

Terms of reference

Independent review of the procedural aspects of accreditation processes

Purpose

Accreditation is an important element of the National Registration and Accreditation Scheme (the National Scheme). It ensures individuals seeking registration as a health practitioner have the knowledge, skills and professional attributes necessary to safely and competently practise their profession in Australia.

In early 2020, Health Ministers agreed that an independent review should be undertaken into the procedural aspects of accreditation processes. This followed recommendations made by Professor Michael Woods in his review of accreditation systems (see further background information in Attachment 1).

This independent review will primarily consider the quality of the existing complaint and appeal processes of entities performing accreditation functions within the National Scheme. The review will also generally consider the fairness and transparency of accreditation processes because any deficiencies in these processes have the potential to result in high numbers of complaints being made.

The aim of the project is to assist accreditation entities to prepare for a forthcoming amendment to the Health Practitioner Regulation National Law Regulation that will allow the National Health Practitioner Ombudsman to accept complaints about the administrative actions of accreditation entities. The COAG Health Council agreed to this amendment in principle on 12 February 2020. The Ombudsman will work with accreditation entities to assist them with improved processes and make recommendations to ensure complaint-handling and accreditation processes reflect best practice and are accountable, fair and transparent.

Scope

This review will consider the quality of current complaint and appeal processes of entities performing accreditation functions under the Health Practitioner Regulation National Law (the National Law). This review will also consider the fairness and transparency of the procedural aspects of accreditation processes in general.

Accreditation functions

The National Law defines accreditation functions as:

- developing accreditation standards for approval by a National Health Practitioner Board (a National Board)

- assessing programs of study, and the education providers that provide the programs of study, to determine whether the programs meet approved accreditation standards
- assessing authorities in other countries who conduct examinations for registration in a health profession, or accredit programs of study relevant to registration in a health profession, to decide whether persons who successfully complete the examinations or programs of study conducted or accredited by the authorities have the knowledge, clinical skills and professional attributes necessary to practise the profession in Australia
- overseeing the assessment of the knowledge, clinical skills and professional attributes of overseas qualified health practitioners who are seeking registration in a health profession under the National Law and whose qualifications are not approved qualifications for the health profession
- making recommendations and giving advice to a National Board about any of the matters above.

Entities performing accreditation functions

The National Law provides that there are two types of entities that can exercise accreditation functions: external accreditation entities and committees established by the National Boards. Some accreditation entities have arrangements with other organisations to perform certain aspects of their accreditation functions.

A summary of the entities exercising accreditation functions for each regulated health professions is provided in Attachment 2.

This review will prioritise considering the complaint-handling and accreditation processes of specialist medical colleges because these were highlighted as areas of focus by Health Ministers.

Out of scope aspects of accreditation

The following aspects of accreditation are out of the scope of this review:

- the activities of the entities outlined in Attachment 2 that are not accreditation functions as defined by the National Law, including:
 - the accreditation of intern training accreditation authorities
 - the accreditation of intern training programs
 - the accreditation of pre-employment structured clinical interview providers
 - the accreditation of workplace-based assessment providers
- the activities of other regulatory organisations with roles related to higher education providers or the education of international students, such as the Tertiary Education Quality and Standards Agency (TEQSA) and the Australian Standards and Quality Authority (ASQA).

Key considerations

This review will assess the internal complaint and appeal mechanisms of accreditation entities to ensure dissatisfaction with the actions or decisions of accreditation entities is handled appropriately. This assessment will include consideration of the:

- Australian Standard AS/NZS Guidelines for complaint management in organisations (10002:2014)
- Commonwealth Ombudsman's Better practice guide to complaint handling.

Consideration will also be given to whether the processes followed by entities performing accreditation functions under the National Law are:

- aligned with the principle of procedural fairness
- transparent and easily understood
- applied consistently and fairly.

Governance

The review will be undertaken by Richelle McCausland, in her capacity as the National Health Practitioner Ombudsman (the Ombudsman). She will be assisted by staff from the office of the National Health Practitioner Ombudsman (the NHPO).

