



POLICY AND PROCEDURE

APPEALS PROCESS

STAGE 1 – DESKTOP ASSESSMENT

May 2021

Glossary

AHPRA	Australian Health Practitioner Regulation Agency
COPC	Certificate of Practical Completion
EO	Executive Office – OTC
IAP	Independent Appeals Panel
OTC	Occupational Therapy Council of Australia Ltd
OTBA	Occupational Therapy Board of Australia
PA	Professional Adviser – Overseas Qualified Assessment Committee
OQAC	Overseas Qualified Assessment Committee
WFOT	World Federation of Occupational Therapists

Stage 1 desktop applications for registration and/or skilled migration purposes are assessed by the Occupational Therapy Council of Australia Ltd. Explanatory notes provide the standards required for a Stage 1 application to be considered.

If the application does not meet the OTC standards, the OTC Executive Officer will provide the application to the Overseas Qualified Assessment Committee for review and decision to accept or refuse.

If the practitioner is not satisfied with the decision by the OQAC, they may lodge an appeal.

FEES AND APPEALS

To commence an appeal, the practitioner must pay the prescribed fee, which shall apply once only and is not refundable.

If unsuccessful, a second appeal can only be lodged if there are new grounds for appeal, and where these new grounds for appeal meet the requirements for appeal set out in this document.

If a second appeal is lodged, with new grounds for appeal, an additional application and fee will be required

The decision of the Independent Appeals Panel will be final.

STAGE 1 - APPEALS PROCEDURE

Practitioners assessed as not meeting the Stage 1 criteria are advised in writing, outlining reasons they have not met the required criteria. They are also informed of the process for appeal.

All appeals must be in writing and clearly state the grounds for appeal. Additional supportive information to address these grounds and to demonstrate how they may now meet the required criteria must be provided.

Appeals must be received within **eight (8) weeks** of the OTC's advice to the practitioner of being unsuccessful.

STAGE 1 - GROUNDS FOR APPEAL

The grounds for appeal must relate to the OTC decision about the recognition of occupational therapy qualifications for skilled migration and/or registration, namely English language proficiency and professional education as an occupational therapist, as per the Explanatory Notes relating to a Stage 1 assessment.

Review by the Independent Appeals Panel (IAP)

Where the applicant has been assessed as not meeting the Stage 1 Desktop Assessment criteria and an appeal conforming to the requirements of this policy is lodged, an independent panel (the IAP) will review the OQAC/OTC decision. The appeal must be accompanied by additional information or documentation to support the appeal. The appeal documentation must be accompanied by the fee. This documentation and fee should be received within **eight (8) weeks** of the date of OTC letter to the applicant advising of the OQAC's decision to refuse the Stage 1 application.

The OTC convenes the IAP and nominates members as the need arises. Membership is honorary, and the OTC directors, OQAC members and members of other OTC committees are not permitted to be IAP members. The IAP will consist of three members, namely:

- a senior occupational therapist independent of the assessment procedure but familiar with occupational therapy education and with current registration;
- an internationally-qualified occupational therapist with a minimum of two years' experience in Australia and current registration;
- a person with legal and/or administrative decision-making experience.

The Chairperson, of the OQAC and the OTC CEO and EO will provide procedural advice as required.

All documentation concerning the original application will be provided to the IAP. The IAP will be asked to consider whether the practitioner has demonstrated they meet the required criteria, and that the assessment procedure has been applied correctly.

If the IAP determines the required criteria have been met, the applicant will be advised of this and this advice will include the IAP's reasons for the decision. The IAP will prepare and sign a statement to be sent to the OTC. The practitioner will be notified in writing within **eight (8) weeks** of the date of OTC receiving the appeal. This notification will be sent with the official letter of assessment for migration purposes.

If the required criteria are not met, the IAP will document its reasons for the decision, and prepare and sign a statement, to be sent to the OTC. The practitioner will then be notified in writing of this unsuccessful decision within **eight (8) weeks** of the date of the OTC receiving the appeal. The notification will include reasons for the decision.

The decision of the IAP will be final.



POLICY AND PROCEDURE

APPEALS PROCESS

STAGE 2 PERIOD OF SUPERVISED PRACTICE

May 2021

PROCESS LEADING TO A DECISION TO NOT ISSUE A Certificate of Practical Completion

NOTE: A decision to not issue a COPC can lead to the withdrawal of supervised practice, at the discretion of the OQAC.

The Stage 2 final reports are reviewed by one member of the OQAC and the professional adviser (or, if the professional adviser position is vacant, then two members of the OQAC review the Stage 2 final reports). If these members deem a Certificate of Practical Completion should not be issued, the practitioner and supervisor will be contacted by the OTC's professional adviser (or, if the position is vacant, a member of the OQAC) to seek further clarification and to recommend a further period of supervised practice. The practitioner and supervisor will be provided with reasons for this decision.

