

Program Accreditation Appeals Policy

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1. Purpose

To define the Australian Dental Council (ADC) process for an education provider to request a review of an accreditation decision.

2. Overview

The ADC is committed to the delivery of high-quality services and follows strict and standardised accreditation processes to ensure accreditation decisions are fair, equitable and consistent. The ADC is required by section 48(4) of the Health Practitioner Regulation National Law Act (2009) to have a process for an internal review of certain accreditation decisions. An education provider has thirty days from the date when the education provider is notified in writing of an ADC accreditation decision to seek a review of an accreditation decision.

3. Scope

In scope

This policy applies to all education providers with programs accredited by the ADC. An education provider may appeal the following accreditation decisions:

- the content of a site visit report, paper-based review report and consideration of a material change report
- a decision to revoke accreditation, to refuse to accredit or to accredit subject to conditions.
- program monitoring decisions.

There are several grounds for an appeal:

- the accreditation process conducted has been procedurally unfair. This may include, for example, an allegation that due process has not been followed
- the outcome of the accreditation process is unjustified or unreasonable on the basis of the available evidence at the time of the original decision
- relevant and significant information that was available at the time of the original decision was not considered, or not properly considered, in the making of the original decision
- irrelevant information was considered in the making of the original decision.

Out of scope

This policy does not include frontline reconsideration by the original decision maker, as this step occurs prior to the final accreditation decision being made and is outlined in the accreditation guidelines.

Before an accreditation decision is finalised, the education provider is provided with the opportunity to review and comment on the Accreditation Team's draft accreditation report. This includes:

- **Factual accuracy** – commenting on the accuracy of the draft report and bringing to the Accreditation Team's attention any relevant evidence that was available at the time of the review and may not have been considered
- **Proposed outcomes** – reviewing and providing feedback on any proposed decisions to revoke accreditation, refuse accreditation, accredit subject to conditions, or impose recommendations or monitoring requirements, including comments on the proposed wording of any conditions.

The ADC will advise the date by which any comments or further evidence must be received. A minimum of 10 working days will be provided from receipt of the draft report. Any comments or further evidence will be considered by the Accreditation Team before the report is finalised.

In addition, this policy does not cover complaints about the ADC. A complaint raised by a stakeholder which expresses concern about, or dissatisfaction with, how the ADC has carried out its work is covered under the ADC Complaints policy, available on the ADC website. This may include, for example, complaints about an ADC policy or process, communication with stakeholders, or the customer service provided.

4. Principles

Commitment to our values

The ADC is a values-driven organisation. Principles of natural justice and procedural fairness will be applied in the implementation of this policy.

All ADC staff members, Independent Appeals Committee members and ADC Committee and Board members will behave according to the ADC values and will make decisions on the merits of each case and having regard to all relevant information available. Education providers will be treated fairly and without bias. The ADC will advise the education provider of the outcome of their appeal as soon as possible.

Respect

All education provider staff, ADC staff and stakeholders will be treated with respect and courtesy. Respectful behaviour is expected from all parties involved in a review and/or appeal process.

Inclusivity

Behaving in a respectful and inclusive manner towards others is an expectation of everyone involved in the process. Every effort will be made to ensure review and appeal processes are managed in a way that minimises stress and is culturally appropriate and accessible.

Fair treatment and the right to be heard

Education providers will be treated fairly and without biases. The principles of natural justice will be applied to the application and interpretation of this policy. This means:

- we will ensure that all parties are given adequate information and time to participate or respond meaningfully
- we will give all people an opportunity to present their point of view and respond to facts presented, and
- we will manage review and appeal processes in an equitable and unbiased manner.

Confidentiality

All matters will be dealt with in accordance with the Privacy Act 1988 and the ADC's Privacy Policy and will be treated with strict confidentiality.

