



POLICY

Internal review

Review of program accreditation decisions

November 2023

1. Purpose

The Occupational Therapy Council of Australia Ltd (OTC) is required by section 48(4) of the National Law to have a process for internal review of certain accreditation decisions.

2. Scope

An education provider has thirty (30) days to seek a review of an accreditation decision, including the outcome from an annual monitoring report.

There are two grounds for an education provider to apply for a review of a decision:

i) The manner in which the accreditation process was conducted was procedurally unfair. This may include, but is not limited to, the sequence and timing of the accreditation process, the process of assessment and evaluation of documentation, and the conduct of the site visit.

or

ii) The decision of the OTC was unjustified or not reasonable i.e. the decision was not supported by substantial evidence or it was made on capricious or arbitrary grounds and not the application of objective standards.

3. Process

3.1 The education provider is required to lodge the application for review with the Chief Executive Officer (CEO) of the OTC in writing, either;

- on receiving the final report; or
- within 30 days of the date of the OTC letter advising the education provider of the accreditation decision.

The application for review must clearly state the reasons for seeking the review of the decision and provide evidence to support these reasons.

3.2 The CEO will acknowledge receipt of the application and will establish an internal review panel within 30 days of the receipt of the appeal. The panel will comprise a minimum of three members, all independent of the education provider seeking review, and agreed to by

the education provider. OTC directors, employees or contractors are not able to be a part of the panel.

Members will include:

- a person nominated by the OTC Board of Directors with experience in investigation of complaints who is not an occupational therapist;
- an occupational therapist with extensive knowledge of employer requirements of new graduates (nominee of Occupational Therapy Australia);
- an experienced occupational therapy educator (nominee of the Australia and New Zealand Council of Occupational Therapy Education)
- two people with expertise in cultural capability, together with an in-depth knowledge of the OTC governance and cultural processes will also be members of the panel if the education providers review request relates to cultural capability or standards relating to cultural safety/capabilities.

At least one Aboriginal and Torres Strait Islander member is required on the review panel if the request relates to cultural capability, cultural safety or another issue related to Aboriginal and Torres Strait Islander aspects of standards or the assessment process. If this is not possible, then others with demonstrated experience and knowledge in this area will be appointed.

The members of the internal review panel must be familiar with the accreditation processes and must not have been involved in the accreditation of the program that is the subject of the review, nor have any perceived, actual or potential conflict of interest with the education provider or its personnel, in accordance with procedural fairness.

The panel's review process will be carried out in a culturally safe manner, in line with the OTC policy and processes for culturally safe governance.

- 3.3 The scope of the internal review will be limited to the grounds stated by the education provider in the application for review of the decision. The panel will receive the documents provided by the education provider, a copy of the accreditation decision letter, the accreditation report and any other documentation from the accreditation process as requested. Although the internal review panel will predominantly make its decision based on documentary material, it has the discretion to make any inquiries it deems necessary to inform its deliberations before coming to its conclusion.
- 3.4 The OTC will charge the education provider a fee for the internal review, on a cost recovery basis. The fee will be refunded in part or full if the outcome of the review is in favour of the education provider.
- 3.5 The internal review panel is entitled to obtain independent legal advice if a question of law arises during the review. The OTC is responsible for the cost of its independent legal advice.
- 3.6 The internal review panel will provide a report of its findings and its determination to the OTC Board of Directors. The OTC Board of Directors is bound to make an accreditation decision that upholds the internal review panel's determination about the original accreditation decision.
- 3.7 The time taken to complete an internal review depends, in part, on the complexity of the application for internal review and therefore there is variability in the time required to complete a review. The internal review panel will, as far as possible, inform the education provider of the expected time required to complete its review. The OTC will endeavour to complete the review within 90 days.

3.8 The education provider will be notified of the outcome of the review by the internal review panel no later than 90 days from date of lodgement of the application with the OTC. A statement clearly outlining the reason for the decision of the internal review panel will be provided. The CEO will also provide a notification of the outcome to the OTC directors, the OTBA and the OTA.

4. Concerns about the OTC's accreditation process

The National Health Practitioner Ombudsman's office can accept complaints about accreditation organisations undertaking accreditation functions under the National Law and assist with complaints about accreditation organisations' processes (<https://www.nhpo.gov.au/accreditation-complaints>).

5. Document information

Policy location:	OTC Website Guidelines & evidence guide OTC Governance Manual		
Date	Reviewed July 2023	Version	V2
Approved	Endorsed OTC Board 11 November 2023	Review date	November 2026