

NZOA Policies and Procedures – Reconsideration, Review and Appeals Mechanism	
Document Title – G129	NZOA Appeals Process
Department Functional	Governance
Reports to	
Prepared by	CEO
Approved by	NZOA Council
Approval Date	24 February 2023
Review Date	December 2024



PURPOSE AND SCOPE

This policy sets out the mechanism and process for Reconsideration and Review that SET Applicants and Trainees may apply to the Chair of the Education Committee to have a decision re-considered. Decisions of the Specialty Orthopaedic Training Board can also be reconsidered or reviewed as set out in the Policy.

There is a two-step process for Reconsideration and Review of a decision made by the Education Committee, Speciality Orthopaedic Training Board. This process is detailed on the following pages.

The Reconsideration and Review Process is a two-stage:

- 1.1 Reconsideration of the original decision by original decision maker
- 1.2 Review by the Speciality Orthopaedic Training Board or NZOA Council as prescribed

Appeals (following above 1.1 and 1.2):

An Appeal of a decision can only be sought following the completion of the Reconsideration and Review Process and the recommendations of the Reconsideration and Review having been provided to the affected Appellant. All Appeals are made directly to RACS, this process is outlined on the RACS website.

SET Selection

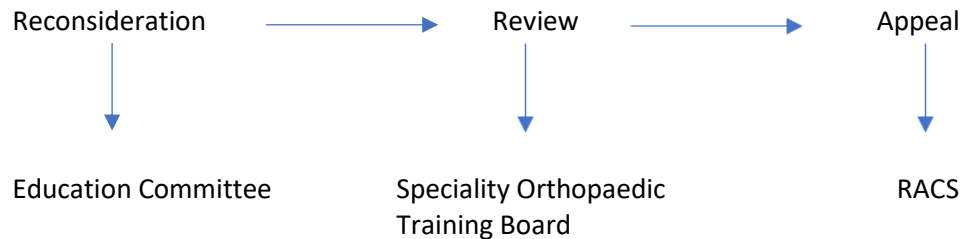
All applications for Reconsideration, Review and Appeal pertaining to SET Selection must be made within 7 (seven) consecutive days of receiving of the notice of the decision. Receipt of the notice is when the notification is dated, this notification can be either email or letter.

Receipt of the notice is deemed to be:

- (i) If sent by email, on the date the email is despatched.
- (ii) If sent by post in New Zealand, on the 4th day after the date of the letter. If sent by post to outside New Zealand on the 10th day after the date on the letter.
- (iii) If hand delivered, on the date of delivery.

Education Committee

Reconsideration and Review Process



1. Reconsideration of the original Decision

- 1.1. A reconsideration of a decision may be made in relation to decisions of the NZOA Education Committee as the Board may determine from time to time.
- 1.2. A reconsideration of a decision may be made on the same grounds as an appeal.

2. Process for Reconsideration of a Decision

- 2.1. Any person adversely affected by a decision of Education Committee may, within 14 consecutive days of receipt of notice of the decision, apply to the original decision maker to have the decision reconsidered by the original decision makers.
- 2.2. All applications for reconsideration are to be made in writing and accompanied by all relevant information or grounds upon which the Appellant seeks to rely in respect of the reconsideration.
- 2.3. The affected Appellant will bear the onus of proof to establish the grounds of the reconsideration application.
- 2.4. The affected Appellant may request a copy of the written reasons for the original decision. If such a request is made, written reasons are to be provided within 14 days of receipt of the affected Appellants request.
- 2.5. The original decision makers will form a Reconsideration Panel and will reconvene to review the original decision and material associated with that decision.
- 2.6. The Reconsideration Panel will only consider material as initially submitted by the affected person i.e. the information on which the original decision is based.
- 2.7. The reconsideration will be conducted with as little formality as possible, but otherwise shall have full power to regulate its conduct and operation.
- 2.8. The reconsideration of the decision by the Panel must be undertaken in accordance with the rule of natural justice and each reconsideration will be reviewed on its merits.
- 2.9. Minutes of the meeting shall only record the decision, the reasons for the decision, and any recommendations made.
- 2.10. The Committee may delegate its powers and duties in respect of any reconsideration as it determines.

3. Review of a Decision

- 3.1. A review of a decision may be made in relation to decisions of the Association, its Board or Committees as the Board may determine from time to time.

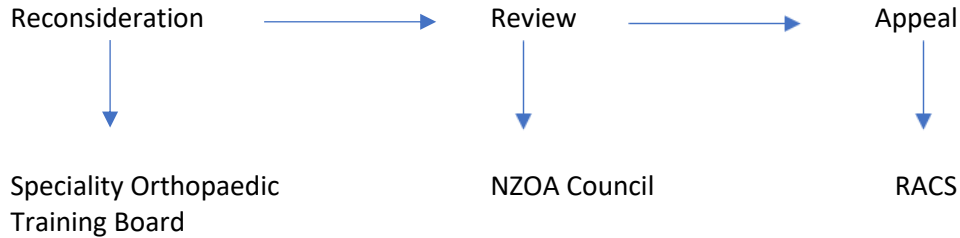
- 3.2. A review of a decision may be made on the same grounds as an appeal once a reconsideration process has been undertaken and the affected person is not satisfied with the outcome.
- 3.3. A review of a decision can only be sought following the completion of the reconsideration process and the Reconsideration Panel recommendations being provided to the affected Appellant.

