 'fail' outcome and the award of a 'pass' outcome.

## **8. Appeal Review**

### **Appeal to the Independent Appeals Committee**

- 8.1 The Appellant may only seek a review of the Appeal Decision by the Independent Appeals Committee if the Appellant believes there has been a breach of the administrative or appeals process that preceded the Appeal Decision. The Appellant may not appeal the initial assessment outcome.

- 8.2 A Review Request under this paragraph 8 must be made in writing and conform to the requirements of paragraph 8.7 noting that the subject decision shall be the decision of the AOAC Appeals Panel.
- 8.3 Any decision made by the Independent Appeals Committee is final and binding on the Appellant.
- 8.4 The Independent Appeals Committee will consist of at least three members who have formally agreed to uphold the AOAC Conflict of Interest Policy, and who did not participate in the original assessment outcome or the Appeal Decision. Two of the members should be registered osteopaths and at least one member should be a member of a different profession with experience relevant to the Appeal.
- 8.5 No member may sit on the Independent Appeals Committee if they have a material personal conflict or material perceived conflict in relation to the Appellant or the subject of the Review Request.

### **Appeal Review Process**

- 8.6 The Appellant must lodge the Review Request with the AOAC within 30 days of receipt of the Appeal Decision
- 8.7 The Review must include the following:
- i. Payment of the relevant appeal fee
  - ii. A written summary identifying the Appeal Decision to be appealed and the alleged breach of the administrative or appeals process
  - iii. Any relevant supporting documentation or other material relating to or supporting the Review Request and upon which the Appellant relies
- 8.8 The AOAC will, within ten (10) business days of lodgement of the Review Request:
- i. Acknowledge receipt and acceptance of the Review Request or
  - ii. If the Review Request is incomplete or does not otherwise meet the requirements of this Policy, give notice of the rejection of the review.
- 8.9 Within ten (10) business days of the Acceptance Date, the AOAC will:
- i. Convene the Independent Appeals Committee to consider and assess the Review Request, the supporting documentation provided and other documentation or information which was before the AOAC Appeals Panel and provide its decision to the AOAC; and
  - ii. Once convened, provide the Independent Appeals Committee with a record of the appeal process conducted by the AOAC Appeals Panel in respect of the Appeal Decision that is the subject of the Review Request, including all materials considered, information provided and correspondence between the AOAC Appeals Panel and the Appellant and any other third parties
- 8.10 In concluding its review the Independent Appeals Committee must consider and assess the information and material provided to it in relation to the Review Request
- 8.11 The AOAC will notify the Appellant of the outcome of the Review Request in writing within 60 days of the Acceptance Date, stating the reasons for the decision

## **9. Roles and Responsibilities**

- 9.1 The Executive Officer is responsible for ensuring, so far as is practicable:
- i. That individuals have access to this Policy, when reasonably required (in the event concerns are raised regarding an AOAC decision)
  - ii. That the relevant parties have access to information concerning the procedures required for each type of appeal; and
  - iii. That the relevant appeals panels are convened and decision outcomes communicated in a timely fashion and in accordance with this policy.

## **10. Appeal Outcomes and Fees Paid**

- 10.1 If an Appeal or Review Request is upheld:
- i. Against a Stage 1 Assessment decision, the AOAC will refund all appeal fees to the Appellant within 10 business days of that decision
  - ii. Against an administrative breach during an examination, the AOAC will refund all Examination and appeal fees to the Appellant within 10 business days of that decision;
- 10.2 If an Appeal is upheld then the Appeal Decision will be the new decision, but that decision will not be subject to further appeal or review.

## **11. Confidentiality**

- 11.1 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 AOAC Appeals Panel are subject to the AOAC Privacy Policy. Members of the AOAC Appeals Panel and the Independent Appeals Committee will be required to sign an AOAC confidentiality agreement prior to reviewing appeals.

## **12. Notice and Service of Documents**

- 12.1 Any documents or notice which must be served or delivered under this Policy are to be:
- i. Delivered personally
  - ii. Sent by Australia Post registered post to the party's nominated address
  - iii. Sent by email to the party's nominated email address.
- 12.2 A notice given in accordance with paragraph 12.1 takes effect when taken to be received (or such later time is specified in the notice) as is taken to be received:
- i. If delivered personally, on delivery
  - ii. If sent by post, two (2) business days after the date of posting (or seven (7) business days after the date of posting is posted to or from a place outside Australia)
  - iii. If sent by email, on the day it was sent
- If the delivery is not on a business day or is after 5:00pm on a business day, the notice is taken to have been received at 9:00 am on the next business day.



### **13. Correspondence to AOAC**

13.1 Any correspondence to be sent to the AOAC for the purposes of this Policy must be sent as follows:

- i. Via post: Australasian Osteopathic Accreditation Council, PO Box 400, Canberra City, ACT 2601, AUSTRALIA
- ii. Via email: [admin@osteopathiccouncil.org.au](mailto:admin@osteopathiccouncil.org.au)