The Ombudsman will provide regular progress updates to the Australian Health Ministers' Advisory Council (AHMAC) or its successor body, via the New South Wales Ministry of Health.

At the completion of the review, a written report will be provided to AHMAC.

Methodology

The independent review will, as relevant, consider:

- information provided by entities exercising accreditation functions about their current policies and procedures when handling complaints and performing other accreditation functions
- submissions from, and consultations with, other bodies involved in accreditation such as the National Boards, Ahpra, Ahpra's Agency Management Committee, the Accreditation Liaison Group and the Health Professions' Accreditation Collaborative Forum
- documentation regarding the roles and responsibilities of accreditation entities, such as accreditation agreements between Ahpra and accreditation entities, the quality framework developed for the accreditation function, and the good practice guidelines issued by the National Boards in relation to complaint handling and accreditation processes
- the reports and outcomes of recent relevant reviews, including for example, the external review of the specialist medical colleges' performance conducted by Deloitte in 2017
- applicable complaint handling standards and guides
- submissions from, and consultations with, any interested organisations and members of the community.

The review will commence in December 2020.

The review will consist of three key stages. Stage one will focus on specialist medical colleges and the Australian Medical Council. The focus of the review will broaden in stage two to consider all other entities exercising accreditation functions. Stage three will involve preparing and finalising the written report of the review (see Table 1).

The written report will be provided to AHMAC by December 2021.

Table 1: Key review milestones

Milestone	Date
Preliminary research and information gathering	December 2020

Commence review	January 2021
Stage 1 of review	February 2021 to May 2021
Stage 2 of review	June 2021 to September 2021
Stage 3 of review	October 2021 to December 2021

Attachment 1: Background

National Registration and Accreditation Scheme

The National Registration and Accreditation Scheme (the National Scheme) for health practitioners was established in July 2010 through enactment of the Health Practitioner Regulation National Law in each state and territory of Australia (the National Law).

The objectives of the National Scheme, as set out in section 3 of the National Law, are to:

- provide for the protection of the public by ensuring only health practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered
- facilitate workforce mobility across Australia by reducing the administrative burden for health practitioners wishing to move between participating jurisdictions or to practise in more than one participating jurisdiction
- facilitate the provision of high-quality education and training of health practitioners
- facilitate the rigorous and responsive assessment of overseas-trained health practitioners
- facilitate access to services provided by health practitioners in accordance with the public interest
- enable the continuous development of a flexible, responsive and sustainable Australian health workforce and enabling innovation in the education of, and service delivery by, health practitioners.

The Australian Health Practitioner Regulation Agency (Ahpra) and the National Health Practitioner Boards (National Boards) are responsible for administering the National Scheme.

The National Health Practitioner Ombudsman (NHPO) is an independent statutory entity also established by the National Law. The NHPO accepts complaints, and where appropriate conduct investigations, into the administrative actions of Ahpra and the National Boards. The NHPO (acting as the National Health Practitioner Privacy Commissioner) can also investigate acts or practices of Ahpra and the National Boards in relation to interferences with the privacy of an individual or a breach of the Australian Privacy Principles. The NHPO performs some freedom of information (FOI) functions and can review the merits of FOI decisions made by Ahpra and the National Boards. To date, the NHPO has not had the power to play a significant role in relation to the oversight of accreditation authorities.

Accreditation functions under the National Law

Accreditation is an important aspect of the National Scheme because it ensures individuals seeking registration as a health practitioner have the knowledge, skills and professional attributes necessary to safely and competently practise their profession in Australia.

What are accreditation functions?

Section 42 of the National Law defines 'accreditation functions' as:

- developing accreditation standards for approval by a National Board
- assessing programs of study, and the education providers that provide the programs of study, to determine whether the programs meet approved accreditation standards
- assessing authorities in other countries who conduct examinations for registration in a health profession, or accredit programs of study relevant to registration in a health profession, to decide whether persons who successfully complete the examinations or programs of study conducted or

accredited by the authorities have the knowledge, clinical skills and professional attributes necessary to practise the profession in Australia

- overseeing the assessment of the knowledge, clinical skills and professional attributes of overseas qualified health practitioners who are seeking registration in a health profession under the National Law and whose qualifications are not approved qualifications for the health profession
- making recommendations and giving advice to a National Board about any of the matters above.

