

Reconsideration, Review and Appeals Policy

Effective: January 2023

Introduction

CPD Home is committed to ensuring Subscribers and CPD Education Providers (Applicant) affected by its decisions have access to reasonable, transparent, accountable decision making and are treated fairly, consistently and objectively. Wherever possible, subject to obligations of privacy and confidentiality, when advising of a decision to which this policy applies, we will endeavour to explain the reasoning behind our decision.

The purpose of this policy is to share with any Potential Applicants the principles and processes that will be applied should a reassessment of a decision made by CPD Home be required. CPD Home aims through the sequential process outlined to satisfactorily resolve a contested decision via a Review or Reconsideration, minimising the need to launch an Appeal.

Who are we?

doctorportal Learning Pty Ltd, trading as 'CPD Home' is a wholly owned subsidiary of the Australian Medical Association (WA) Inc.

CPD Home is available to non-exempt medical practitioners in Australia at www.cpdhome.org.au. It is not limited to members of the AMA.

What decisions of CPD Home does this policy apply?

Decisions such as:

- whether an education module or program of learning is recognised for CPD
- whether activities undertaken are counted towards minimum CPD requirements
- whether minimum CPD requirements have been met
- whether specialist high-level requirements have been met
- whether any additional requirements set by the CPD Home have been met
- appropriateness of documentary evidence provided to support CPD compliance
- denial of an exemption or modification to minimum CPD requirements
- subscription status
- recognition of financial hardship
- fees payable for any product or service made available via the CPD Home
- suggested CPD activities or Education Providers to support further training relevant to current/intended scope of practice or recency of practice
- any decision that is inconsistent with an approved regulation or policy.

What are the grounds for a Reconsideration, Review or Appeal?

Applicable grounds are:

- an error in law or in due process occurred in the making of the decision being contested;
- relevant and significant information, regardless of its availability at the time, or which became subsequently available, was not considered or not properly considered in the making of the decision being contested;
- irrelevant information was considered in the making of the decision being contested;
- the decision being contested was made for an improper purpose;
- procedures that were required to be observed by CPD Home policies in connection with the decision being contested were not observed;
- the decision being contested was made in accordance with a rule or policy without consideration to the merits of the particular case; or

- the decision being contested was clearly inconsistent with the evidence and arguments put before the original decision-maker.

At least one of these applicable grounds must be met with substantiating evidence for an application to be progressed. If an application is rejected the applicant will be notified accordingly.

What happens if I'm dissatisfied with a CPD Home decision?

Should you be directly affected and dissatisfied with an CPD Home decision and there are grounds on which to contest the decision you can make an application for the decision to be reconsidered, reviewed or appealed.

You can only apply once respectively for the decision being contested to be reconsidered, reviewed or appealed.

You must apply within required timeframes. Applications made outside of the required timeframe will not be considered, unless there are exceptional circumstances agreed by the CEO or their delegate.

Your application must specify the decision being contested, the grounds on which you are seeking a reconsideration, review or appeal, and must provide reasonable and relevant supporting evidence. Applications must be submitted in writing via CPD Home portal using the prescribed form. If there are exceptional circumstances which prevented the deadline for application this must be stated on the application and evidentiary proof provided, to be considered at the discretion of the CEO, or their delegate. Where a fee is applicable it must be paid at the time of application, or documentary evidence of financial hardship must be provided to inform consideration of a fee waiver. See our *Financial Hardship Policy*.

Application Timeframes

For:

- Reconsideration - within 28 days of the date on a decision notification the Applicant contesting the decision must apply for a reconsideration of the decision.
- Review – within 14 days of the date on a reconsideration outcome notification if the Applicant remains dissatisfied and wishes to request a review.
- Appeal – within 14 days of the date on review outcome notification if the Applicant remains dissatisfied and wishes to appeal the outcome.

Who considers the application?