4. Process for the Review of a Decision

- 4.1. Any person adversely affected by a decision of the Education Committee and having had the decision reconsidered by the original decision makers by the process outlines in this policy may, within 14 days of receipt of notice of the decision, apply to the Chair of the Education Committee to have the decision reviewed by the Speciality Orthopaedic Training Board.
- 4.2. All applications for review are to be made in writing and accompanied by all relevant information or grounds upon which the Appellant seeks to rely in respect of the review.
- 4.3. A fee will be payable to NZOA on application, if successful consideration will be given to refunding part or all of the fee paid.
- 4.4. The affected Appellant will bear the onus of proof to establish the grounds of the review application.
- 4.5. The affected Appellant may request a copy of the written reasons for the reconsideration decision. If such a request is made, written reasons are to be provided within 14 days of receipt of the affected Appellant's request.
- 4.6. An independent review panel will be established by the Review Authority. The Review Panel will be made up of at least three (3) Fellows of the Association and will convene to review the original decision and material associated with that decision. The Secretary of the NZSOTB will provide administrative and procedural assistance.
- 4.7. The Review Panel will only consider material as initially submitted by the affected Appellant i.e. the information on which the original decision was based.
- 4.8. The review will be conducted with as little formality as possible, but otherwise shall have full power to regulate its conduct and operation.
- 4.9. The review of the decision must be undertaken in accordance with the rules of natural justice and each reconsideration will be reviewed on its merits.
- 4.10. Minutes of the meeting shall only record the Review Panel's decision, the reasons for the decision, and any recommendations made.
- 4.11. The Board may delegate its powers and duties in respect of any review as it determines.

Speciality Orthopaedic Training Board

Reconsideration and Review Process



5. Reconsideration of the original Decision

- 5.1. A reconsideration of a decision may be made in relation to decisions of the Speciality Orthopaedic Training Board (SOTB) as the Board may determine from time to time.
- 5.2. A reconsideration of a decision may be made on the same grounds as an appeal.

6. Process for Reconsideration of a Decision

- 6.1. Any person adversely affected by a decision of SOTB may, within 14 consecutive days of receipt of notice of the decision, apply to the original decision maker to have the decision reconsidered by the original decision makers.
- 6.2. All applications for reconsideration are to be made in writing and accompanied by all relevant information or grounds upon which the Appellant seeks to rely in respect of the reconsideration.
- 6.3. The affected Appellant will bear the onus of proof to establish the grounds of the reconsideration application.
- 6.4. The affected Appellant may request a copy of the written reasons for the original decision. If such a request is made, written reasons are to be provided within 14 days of receipt of the affected Appellants request.
- 6.5. The original decision makers will form a Reconsideration Panel and will reconvene to review the original decision and material associated with that decision.
- 6.6. The Reconsideration Panel will only consider material as initially submitted by the affected person i.e. the information on which the original decision is based.
- 6.7. The reconsideration will be conducted with as little formality as possible, but otherwise shall have full power to regulate its conduct and operation.
- 6.8. The reconsideration of the decision by the Panel must be undertaken in accordance with the rule of natural justice and each reconsideration will be reviewed on its merits.
- 6.9. Minutes of the meeting shall only record the decision, the reasons for the decision, and any recommendations made.
- 6.10. The Committee may delegate its powers and duties in respect of any reconsideration as it determines.

7. Review of a Decision

- 7.1. A review of a decision may be made in relation to decisions of the SOTB as the Board may determine from time to time.

- 7.2. A review of a decision may be made on the same grounds as an appeal once a reconsideration process has been undertaken and the affected person is not satisfied with the outcome.
- 7.3. A review of a decision can only be sought following the completion of the reconsideration process and the Reconsideration Panel recommendations being provided to the affected Appellant.

8. Process for the Review of a Decision

- 8.1. Any person adversely affected by a decision of the SOTB and having had the decision reconsidered by the original decision makers by the process outlines in this policy may, within 14 days of receipt of notice of the decision, apply to the Chair of the Speciality Orthopaedic Training Board (SOTB) to have the decision reviewed by the NZOA Council.
- 8.2. All applications for review are to be made in writing and accompanied by all relevant information or grounds upon which the Appellant seeks to rely in respect of the review.
- 8.3. A fee will be payable to NZOA on application, if successful consideration will be given to refunding part or all of the fee paid.
- 8.4. The affected Appellant will bear the onus of proof to establish the grounds of the review application.
- 8.5. The affected Appellant may request a copy of the written reasons for the reconsideration decision. If such a request is made, written reasons are to be provided within 14 days of receipt of the affected Appellant's request.
- 8.6. An independent review panel will be established by the Review Authority. The Review Panel will be made up of at least three (3) Fellows of the Association and will convene to review the original decision and material associated with that decision. The Secretary of the SOTB will provide administrative and procedural assistance.
- 8.7. The Review Panel will only consider material as initially submitted by the affected Appellant i.e. the information on which the original decision was based.
- 8.8. The review will be conducted with as little formality as possible, but otherwise shall have full power to regulate its conduct and operation.
- 8.9. The review of the decision must be undertaken in accordance with the rules of natural justice and each reconsideration will be reviewed on its merits.
- 8.10. Minutes of the meeting shall only record the Review Panel's decision, the reasons for the decision, and any recommendations made.
- 8.11. The Board may delegate its powers and duties in respect of any review as it determines.