Who is responsible for undertaking accreditation functions?

There are two types of accreditation entities who can exercise accreditation functions: external accreditation entities and committees established by the National Boards. In cases of external accreditation entities, the entity works with the relevant National Board to deliver specified accreditation functions under a formal agreement with Ahpra on the Board's behalf. If the accreditation function is performed by a committee established by the National Board, the committee works with the National Board according to the committee's terms of reference.

There are 10 external accreditation entities and five accreditation committees exercising accreditation functions. Some accreditation authorities have arrangements with other entities, such as specialist medical colleges, to perform certain accreditation functions. This can include accrediting training sites and assessing qualifications of overseas-trained practitioners.

A summary of the entities performing accreditation functions for each health profession is included in Attachment 2.

What are the review and appeal processes in relation to accreditation functions?

There are no formal administrative review or appeals processes under the National Law in relation to actions taken by accreditation authorities. Unlike in relation to the NHPO's oversight of the administrative actions of Ahpra and the National Boards, there has been no independent oversight of accreditation entities.

In general, accreditation authorities have internal review processes, but the nature of these processes is varied.

Reviews relating to accreditation functions under the National Law

In 2014, the Australian Health Workforce Ministerial Council (AHWMC) commissioned an independent review of the National Scheme (the NRAS Review). The NRAS Review report made several recommendations that were specific to accreditation. Health Ministers accepted these recommendations in principle but reported concerns about the high cost, lack of scrutiny, duplication and prescriptive approach to accreditation functions highlighted in the report. These concerns resulted in the Australian Health Ministers' Advisory Council (AHMAC) commissioning a more detailed review of accreditation functions.

Between 2016 and 2017, Professor Michael Woods undertook an independent review of the accreditation systems within the National Scheme (the Accreditation Systems Review). The Accreditation Systems Review examined options for the reform of accreditation systems and structures and made recommendations relevant to overall policy directions for Australia's health workforce. In October 2018, the Accreditation Systems Review report was published, making 32 recommendations.

Of note in this context, Recommendations 29 and 30 sought to address the issue that accreditation entities make decisions that can have major effects on institutions and health practitioner registrants, but there is

no right of appeal from these decisions other than to seek judicial review through the courts, a course of action which is expensive, time consuming, and beyond the reach of most individuals. Although accreditation authorities have internal appeal procedures, it was noted that there were variations regarding transparency and efficacy. It was recommended that:

- accreditation entities and their functions should be subject to the same requirements as all other decision-making entities specified under the Health Practitioner Regulation National Law Regulation 2018. These encompass privacy, FOI and the role of the NHPO in reviewing administrative actions relating to:
 - (a) health profession accreditation bodies in relation to programs of study and education providers of those programs
 - (b) postgraduate medical councils and specialist colleges in relation to the accreditation of training posts/sites
 - (c) any designated entity undertaking an assessment of the qualifications of an overseas trained practitioner (including specialist colleges)
- the NHPO should review the grievances and appeals processes of the above entities, with the view to making recommendations for improvement by each entity where it considers the processes to be deficient.

Following further analysis of the recommendations, Health Ministers responded to the Accreditation Systems Review report. Health Ministers accepted the recommendations made in relation to the expanded role of the NHPO in relation to accreditation entities (with the exception of the FOI role). In general, the NHPO's jurisdiction will be clarified to extend to all accreditation authorities, including accreditation committees established by National Boards and external accreditation entities, where they are exercising accreditation functions under the National Law. The NHPO's jurisdiction will also encompass specialist medical colleges and other entities to the extent that they perform accreditation functions on behalf of an accreditation authority.

Further, Health Ministers agreed that the review of the grievance and appeals processes to be conducted by the NHPO should be extended to include a review of the procedural aspects of accreditation processes to ensure fairness and transparency. It was highlighted that this review should be a priority in relation to specialist medical colleges.

The review of the procedural aspects of accreditation processes is intended to set a strong foundation before the NHPO begins accepting complaints about accreditation authorities.