On receipt of the application, the CEO of AMA (WA), or the person to whom the CEO has delegated their powers in this respect, will determine whether to progress your application (i.e., whether the application requirements have been met). The CEO, or their delegate, will advise the applicant within 7 days of receipt if the application has been accepted and of the next steps pursuant to the relevant process being followed. If the CEO, or their delegate, is not satisfied the application requirements have been met they will advise the applicant in writing (i.e., via email). The applicant will then have 14 days to address the deficiencies in their application and resubmit it. Failure to do so will be the end of the matter. If the CEO, or their delegate, still considers the application requirements have not been met the right to a reconsideration, review, or appeal will be denied and that will be end of the matter.

Where the application is progressed, the applicable process outlined below will be followed.

Reconsideration Process

CPD Home within 6 weeks from the date the application for reconsideration is accepted will aim to complete the reconsideration process. The CEO, or their delegate, will aim to notify the applicant in

writing of the reconsideration outcome and the reasons for the decision/s taken within 7 days of being notified of the outcome.

The person/committee/entity responsible for the decision being contested:

- will undertake the reconsideration taking account of:
 - the grounds specified in the application;
 - all the original material and documentation used in making the decision being contested;
 - all reasonable and relevant supporting evidence supplied by the applicant as part of their application;
 - any special consideration afforded to the applicant in the making of the decision being contested; and
 - any other additional material and documentation they/it considers relevant.
- may:
 - affirm the decision being contested;
 - vary the decision being contested; or
 - set aside the decision being contested and make a new one.
- will advise the CEO, or their delegate, within 7 days of the reconsideration outcome.

The applicant is not eligible to attend the reconsideration.

Where the decision being contested was made by a committee or entity, its Chair may, in the interests of timeliness, decide to undertake the reconsideration without convening a meeting of the committee or entity, but will report on the matter at the next scheduled meeting of the committee or entity.

The CEO within 7 days of the outcome of the reconsideration being determined will notify the Applicant of the outcome, where possible the reasoning behind it, and the options available to them if not satisfied with the outcome.

Where no application for a review is received within the required timeframe it will be deemed the applicant is satisfied with the outcome.

Review Process

CPD Home within 8 weeks from the date the application for review is accepted will aim to complete the review process. The CEO, or their delegate, will aim to notify the applicant in writing of the review outcome and the reasons for the decision/s taken within 7 days of being notified of outcome.

No review will occur unless the reconsideration process has first been followed.

The CEO, or their delegate, if satisfied the application requirements have been met, will convene a Review Panel to review the decision being contested. The panel will comprise three people chosen at the discretion of the CEO or their delegate for this purpose. The Review Panel shall not include a member who participated in the decision being contested or its reconsideration, or who otherwise has, or is perceived to have, a conflict of interest.

The Review Panel:

- will undertake the review taking account of:
 - all the original material and documentation used in making the decision being contested and for its reconsideration;
 - the application for review;
 - any special consideration afforded to the applicant in the making of the decision being contested;
 - any other additional material and documentation the Panel considers relevant;

- whether the principals of procedural fairness and natural justice were followed when the decision being contested was made or reconsidered; and
- any regulations, policies or procedures of CPD Home or its parent entity AMA (WA) relevant to the decision.
- may make any one of the following reconsiderations decisions:
 - affirm the decision being contested or outcome of the reconsideration;
 - vary the decision being contested or outcome of the reconsideration; or
 - set the decision being contested or outcome of the reconsideration aside and make any further decision it thinks appropriate.
- will advise the CEO, or their delegate, within 7 days of the review outcome, including the reasons for the decision/s taken.

The applicant is not eligible to attend the review.

The Review Panel meeting will be minuted as per normal committee practice.

The CEO within 7 days of being notified of the review outcome will notify the Applicant of the outcome, where possible the reasoning behind it, and the options available to them if not satisfied with the outcome.

Where no application for an appeal is received within the required timeframe it will be deemed the applicant is satisfied with the outcome.

Appeal Process

CPD Home within 12 weeks from the date the application for appeal is accepted will aim to complete the appeal process. The CEO, or their delegate, will aim to notify the applicant in writing of the appeal outcome and the reasons for the decision/s taken within 7 days of being notified of outcome.

No appeal will occur unless the review process has first been followed.

