



Optometry Council of
Australia and New Zealand

BOARD POLICY

PROGRAM ACCREDITATION APPEALS – MERITS REVIEW OF OCANZ ACCREDITATION DECISIONS

Scope

This policy applies to education providers of accredited optometry programs of study and programs that have applied for accreditation. The purpose of this document is to outline the process for requesting a merits review of a program accreditation decision made by the Optometry Council of Australia and New Zealand (OCANZ).

Introduction

OCANZ reports to the National Boards, namely the Optometry Board of Australia (OptomBA) in Australia and the Optometrists and Dispensing Opticians Board of New Zealand Te Poari o ngā Kaimātai Whatu me ngā Kaiwhakarato Mōhiti (ODOB) in New Zealand, on accreditation decisions and any complaints, reviews and appeals made under this policy.

This document has been prepared in accordance with the Australian Health Practitioner Regulation Agency (Ahpra) *Management of complaints relating to accreditation functions under the National Law* guidance document. It has also been prepared in accordance with the Ahpra *Quality Framework for the Accreditation Function* guidance document (Quality Framework) which requires accreditation authorities such as OCANZ to have published review and appeals processes which are rigorous, fair and responsive.

Following assessment for initial accreditation or re-accreditation of a program of study, OCANZ provides notice of its recommendations and decisions through a written accreditation report. Prior to submitting the accreditation report to the OCANZ Accreditation Committee and OCANZ Board, OCANZ provides education providers with the draft report, and invites them to correct errors of fact should they be present. While it is not anticipated that a dispute may arise over the fact, leading to a disputed decision, at times an education provider may seek a review of recommendations and decisions made by OCANZ regarding the accreditation of an optometry program of study.

Accreditation appeals

The education provider may seek review of some or all recommendations and decisions concerning accreditation within 30 days of receipt of the final written accreditation report approved. Applications received outside of this timeframe will be considered at OCANZ's discretion if exceptional circumstances exist. OCANZ observes a 3-stage merits review process for managing accreditation decision appeals. In most instances, queries or concerns about an accreditation decision by OCANZ may be informally resolved as an internal reconsideration by discussing the matter with the OCANZ Accreditation Manager or OCANZ Chief Executive Officer. This is considered a Stage 1 review.

Where matters cannot be resolved informally, or where conflicts of interest are identified, the appeal will be escalated to a formal review. Formal reviews may consist of an internal (Stage 2), or external review (Stage 3).

The grounds for requesting a formal review are, on the basis of the available evidence,

- that there was a breach of the process leading to that decision such that the process was procedurally unfair
- an error in law or in due process in the formulation of the original decision
- relevant and significant information, whether available at the time of the original decision or which became available subsequently, was not considered or not properly considered in making the original decision
- irrelevant information was considered in the making of the original decision
- the original decision was made in accordance with a rule or policy without regard to the merits of the particular case, or
- the original decision was clearly inconsistent with the evidence provided to the assessment team.

OCANZ accepts applications for appeals via the following channels:

1. Send an email to the Chief Executive Officer at CEO@ocanz.org
2. Phone OCANZ on +61 03 9670 3173
3. Write to OCANZ at CEO, Optometry Council of Australia and New Zealand, PO Box 16179, Collins St West, Victoria, 8007, Australia
4. Complete the 'Appeals application form' on the OCANZ website.

Process

The processes for merits reviews are outlined below.

Stage 1: Informal review

An informal review is the most accessible, efficient, cost neutral method of resolving any potential disputes.

Informal review requests of an accreditation decision must be submitted to OCANZ in writing (CEO@ocanz.org) and should include a statement of the issues to be reviewed and the desired outcome. The OCANZ Chief Executive Officer will manage the appeal in line with the rules of natural justice and procedural fairness.

Following receipt of the application for review, the CEO will:

- Respond to the applicant, accepting and acknowledging the applicant's submission within five working days of receipt
- Log application in an internal register
- Endeavour to complete a review within 90 days of receiving an accreditation appeal request
- Identify whether there are sensitivities that may necessitate escalation
- Seek to understand the nature of the applicant's concerns and desired outcome.

Potential outcomes may include:

- Explaining which factors and information were considered when reaching the decision
- Agreeing to consider new information provided by the applicant
- Agreeing to reconsider the decision, or an aspect of the decision
- Escalation of the appeal.

