



**1. Title: APPEALS POLICY**

- 1.1 Policy reference: CO-A-002-06
- 1.2 Category: Academic – Education
- 1.3 Approval date: May 2023
- 1.4 Approved by: Chief Executive
- 1.5 Effective date: January 2024
- 1.6 Review/revision date: July 2024
- 1.7 Unit responsible: Learning team

**2. Policy declaration**

**2.1 Purpose**

This policy sets out how an appellant may appeal the process by which decisions have been made by The Royal New Zealand College of General Practitioners (the College) that affect their training, assessment and/or other activities associated with the General Practice Education Programme (GPEP or the programme).

**3. Scope**

**3.1 Within the scope of this policy**

Any appeal must only relate to the process used to reach the decision, not of the actual decision itself. This includes, but is not limited to, the following:

- a. A decision not to allow the appellant entry into the programme
- b. A decision or result that has been reconsidered and reviewed under the College's Special Consideration in Assessment and Reconsideration of Examination Results Policy (CO-A-003-02)
- c. A decision that the appellant has breached the College or the programme written and clinical examination rules
- d. A decision that the appellant has been found guilty of professional or academic misconduct under the College or the programme rules or the College's Academic Integrity policy (CO-A-002-02)
- e. A decision by the Censor in Chief following a Fellowship Assessment visit that the appellant has not met the requirements for Fellowship



### 5.3 Fellowship assessment decisions

5.3.1 An appeal concerning a Fellowship assessment decision may be brought on the grounds that the appellant believes:

- 6.4 An application for appeal may be withdrawn by an appellant within five (5) working days of submitting the application to the College. This must be notified to the College in writing. Verbal notice will not be accepted as an appellant's intention.
- 6.5 The Head of Learning (or delegate) will review the application and will respond to the appellant in writing with the outcome of the appeal within fifteen (15) working days of receiving the application. The process may include a request for additional information from the appellant or an interview where appropriate.

## **7. Outcomes of an appeal**

### **7.1 Examination results, Fellowship assessment decisions (ref s5.2 and 5.3)**

- 7.1.1 Where an appeal concerns an examination result or a Fellowship assessment decision and is brought on the grounds of an alleged irregularity, prejudice or bias, the Head of Learning (or delegate) must dismiss the appeal unless the Head of Learning (or delegate) is satisfied that:
- a. there was such an irregularity, prejudice or bias; and
  - b. there is a real likelihood that the irregularity, prejudice or bias materially affected the examination result or the Fellowship assessment decision.

- 7.1.2 Where the Head of Learning (or delegate) is satisfied of the above, they may only make one or both of the following orders (and to avoid doubt any order for costs):

- a. that the examination result or the Fellowship assessment decision be quashed;
- b. that the appellant be permitted to re-sit the examination or have another assessment visit without having to pay the applicable fee. In the case of an examination, the appellant will be permitted to re-sit when the examination is next held. In the case of a Fellowship Assessment visit, the appellant will be permitted to have another assessment visit at a time agreed between the appellant and the College.

### **7.2 Alleged error in the calculation or collation of marks**

- 7.2.1 Where an appeal concerns an examination result and an alleged error in the calculation or collation of the appellant's marks, and the Head of Learning (or delegate) is satisfied that there was such an error, the Head of Learning (or delegate) may order that the appellant's results be amended as they see fit. If the Head of Learning (or delegate) finds that there was no such error, they must dismiss the appeal.

### **7.3 Any other matter within the policy's scope**

- 7.3.1 Where an appeal concerns any other matter within the scope of this policy, the Head of Learning (or delegate) must make their own assessment of the matter on the basis of the information before them; they may give the respondent's decision such weight as they see fit. The Head of Learning (or delegate) must determine an appeal outcome by:
- a. dismissing the appeal;
  - b. modifying the respondent's decision;
  - c. quashing the respondent's decision; or
  - d. quashing the respondent's decision and making any other decision the respondent could have made.

## **8. Appeal of decision**

8.1 An appellant who is not satisfied with the outcome of the Stage 1 Appeal Process may lodge a further appeal to the Chief Executive and the Stage 2 Appeal Process will apply.

## **9. Stage 2: Appellants wishing to pursue a further appeal against an unsuccessful appeal application**

9.1 Appellants must submit a further appeal in writing to the Chief Executive within ten (10) working days of receipt of the outcome of their first appeal application.

9.2 A standard fee of \$75.00 + GST must be paid in full at the time of the Stage 2 appeal. The



## 12.10 Appeal of decision

12.10.1 An appellant who is unhappy with the outcome of the Stage 2 Appeal process can appeal it to the Ombudsman.

## 13. Parties

13.1 Where the appeal relates in any way to a GPEP written or clinical examination (including breach of the GPEP written and clinical examination rules), or to a Fellowship assessment decision, the Censor in Chief is the respondent.

13.2 In any other appeal, the original decision-maker is the respondent.

13.3 The appellant and the respondent may act in person or be represented in any appeal.

## 14. Summary of the appeal process

Step	Action	Timeline/College response
1	<p>The appellant is notified of the outcome of the matter in respect of which an appeal has been brought under this policy.</p> <p>The written notification will:</p> <ul style="list-style-type: none"><li>› refer the appellant to their right to appeal under this policy; and</li><li>› provide a copy of the policy or information on how the policy can be accessed (e.g. on the College's website).</li></ul>	As soon as reasonably practicable and appropriate to the individual case.
2	The appellant lodges their appeal within ten (10) working days of having received the notification that resulted in the appeal being made (e.g. the outcome of a reconsideration or review process).	The College will acknowledge the appeal within five (5) working days of receipt.
3	The College will appoint the Committee, any legal adviser, and any registrar.	As soon as reasonably practicable.
4	The Committee will give directions and otherwise conduct the appeal.	As required.
5	The Committee will issue a written decision.	As soon as reasonably practicable.

## 15. Appeal of decision

15.1 An appellant who is unhappy with the outcome of the Appeal Committee process may appeal it to the Ombudsman.

## 16. Related policies, documents and legislation