The person/committee/entity responsible for the decision being contested may be invited by Chair of the Appeals Committee to make a submission in writing to the Appeals Committee and to attend the hearing to respond to matters of the appeal.

The CEO, or their delegate, if satisfied the application requirements have been met, will:

- convene an Appeals Committee to review the decision being contested. The Appeals Committee being an ad-hoc committee of the AMA (WA) Board. The Appeals Committee will comprise five people chosen at the discretion of the CEO, or their delegate, for this purpose including:
 - a Chair who is considered an appropriately qualified person for the role;
 - two other persons, who are not practising medical practitioners; and
 - two other persons who are practising medical practitioners.

The Appeals Committee shall not include any person who participated in the decision being contested or its reconsideration, or who otherwise has, or is perceived to have, a conflict of interest.

The CEO, and a legal adviser to any AMA entity acting on behalf of AMA (WA) (or their respective delegates) shall be the Secretary and Legal Adviser respectively to the Appeals Committee.

A quorum for meetings of the Appeals Committee will include the Chairman and three other members. All members making up the Appeals Committee quorum shall be entitled to vote on decisions. Decisions of the Appeals Committee will be based on a simple majority, with the Chair able to exercise a casting vote should there be an equality of votes.

- set a date for the Appeal Hearing;
- at least 28 days prior to the hearing date advise the Applicant and the person or an appropriate representative of the committee or entity responsible for the decision being contested in writing of:
 - the date, time, and location of the appeal;
 - the membership of the Appeals Committee
 - the right of the Applicant to:
 - seek a review of the membership of the Appeals Committee, should they believe that one or more members has a conflict of interest that would prevent them from impartially considering the matter, noting that any such request:
 - be made no later than 21 days prior to the hearing;
 - state the reason for the perceived conflict and where possible be substantiated with supporting documentation or material(s);
 - may delay the hearing;
 - will be given due consideration by the CEO, or their delegate, to assess if a conflict exists, and if the CEO, or their delegate, agrees:
 - they may either replace the member/s, rescheduling the hearing if required, or
 - instruct the Appeals Committee to proceed with a reduced membership for the hearing, provided there is still a quorum;
 - present a summary of their submission to the Appeals Committee in person; and
 - seek leave to have legal representation (at their expense);
 - the timeframe for advising the CEO if they choose to present a summary, have legal representation, and/or have a support person present at the hearing in an observer capacity only; and
 - all documentation relevant to the matter for appeal held by CPD Home or AMA (WA).

The Appeals Committee:

- will undertake the appeal taking account of:
 - all the original material and documentation used in making the decision being contested and for its review;
 - the application for appeal;
 - any relief or consideration afforded to the applicant in the making of the decision being contested;
 - any other additional information, material or documentation the Appeals Committee considers relevant;
 - whether the principals of procedural fairness and natural justice were followed when the decision being contested was made or reviewed; and
 - any regulations, policies or procedures of CPD Home or its parent entity AMA (WA) relevant to the decision.
- may make any one of the following decisions:
 - affirm the decision being contested or outcome of the review;
 - vary the decision being contested or outcome of the review; or
 - set the decision being contested or outcome of the review aside and make any further decision it thinks appropriate;
- will advise the CEO, or their delegate, within 7 days of the appeal outcome, including the reasons for the decision/s taken; and
- conduct its affairs with as little formality as possible.

Decisions of the Appeals Committee are final.

The CEO, or their delegate, within 7 days of being notified of the appeal outcome will notify the Applicant of the outcome and where possible the reasoning behind it.

Except where otherwise required by law, or otherwise determined by the Appeals Committee, a transcript of the appeals hearing, and any other information provided to the Appeals Committee, shall be kept confidential (save that information may be released with the consent of the appellant and a report of the Appeals Committee may be issued by the Appeals Committee to the Board, and/or published by the Board, as the Board thinks fit).

Minutes of hearings of the Appeals Committee shall be confined to a report of the decision made by the Appeals Committee and its recommendations, if any, to the Board.

What fees apply?