OCANZ acknowledges that at times, informal consideration may not be possible or appropriate. In these cases, appeals of accreditation decisions will be escalated as appropriate.

Stage 2: Formal internal review

Appeals of accreditation decisions that could not be resolved at stage 1 will be escalated to a formal internal review. The Chief Executive Officer will establish a Review Panel to conduct a review of an accreditation decision in agreement with the provider, where possible. The Review Panel will comprise up to three (3) members and must include at least one optometrist with experience of OCANZ accreditation processes and one person from another health profession with significant experience in accreditation. The members of the Review Panel must not have been involved in the accreditation of the program that is the subject of the review. Each member will be asked to sign a confidentiality agreement and declare potential conflicts of interest as per usual assessment team appointments.

The Review Panel will review the provider's accreditation submission, along with relevant reports and documentation. It will be empowered with the discretion to request additional information from and/or interview OCANZ and education provider representatives and other relevant people, and to inspect facilities, where it concludes that such actions are necessary for it to make an informed judgment.

A report prepared by the Review Panel will be provided to both the education provider and OCANZ. The provider will be given the opportunity to respond to any issues raised in the report, before the OCANZ Board decides on the program accreditation status and/or conditions which are not then subject to further review.

OCANZ will endeavour to complete a review within 90 days of receiving an accreditation appeal request.

Stage 3: Formal external review

Appeals of accreditation decisions that could not be resolved at Stage 2 will be escalated to an independent external review panel. The Chief Executive Officer will establish an Independent Review Panel to conduct a review of the original accreditation decision and internal review. The Independent Review Panel will be selected from an internal register of professionals with extensive experience and expertise in higher education accreditation with limited previous association with OCANZ. The panel will comprise up to three (3) accreditation experts external to OCANZ, usually including one person from another health profession with accreditation expertise and one optometrist.

The Independent Review Panel will review the provider's accreditation submission, along with relevant reports and documentation submitted by the provider and/or requested or written by the Stage 2 internal OCANZ Review Panel. It will be empowered with the discretion to request additional information from and/or interview OCANZ and education provider representatives and other relevant people, and to inspect facilities, where it concludes that such actions are necessary for it to make an informed judgment.

A report prepared by the Independent Review Panel will be provided to both the education provider and OCANZ. The provider will be given the opportunity to respond to any issues raised in the report, before the OCANZ Board decides on the program accreditation status and/or conditions which are not then subject to further review.

OCANZ will endeavour to complete a review within 90 days of receiving an accreditation appeal request of the Stage 2 decision.

Fees

Applications for review must be accompanied with payment of an appeal fee set by OCANZ to recover the costs of the review. Fees may be refunded in full if the merits review is successful.

Refunds will be applied at OCANZ's discretion, and OCANZ may not provide a full or partial refund in exceptional circumstances.

Timelines

Timelines are dependent on the nature of the appeal and will be influenced by the type of information needed, if applicable, the time it takes the provider to respond and the meeting schedule of relevant stakeholders.

Response

OCANZ will update the applicant on its merits review processes, and applicants will be provided with written notice of the decision and reason/s for the decision at the conclusion of each stage of the merits review process, as applicable. Decisions made by Stage 2 and 3 reviewers will be outlined in their formal report.

Roles and responsibilities

Applicant

The role of the applicant is to:

- Attempt to resolve concerns directly with OCANZ wherever possible
- Maintain confidentiality
- Provide as much supporting detail and document as possible when submitting an appeal, and
- Participate in the review process, as required.

OCANZ staff

OCANZ staff are required to:

- Act in accordance with OCANZ policies and values
- Ensure privacy and confidentiality are maintained
- Observe the principles of natural justice and procedural fairness in assessing and investigating the appeal
- Communicate with the applicant in a timely manner, as appropriate
- Additionally, the CEO will make decisions in line with this policy and determine actions in accordance with National Law, as a result of their deliberations.

Merits review decision-makers

Merits review decision-makers are required to:

- Act in accordance with OCANZ policies and values
- Ensure privacy and confidentiality are maintained
- Consider all relevant and significant information
- Observe the principles of natural justice and procedural fairness in assessing and investigating the appeal
- Make decisions in line with this policy and determine outcomes in accordance with National Law, as a result of deliberations
- Submit a report outlining the outcome of the review.

The merits review decision-makers are empowered to decide whether to affirm, vary or set aside the decision under review and make a new decision.

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