

## 1. Policy Statement

- 1.1. This procedure sets out the actions to be followed for registrar, supervisor and/or accredited training facility complaints, appeals and grievances.

## 2. Application and Scope

- 2.1. The procedure applies to all registrars, supervisors and accredited training facilities with reference to the Australian General Practice Training (AGPT) Program with EV GP Training (EV).
- 2.2. EV is committed to providing an efficient, fair and accessible framework for resolving complaints, appeals and grievances.
- 2.3. An appeal against an EV decision in respect of the AGPT program will be handled in an equitable and open manner.
- 2.4. Depending on the nature of the complaint, the registrar, supervisor or training facility is encouraged to discuss their complaint with the Registrar Support Officer (RSO), the Registrar Liaison Officer (RLO), Practice and Supervisor Support Officer (PSSO), Supervisor Liaison Officer (SLO) or their Training Advisor.
- 2.5. The procedure applies to the following decisions made by EV:
  - 2.5.1. The progress of a registrar through the AGPT program;
  - 2.5.2. The placement of a registrar with an accredited training practice;
  - 2.5.3. The transfer of a registrar between Regional Training Organisations or across regions within the EV training footprint. This is only applicable to registrars enrolled with EV;
  - 2.5.4. The withdrawal of a registrar from the AGPT Program;
  - 2.5.5. The withdrawal of accreditation for a training practice and/or the non-reaccreditation of a training practice;
  - 2.5.6. Application by EV of the AGPT Program and EV policies and procedures;
  - 2.5.7. Any relevant services provided to a registrar, supervisor and/or accredited training practice with reference to EV obligations under its Funding Agreement for delivery of the AGPT Program, and.
  - 2.5.8. Other clinical and non-clinical decisions referenced in the [AGPT Appeals Policy 2019](#).

## 3. Exclusions

- 3.1. The procedure does not apply in respect of:
  - 3.1.1. Applicants seeking to gain entry to the AGPT program with EV, including applicants who have accepted a letter of offer but are yet to commence training with EV;
  - 3.1.2. General practices or General Practitioners who are not currently an accredited training practice or supervisor for the purpose of the training of registrars under the AGPT Program;
  - 3.1.3. Registrars who have withdrawn from the AGPT program voluntarily, or have resigned from or abandoned their training placement without the knowledge and written approval of EV.

## 4. Procedure

### Complaints

- 4.1. In the first instance the registrar, supervisor or training facility should consider raising the matter with the relevant parties for informal resolution.
- 4.2. Where all direct efforts to resolve a complaint have been exhausted, a formal complaint may be submitted to the EV Chief Executive Officer (CEO). A formal complaint is submitted using the [EV Complaint or Grievance Reporting Form](#).
- 4.3. When a formal complaint is received by the CEO, it will be investigated. A meeting may be convened to seek a resolution of the matter through mutual agreement.
- 4.4. Should the matter remain unresolved (irrespective of whether or not a meeting has been held), the CEO may then refer the complaint to a committee. The committee will consist of individuals who have not been involved in the matters to which the complaint refers. The makeup of the committee may include an external party, a medical educator or educator, a program manager or managers, or supervisor / registrar representative.
- 4.5. The makeup of the committee will be determined by the CEO having regard to the particular circumstances of the complaint.

- 4.6. The EV Board will be advised of any formal complaint submitted and be kept informed of steps undertaken to resolve it.
- 4.7. The committee will meet to consider the formal complaint. Committee outcomes will be communicated in writing to the complainant via the CEO in a timely manner.
- 4.8. In the event the complaint relates to the CEO, the EV Board will be advised by way of the next available Board meeting. The EV Board will determine the makeup of the committee in respect of any complaints relating to the CEO.
- 4.9. The complainant may appeal the decision made to EV in certain circumstances – see Appeals section below.

### Grievances

- 4.10. Registrars are employees of training practices. EV expects in the first instance the parties to a dispute will seek to resolve it by mutual consent. Issues relating to employment including terms and conditions, are to be managed as part of the employer/employee relationship and in accordance with the [National Terms and Conditions for the Employment of Registrars](#) (NTCER).
- 4.11. A grievance refers to a perceived violation of the registrar, supervisor or training facility relationship. This may result from:
  - 4.11.1. A decision that contravenes principles of natural justice;
  - 4.11.2. Decisions contrary to information or evidence provided;
  - 4.11.3. New information or evidence not previously available;
  - 4.11.4. Irrelevant considerations influencing a decision.
- 4.12. The registrar, supervisor or accredited training facility will seek to resolve an issue directly.
- 4.13. Where the grievance relates to the terms and conditions in the Employment Agreement, registrars can seek advice from [General Practice Registrars Australia](#) (GPRA), and the accredited training practice and/or supervisor may seek advice from [General Practice Supervisors Australia](#) (GPRA).
- 4.14. Should the grievance not be dealt with to the satisfaction or acceptance of the registrar, supervisor or accredited training facility and does not relate to employment terms and conditions, a formal grievance should be submitted on the [Complaint or Grievance Reporting Form](#) to the CEO.
- 4.15. An initial response by EV will be given in writing within 7 business days of receiving a formal grievance, outlining the way in which the grievance will be considered.
- 4.16. The CEO will investigate the grievance. A meeting may be convened with the relevant parties to negotiate a resolution to the grievance.
- 4.17. Outcomes arising from the grievance review may be appealed in certain circumstances - see Appeals below.