The Fee Schedule (inc GST) is as follows:

Fee	Action
\$0	Reconsideration
\$550	Review
\$4,400	Appeal

Should your application not be progressed any fees paid will be refunded in full.

Should your appeal be successful the fee paid will be refunded in full.

The fee may be waived if the Applicant is experiencing financial hardship. If the Applicant is experiencing financial hardship, they should indicate this on their Audit application and provide documentary evidence for the CEO's, or their delegate's, consideration at their discretion. The Applicant will be duly notified if it is decided that the fee will be waived. See our Financial Hardship Policy.

Related Documents / Legislation

The following documents are related to this policy.

1. CPD Home Reconsideration, Review and Appeal Application Form
2. CPD Home Financial Hardship Policy

Appendices

1. Glossary

Version Tracking

Version	Date	Comments
1.0	December 2022	

Appendix 1 Glossary

Term	Definition
Appeal	Of a decision, to be undertaken by an Appeals Committee, an ad-hoc committee of the AMA (WA) Board.
Applicant	Any Subscriber or Education Provider directly affected and unsatisfied with an CPD Home decision who applies to have the decision reviewed, reconsidered or appealed.
Aphra	Australian Health Practitioner Regulation Authority
Certified Learning Provider	A learning provider who is certified by CPD Home, and can apply for accreditation of a CPD activity for listing in the CPD Learning catalogue.
Conflict of Interest	<p>A conflict of interest occurs when a person's personal interests' conflict, or could be perceived to conflict, with their responsibility to act in the best interests of CPD Home.</p> <p>Conflict of interests may be:</p> <ul style="list-style-type: none"> • Real – where a direct conflict exists between the decision maker and their duty to act in the best interests of CPD Home. • Apparent – where it appears or could be perceived that personal interests are influencing the decision maker to not act in the best interests of CPD Home. • Potential – where personal interests are not currently but could come into conflict with their duty to act in the best interests of CPD Home.
CPD Advisory Panel	Panel of medical advisers which provides advice to the AMA (WA) CEO and senior leadership team regarding the CPD Home Program.
CPD Home 'Catalogue'	This is the catalogue of learning modules and readings available to CPD Home subscribers.
CPD services	Carrying out 'CPD Home' related functions or activities offered to subscribers.
CPD Tracker	Online tracking tool enabling subscribers to record courses, events and other completed CPD activities. Each CPD activity record includes the length of time, area for self-reflection and optional storage of learning evidence.
Learning Providers	Entities who deliver education or learning to doctors.
CPD Home Executive	Includes the AMA (WA) CEO, Chief Operating Officer and Chief Financial Officer
CPD Home Managers	Line managers responsible for a particular area of the CPD Home business.
CPD Home Program of Learning	The CPD Home Program of Learning (CPD Program) provides a pathway for Australian registered medical specialists, international medical graduates, PGY2+ trainees and non-vocationally registered doctors to engage in an accredited CPD program. From 1 January 2023, the CPD Program is a mandatory program for subscribers to the CPD Home service.
CPD Home Staff	Includes employees or contracted consultants, legal or financial professionals acting for CPD Home
CPD requirements	<p>Means CPD requirements against the Standard, as follows:</p> <ul style="list-style-type: none"> • develop a written annual professional development plan; • complete a minimum of 50 hours per year of CPD activities that are relevant to your scope of practice and individual professional development needs;