If the practitioner does not agree with this decision, the documentation will be forwarded to the full committee of the OQAC for a final decision (the professional adviser (or, if the position is vacant, the nominated member of the OQAC) and the OQAC member involved in the initial review of the documentation will not be involved in the further consideration of the reports).

The decision of the OQAC will be provided to the practitioner and supervisor. If the decision of the OQAC is to not issue a COPC, recommendation to undertake a further period of supervised practice will be offered. Details advising further action available, including appeal, will also be provided.

AHPRA will be advised of the OQAC's decision.

If the practitioner does not agree with this decision by the OQAC, they may commence the appeal process below.

PROCESS LEADING TO WITHDRAWAL OF SUPERVISED PRACTICE

Grounds for withdrawal of supervised practice for non-compliance (please refer to the OQAC Policy and Procedure – Stage 2 period of supervised practice document in the "assessment" section of the OTC website) will be reviewed by the Professional Adviser (or, if this position is vacant, a member of the OQAC) and Executive Officer with a report and recommendation made to the OQAC, which shall consider the matter and decide whether or not to withdraw the supervised practice arrangement. Should the OQAC decide to withdraw supervised practice, the practitioner and supervisor shall be advised in writing including the reasons for the decision and information as to the avenue for appeal, as detailed below.

FEES AND FURTHER APPEALS

To commence an appeal, the practitioner must pay the prescribed fee, which shall apply once only and is not refundable

A further appeal shall not be permitted unless it involves new grounds for appeal, and otherwise meet the requirements for appeal set out in this document.

The decision of the Independent Appeal Panel will be final.

STAGE 2 - APPEALS PROCEDURE

In cases where the practitioner has not achieved the required level of competence at the conclusion of the period of supervised practice or the practitioner has been non-compliant with the reporting requirements of the Stage 2 period of supervised practice, the OQAC will have the option of ending the supervision period and determining that the COPC should not be issued. The OTC Executive Officer will notify AHPRA of this decision.

The practitioner will be advised of this decision in writing. The notification will contain details of and reasons why the competencies have not been achieved, or details regarding the decision to withdraw supervised practice due to non-compliance. The practitioner may be offered the opportunity to undertake a new period of supervised practice. If this is accepted by the practitioner and commenced within 12 months of the date of decision, no fee will be applicable.

All appeals must be in writing and state clearly the grounds for appeal. Additional supporting information to address these grounds and to demonstrate competencies have been met must also be provided.

Written appeals must be received within **28 days** of OTC mailing the notification.

STAGE 2 - GROUNDS FOR APPEAL

Practitioners are provided with clear guidelines regarding the required outcome of the period of supervised practice in order for it to be considered successfully completed. The common grounds for appeal are:

- practitioners believe information provided by the supervisor has been misinterpreted, or the supervisor has omitted relevant information in the supervised practice assessment to inform the OQAC in its decision-making to not issue a COPC;
- processes have not been applied correctly.

Appeals concerning procedures will be reviewed for comment and reporting by the EO, and discrepancies reported to the OQAC. The Stage 2 assessment result will not be changed unless the practitioner can demonstrate achievement of all competencies.

APPEAL – Review by an Independent Appeals Panel (IAP)

The purpose of this level is to provide assessment, independent of the OQAC.

If the practitioner is not satisfied with the outcome of the OQAC, they may write to the OTC stating the grounds for an appeal and requesting a further review of the supervised practice documentation. The letter of appeal should be received by the OTC within **28 days** of OTC advising the practitioner a COPC will not be issued.

To initiate an appeal, the practitioner must pay the appeal fee and ensure all information they wish to be considered is provided. The fee allows for one attempt and is not refundable.

The OTC convenes the IAP and nominates members as the need arises. Membership is honorary, and no current director of OTC or member of any OTC committee may be appointed to the IAP. The IAP consists of three members:

- a senior occupational therapist, independent of the assessment procedure but familiar with occupational therapy education and holding current registration;
- an internationally-qualified occupational therapist with a minimum of two years' experience in Australia and holding current registration;
- a person with legal and/or administrative decision-making experience.

The Chairperson of OQAC, CEO and EO will provide procedural advice as required.

All documentation concerning the period of supervised practice will be provided to the IAP. The IAP will be asked to consider whether the practitioner has demonstrated achievement of all competencies, and that the assessment procedure has been applied correctly. If the IAP determines the appeal has merit, the practitioner will be advised of this and a COPC issued.

If the IAP determines the OQAC's decision is valid, the IAP will endorse the decision and document its reasons for the decision. They will prepare and sign a statement to be sent to the OTC. The practitioner will be notified in writing within **eight (8) weeks** of the date of OTC receiving the appeal.

The decision of the IAP will be final.

The practitioner may be offered the opportunity to continue with their existing period of supervised practice or to commence a new period of supervised practice with a different supervisor. If the practitioner elects to commence a new period of supervised practice, and the Stage 2 process is commenced within 12 months of the date of decision, no Stage 2 fee will be applicable.