### Appeals

- 4.18. A registrar, supervisor or accredited training practice (“the appellant”) may appeal administrative decisions, determinations, findings or recommendations made by EV which if left standing would prevent the continuation of their training or involvement in the training program.
- 4.19. For an appeal to proceed, the appellant must advise the grounds on which the appeal is being made, with reference to one or more of the following:
  - 4.19.1. A failure to follow EV training program policy or process
  - 4.19.2. A failure to afford procedural fairness;
  - 4.19.3. A bias or conflict of interest demonstrated by the decision maker; or
  - 4.19.4. Discriminatory behaviour.

### Initiation and Timeframes

- 4.20. Appeals must be made in writing, and on the form prescribed.
- 4.21. Appeals must be received by the CEO within 20 business days of the appellant being informed of the original decision.

### Appeals Panel

- 4.22. The CEO is authorised to establish an Appeals Panel to hear appeals.
- 4.23. Panel members will be drawn from one or more of the following:
  - 4.23.1. Medical Educators
  - 4.23.2. Program Managers

- 4.23.3. Member or members of the EV Board where the matter relates to the CEO
- 4.23.4. Registrar or Supervisor Liaison Officers
- 4.24. The final makeup of the Appeal Panel will be determined on a case by case basis with due regard to the particular circumstances and nature of the appeal.
- 4.25. The Appeal Panel will exclude any person involved in the decision under appeal.
- 4.26. A panel will comprise at least three members, one of whom will be appointed Chair.
- 4.27. The CEO will arrange either directly or by delegation with members of the appeal panel, to meet to consider the appeal. This includes coordinating agreement on date, time and place of the appeal hearing.
- 4.28. The process for notifications, submissions and timeframes for an appeal will be determined by the Appeals Panel.

### Attendance at an Appeals Panel

- 4.29. The appellant has the right to:
  - 4.29.1. Attend the appeal hearing
  - 4.29.2. Be heard by the panel
  - 4.29.3. Present and advocate the merits of their appeal to the panel, and
  - 4.29.4. Provide a submission to the panel
- 4.30. The appellant may be accompanied by a support person who cannot act as an advocate, adviser, or spokesperson for the appellant.
- 4.31. The appellant cannot be accompanied by a legal representative.

### Conduct of appeal

- 4.32. An appeal panel must:
  - 4.32.1. Decide the appeal on its merit
  - 4.32.2. Ensure procedural fairness is afforded to those involved in the appeal.
- 4.33. An appeal panel may:
  - 4.33.1. Vary the process to assist with the fair and proper conduct of the appeal
  - 4.33.2. Seek information from other sources including external advisory support
  - 4.33.3. Consider information it sees as relevant to the appeal. This includes considering requests from person or persons involved in the decision now the subject of the appeal, and to hear their perspectives on the original decision.
  - 4.33.4. Request people to appear at an appeal hearing to provide relevant information.

### Appeal Outcome and Reporting

- 4.34. The appeal panel may:
  - 4.34.1. Confirm the original decision
  - 4.34.2. Vary the original decision
  - 4.34.3. Overturn the original decision (without further direction), or
  - 4.34.4. Refer the decision to the original decision maker or CEO for a new decision.
- 4.35. The chair of an appeal panel will provide a written report of the panel's determinations to the CEO.
- 4.36. The panel will report on the following:
  - 4.36.1. Date of the determination
  - 4.36.2. Members of the appeal panel
  - 4.36.3. Appellant details
  - 4.36.4. Decision under appeal
  - 4.36.5. Original decision maker details
  - 4.36.6. The determination
  - 4.36.7. The reasons for the determination
- 4.37. The CEO will formally notify the appellant in writing of the determination and the reasons given by the panel.
- 4.38. Any determination made will be final and without further recourse to EV.
- 4.39. Appellants will have 20 business days from receipt of the appeal outcome to appeal to the Department of Health in accordance with the [AGPT Appeals Policy 2019](#).



## 5. Additional Information

- 5.1. AGPT Appeals Policy 2019
- 5.2. AGPT Complaints Policy 2019
- 5.3. ED-Org-8.18 Additional Registrar Support
- 5.4. ED-Org-8.23 Critical Incident and Managing Notifiable Conduct
- 5.5. RACGP Registrar Clinical Appeals Policy
- 5.6. ACRRM Appeals Policy for AGPT Registrars

<b>Title (including ID Number)</b>		ED-Org-8.22 Complaints, Grievance and Appeals			
<b>Policy owner (position title)</b>		CEO			
<b>Date created</b>		December 2016	<b>Date first approved</b>		May 2017
<b>Review history</b>	<b>Date</b>	October 2018			
	<b>Version no.</b>	02			
	<b>Date</b>				
	<b>Version no.</b>				
<b>Date this version approved</b>		October 2018	<b>Version no.</b>		02
<b>Approved by</b>		SMT			
<b>Next review</b>		April 2021			