	<ul style="list-style-type: none"> • allocate your minimum 50 hours per year between the following types of CPD activities: <ul style="list-style-type: none"> ◦ at least 12.5 hours (25 percent of the minimum) in educational activities; ◦ at least 25 hours (50 per cent of the minimum) in activities focused on reviewing performance and measuring outcomes, with a minimum of five hours for each category; and ◦ the remaining 12.5 hours (25 percent of the minimum), and any CPD activities over the 50-hour minimum across any of these types of CPD activity, including any relevant specialty high-level requirements; • self-evaluate your CPD activity at the end of the year as you prepare your professional development plan for the next year; and • retain records of your annual CPD activity for audit by your CPD home and the Board for three years after the end of each one-year cycle.
CPD Year	The CPD Year is 1 January to 31 December.
Complaint	Dissatisfaction or concern about the conduct or actions of CPD Home expressed in a written complaint submitted via the CPD Home Complaint Form by a: <ul style="list-style-type: none"> • Subscriber to CPD Home services; • CPD Home Education or Service Provider; or • Member of an CPD Home decision making or advisory entity.
Complaints Officer	A CPD Home staff member trained in complaints handling and delegated the responsibility for managing a complaint.
Cooling off period	A 14 day period in which the subscriber can change their mind about subscribing without penalty.
CSV File	Comma Separated Value - A electronic file in which the data in each data field is separated by a comma.
Decision maker	Any person or persons making decisions for or on behalf of CPD Home.
Deferral	An extension of time, up to three months from the end of the CPD Year, in which to complete the CPD requirements for that CPD Year. The deferred CPD activities to be undertaken concurrently with the current CPD Year requirements.
eDM	Electronic Direct Mail
Exemption	CPD requirements for the CPD Year are waived.
Exit Poll	A series of questions to ascertain reasons for subscription cancellation and identify areas for improvement.
Frivolous report or complaint	The matter giving rise to the report or complaint is minor or trivial, vague or poorly explained inhibiting its investigation, or unable to be substantiated?
Learning Management System (LMS)	Online system used to deploy, track and report completion of learning activities measured against the CPD Program.
Malicious report or complaint	A report or complaint that appears to be motivated by a purpose that is dishonest and intended to cause harm.
Outgoing Subscribers	Subscribers who are moving to a different CPD home provider.
Parent Entity	doctorportal Learning Pty Ltd, trading as 'CPD Home' is a wholly-owned subsidiary of the Australian Medical Association (WA) Inc.
Participating Subscribers	Subscribers to CPD Home who do not have an exemption and who by default are participating in the 'CPD Program'

Personal information	Personal information includes a broad range of information such as name, gender, contact details, financial information and may also include other personal information (e.g. professional details) or an opinion, that could identify an individual. What is personal information will vary, depending on whether a person can be identified or is reasonably identifiable in the circumstances.
Personal interest	Personal interests include where the decision maker or a person or organisation affiliated with them would receive a benefit or incur a detriment because of the decision being made. That benefit or detriment could be financial or non-financial.
Point-in-Time Snapshot	A Point-in-Time snapshot is a copy of a storage volume, file or database as they appeared at a given point in time and is used as a method of data protection. In the event of a failure, data can be restored from the most recent snapshot before the failure.
Procedural matters	Refer to an application for a Review or Appeal of a CPD Home decision.
Professional details	Professional details include information such as qualifications, scope of practice, specialty or specialties, employment information (status, type, role), and educational/supervisory/research activities.
Sensitive information	Sensitive information is personal information that includes information or an opinion about an individual's: <ul style="list-style-type: none"> • racial or ethnic origin • political opinions or associations • religious or philosophical beliefs • trade union membership or associations • sexual orientation or practices • criminal record • health or genetic information • some aspects of biometric information
Subscribers	Subscribers to CPD Home may be members of the AMA or non-member medical practitioners who have selected us as their CPD Home.
Reconsideration	Of a decision, to be undertaken by the original decision maker
Review	Of a decision, to be undertaken by a Review Panel
Review Panel	A panel comprised of three people chosen at the discretion of the CEO or their delegate for purpose of reviewing a decision under the Review, Reconsideration and Appeals Policy. The Review Panel shall not include a member who participated in the original decision or its reconsideration, or who otherwise has, or is perceived to have, a conflict of interest.
Register of Interests	A record of declared or identified conflicts of interests listing to whom they apply, the nature and extent of the conflict and any steps taken to address it.
the Standard	<i>MBA Registration Standard: Continuing Professional Development</i>
Variation	The hours for each domain of CPD activity as per the Standard for the CPD Year are proportionally reduced to reflect the period where the subscriber did not practise medicine.
Vexatious report or complaint	A report or complaint that is falsely made, unwarranted or made repetitively, or made for some other collateral purpose such as to cause delay or disruption, gain leverage or cause disadvantage or to harass or annoy.