

Appeals policy for the assessment of qualifications, skills, and work experience

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Document Version Control

Rev	Description	Originator	Reviewed	Approved	Date
1	Final version	ADC	Senior Management	ADC Board	19.02.16

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1. Introduction

The Australian Dental Council (ADC) has an appeals process for assessments of an applicant's qualifications, education, work experience and associated documents to determine eligibility to undertake the ADC examinations that potentially lead to registration. The written and practical examinations are not covered by this Policy.

Applications for an appeal must be in writing and clearly state the grounds for the appeal. The appeal should include any relevant supporting documentation and be accompanied by the stipulated fee. Appeals applications will not be processed until the fee has been received.

2. Appeals process

The appeal process consists of two separate stages:

2.1. Application for review (see 4. below)

A written application for a review should be forwarded to the ADC together with the nominated fee within 28 days of the examination results being posted online. The application must be substantiated with supporting documentation or statements.

The application will be referred to a Review Panel that will review the administrative process and the assessment outcome. The Review Panel comprises a minimum of three representatives of the ADC Assessment Committee (one of whom will be the Chair), and the ADC Chief Executive Officer (CEO).

2.2. Application for appeal (see 5. below)

If the candidate is dissatisfied with the decision of the Review Panel, the candidate may make an *Application for Appeal*. The application is then considered by an Independent Appeals Committee (IAC) consisting of two external dental practitioners and one practitioner from another profession with experience in academia and assessments. Following consideration of the case, the IAC will deliver its decision to the ADC. The ADC will advise the candidate of the outcome of the appeal.

The *Application for Review* and the *Application for Appeal* may be against the assessment outcome and/or administrative process relating to the way in which the eligibility assessment was undertaken.

A candidate may make an *Application for Appeal* only after an *Application for Review* has been made and determined.

3. Application for review

3.1 Timelines

An *Application for Review* must be submitted to the Chief Executive Officer (CEO) of the ADC within 28 days of receiving the notification of the assessment outcome.

3.2 Grounds of Review

A candidate may make an *Application for Review* against the assessment outcome and/or administrative process relating to the way in which the eligibility assessment was undertaken, such as:

- a) the Standards for Assessment of Overseas Trained Dental Practitioners as published on the ADC website were incorrectly applied or
- b) there were significant deficiencies in the processes used by the ADC when undertaking the eligibility assessment.

The following matters are not grounds for an appeal:

- a) disagreement with the standards set by the ADC for assessment of overseas trained dental practitioners
- b) personal or other reasons that inhibit a candidate's ability to provide the required documentation for an eligibility assessment.

3.3 Process of Review

The Application for Review must:

- a) be in writing and in the prescribed form and addressed to the CEO
- b) relate only to the outcome and/or administrative process relating to the way in which the eligibility assessment was undertaken;
- c) specify the grounds and set out in detail the circumstances considered to justify the Application for Review;
- d) attach originals or certified copies of all supporting documentation; and
- e) be accompanied by payment of the relevant fee.

Once the Application for Review is received by the CEO, the CEO will refer the Application for Review to the Review Panel within six weeks of receipt of the application.

When the Application for Review is referred to the Review Panel, the following will occur:

- a) the Director, Assessments & Examinations will make available to the Review Panel relevant information and records related to the candidates claims
- b) the Review Panel will consider the outcome and/or administrative process and all relevant information
- c) the Review Panel will make a recommendation on behalf of the ADC and the candidate will be advised of the outcome within six weeks of the appeal being lodged.

The applicant does not have the right to appear before the Review Panel.

4. Decisions of Review Panel

Following its deliberations, the Review Panel may, with any conditions it considers appropriate:

- a) direct that the outcome of the candidate's eligibility assessment is overturned.
- b) direct that the candidate be permitted a further opportunity to resubmit an application for assessment to be assessed at the earliest opportunity, without charging (or refunding if already paid) an additional assessment fee.
- c) direct that steps are taken to reduce any impediments to progress of a candidate on the ADC pathway.

- d) refund the review application fee (in whole or in part) if the review upholds the candidate's appeal
- e) not uphold the candidate's claims or find them to be a non-contributing factor to the overall outcome.

The Review Panel is not required to give reasons for its decision.

The candidate will be advised in writing by the CEO of the outcome of the review as soon as practicable following the decision.

5. Application for appeal

If a candidate is dissatisfied with the decision of the Review Panel, the candidate may request a hearing from an Independent Appeals Committee (IAC).

5.1. Timelines

The *Application for Appeal* should be addressed to the 'Chair, IAC' and forwarded to the ADC within 28 days of the date of the letter notifying the candidate of the decision of the Review Panel. The *Application for Appeal* should include any relevant supporting documentation and be accompanied by the stipulated fee.

5.2. Appointment of the IAC

The IAC is composed of members who are independent of the ADC and the ADC Review Panel. Two will be dental practitioners and at least one will be from another profession with experience in academia and assessments.

5.3. Grounds for Appeal

A candidate may make an *Application for Appeal* against the assessment outcome and/or administrative process relating to the way in which the eligibility assessment was undertaken such as:

- a) the *Standards for Assessment of Overseas Trained Dental Practitioners* as published on the ADC website were incorrectly applied or
- b) there were significant deficiencies in the processes used by the ADC when undertaking the eligibility assessment.

The following matters are not part of the appeal grounds of an Initial Assessment:

- a) disagreement with the standards set by the ADC for assessment of overseas trained dental practitioners
- b) personal or other reasons that inhibit a candidate's ability to provide the required documentation for an eligibility assessment.

5.4. Process of the Appeal

- a) An IAC shall be convened by the CEO, within six weeks of receipt of the *Application for Appeal*.
- b) A candidate shall have the right to appear and address the IAC and may be accompanied by another person, but shall not be entitled to bring an advocate or spokesperson or legal representation before the IAC, unless the IAC has given its prior consent.

The IAC will act according to the rules of natural justice and decide each appeal on its merits. The IAC is not bound by the rules of evidence and, subject to the rules of natural

justice, may inform itself on any matter, and in such manner as it thinks fit. The IAC shall be entitled to consider all relevant information which it thinks fit, and may invite any person to appear before it or to provide information.

Subject to these guidelines, the IAC shall have full power to regulate its own conduct and operation. The proceedings of the IAC, and other information provided to the IAC, shall be kept confidential except information released with the consent of the candidate and the report of findings to the ADC.

5.5. Decision of the IAC

The IAC may, with any conditions it considers appropriate:

- a) direct that the outcome of the candidate's eligibility assessment is overturned
- b) direct that the candidate be permitted a further opportunity to resubmit an application for assessment to be assessed at the earliest opportunity, without charging (or refunding if already paid) an additional assessment fee
- c) direct that steps are taken to reduce any impediments to progress of a candidate on the ADC pathway
- d) if an appeal is successful, recommend to the ADC that the appeal application fee be refunded to the candidate in whole or in part
- e) reject the appeal.

5.1 The IAC may **not**:

- a. exempt a candidate from the requirement to meet the *ADC Standards for Assessment of Overseas Trained Dental Practitioners*

5.2 The IAC is not required to give reasons for its decision.

5.3 The candidate will be advised in writing by the CEO of the outcome of the appeal as soon as practicable following the decision.

6. Fees

For a list of current fees, please refer to the 'Fee Schedule' section on the ADC website www.adc.org.au