5. Policy

Application for appeal

Appeals must be made in writing within **thirty days** of the date when the education provider is notified in writing of an ADC accreditation decision. Appeals can be submitted via the following channels:

- complete the 'lodging an appeal' online form via the ADC website
- send an email to accreditation@adc.org.au
- write to the ADC at Australian Dental Council, PO Box 13278, Law Courts VIC 8010
- call the ADC on +61 (0) 3 9657 1777, 9am-5pm (AEST/AEDT) Monday to Friday

All appeals will be logged in the ADC internal register.

Appeals must set out the decision being appealed against and the reasons why, in accordance with Section 3 of this policy.

If an appeal is made, the decision appealed against will not take effect until the outcome of the appeal has been determined and the education provider is notified (unless otherwise agreed with the education provider).

Process

There are two stages to the review and appeals process:

1. internal review of the decision by an ADC staff member that has previously not been involved in the matter
2. external review of the decision by an Independent Appeals Committee (IAC).

Internal review

Once the ADC has formally made an accreditation decision, an education provider can request an internal review of the decision. In this instance, the ADC Chief Executive Officer, or another ADC staff member that was not previously involved in the original decision, will discuss the matter with the education provider that has requested the review.

In most cases, concerns can be resolved through an internal review. This is the most convenient, efficient and cost neutral method of resolution.

External review

If the education provider is not satisfied with the decision made by the ADC following the internal review, the education provider may ask for a formal appeal to be considered by an Independent Appeals Committee (IAC). An IAC is an impartial committee that is convened by the ADC CEO.

IAC composition

The IAC must include:

- at least one head of an ADC accredited program (normally in the same discipline as the program being reviewed)
- one senior academic from another ADC accredited program, and,
- one other person with experience in accreditation from another accreditation authority.

The members of the IAC must not have been involved in the accreditation of the program that is the subject of the review.

External Review process

The IAC will review the education provider's submission, relevant reports and documentation. The education provider may be invited to make oral submissions to the IAC. The IAC will have the discretion to interview staff, students and other relevant people, and to inspect facilities where it concludes that such actions are necessary for it to make an informed judgement.

Report

The IAC will prepare a report based on its investigation. The report will be provided to the education provider, who will be given 10 business days to respond to any issues raised in the report before it is presented to the ADC Board of Directors to make its decision.

Outcomes

The ADC Board of Directors will make the final decision on the outcome of the appeal.

There are two possible outcomes from an external review:

- the accreditation decision is upheld, or,

- the accreditation decision is overturned or is substituted with a different outcome.

If the ADC Board of Directors determines that the accreditation decision is upheld, the decision appealed against will take effect in line with the [ADC Accreditation Guidelines for Dental Practitioner Programs](#).

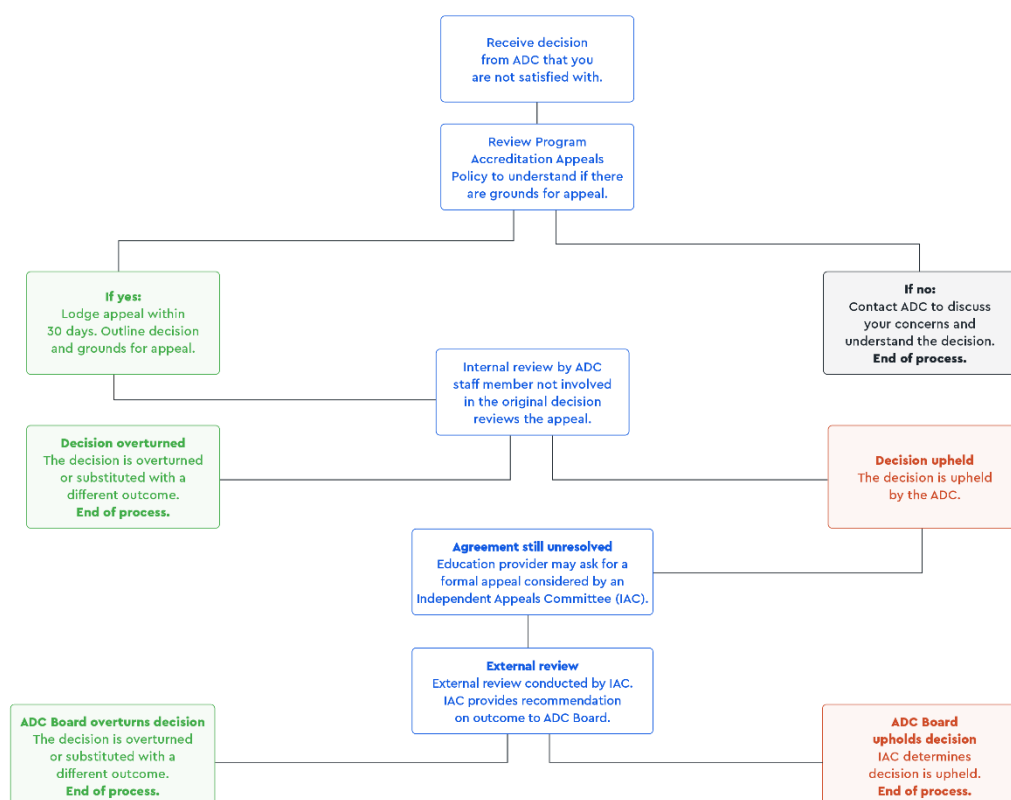
If the education provider is still not satisfied with the outcome, they may consider other avenues such as the [National Health Practitioner Ombudsman](#).

Cost

The cost of the external review must be met by the education provider prior to the establishment of the Independent Appeals Committee. Please refer to the Fee Schedule – 'review fee' available on the ADC website www.adc.org.au.

In the case where an appeal decision is made in favour of the education provider the appeal fee will be refunded to the education provider in full.

Figure 1 - Program accreditation appeals process



6. Timelines

The ADC aims to:

- acknowledge all appeals within five working days of receipt, and
- keep education providers informed about likely timescales and updated at regular intervals about the progress of the appeals process.

The assessment of an appeal will consider whether the original accreditation decision indicates a high potential risk to public safety. In this circumstance, the CEO and Executive Director, Accreditation,

Policy and Research may decide to expedite the appeal process and escalate the decision to an out-of-session meeting of the ADC Board of Directors.

The education provider will be advised of the outcome of the appeal process in writing within five business days of the ADC Board of Directors ratifying its decision.

7. Notifications

The ADC will report any appeals received about its accreditation decision making processes to the Dental Board Australia (DBA) or the relevant regulator within the jurisdiction the accreditation decision has taken place. The DBA reviews the ADC's appeals processes and monitors the number of appeals as part of the accreditation agreement.

8. Roles and responsibilities

Education Provider

Education providers are required to:

- submit an appeal within the required timeframes
- demonstrate the grounds for appeal are met.

ADC Staff

All ADC employees are required to:

- act in accordance with the ADC values
- ensure privacy and confidentiality are maintained
- observe the principles of natural justice and procedural fairness
- be compliant with this policy in the performance of their duties
- keep the education provider informed of the process as appropriate.

Independent Appeals Committee

IAC members are required to:

- act in accordance with the ADC values
- ensure privacy and confidentiality are maintained
- observe the principles of natural justice and procedural fairness
- make decisions in line with this policy
- recommend to the ADC Board of Directors actions to be undertaken, in line with this policy.

9. Related documents

- [ADC Complaints Policy](#)
- [ADC Complaints Management Framework](#)
- [Australian Dental Council/Dental Council \(New Zealand\) Accreditation standards for dental practitioner programs \(the Standards\)](#)
- [ADC accreditation guidelines for dental practitioner programs](#)
- [Guidelines for the accreditation or international dental programs](#)
- [ADC Privacy Policy](#)

Document information

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*unless otherwise indicated, this policy will continue to apply beyond the review date