Attachment 2: Entities performing accreditation functions

The table below summaries the entities exercising accreditation functions in relation to each regulated health profession.

Profession	National Board	Entities performing accreditation functions	Functions undertaken under the National Law
Aboriginal and Torres Strait Islander Health Practice	Aboriginal and Torres Strait Islander Health Practice Board of Australia	Aboriginal and Torres Strait Islander Health Practice Accreditation Committee	Development and review of accreditation standards Assessing programs of study and education providers against the standards Providing advice to board on accreditation functions
Chinese Medicine	Chinese Medicine Board of Australia	Chinese Medicine Accreditation Committee	Development and review of accreditation standards Assessing programs of study and education providers against the standards Providing advice to board on accreditation functions
Chiropractic Board	Chiropractic Board of Australia	Council on Chiropractic Education Australasia	Development and review of accreditation standards Assessing programs of study and education providers against the standards Assessing overseas assessing authorities Assessing overseas qualified practitioners Providing advice to board on accreditation functions
Dental	Dental Board of Australia	Australian Dental Council	Development and review of accreditation standards Assessing programs of study and education providers against the standards Assessing overseas qualified practitioners Providing advice to board on accreditation functions
Medical	Medical Board of Australia	Australian Medical Council	Development and review of accreditation standards

			<p>Assessing programs of study and education providers against the standards</p> <p>Assessing overseas assessing authorities</p> <p>Assessing overseas qualified practitioners</p> <p>Providing advice to board on accreditation functions</p>
		Australasian College for Emergency Medicine	Assessing overseas qualified practitioners
		Australasian College of Dermatologists	Assessing overseas qualified practitioners
		Australasian College of Sport and Exercise Physicians	Assessing overseas qualified practitioners
		Australian and New Zealand College of Anaesthetists	Assessing overseas qualified practitioners
		Australian College of Rural and Remote Medicine	Assessing overseas qualified practitioners
		College of Intensive Care Medicine of Australia and New Zealand	Assessing overseas qualified practitioners
		Royal Australasian College of Dental Surgeons	Assessing overseas qualified practitioners
		Royal Australasian College of Medical Administrators	Assessing overseas qualified practitioners
		Royal Australasian College of Physicians	Assessing overseas qualified practitioners
		Royal Australasian College of Surgeons	Assessing overseas qualified practitioners
		Royal Australian and New Zealand College of Obstetricians and Gynaecologists	Assessing overseas qualified practitioners

		Royal Australian and New Zealand College of Ophthalmologists	Assessing overseas qualified practitioners
		Royal Australian and New Zealand College of Psychiatrists	Assessing overseas qualified practitioners
		Royal Australian and New Zealand College of Radiologists	Assessing overseas qualified practitioners
		Royal Australian College of General Practitioners	Assessing overseas qualified practitioners
		Royal College of Pathologists of Australasia	Assessing overseas qualified practitioners
Medical Radiation Practice	Medical Radiation Practice Board of Australia	Medical Radiation Practice Accreditation Committee	Development and review of accreditation standards Assessing programs of study and education providers against the standards Providing advice to board on accreditation functions
Nursing and Midwifery	Nursing and Midwifery Board of Australia	Australian Nursing and Midwifery Accreditation Council	Development and review of accreditation standards Assessing programs of study and education providers against the standards Providing advice to board on accreditation functions
Occupational Therapy	Occupational Therapy Board of Australia	Occupational Therapy Council of Australia Ltd	Development and review of accreditation standards Assessing programs of study and education providers against the standards Assessing overseas qualified practitioners Providing advice to board on accreditation functions
Optometry	Optometry Board of Australia	Optometry Council of Australia and New Zealand	Development and review of accreditation standards Assessing programs of study and education providers against the standards

			<p>Assessing overseas qualified practitioners</p> <p>Providing advice to board on accreditation functions</p>
Osteopathy	Osteopathy Board of Australia	Australasian Osteopathic Accreditation Council	<p>Development and review of accreditation standards</p> <p>Assessing programs of study and education providers against the standards</p> <p>Assessing overseas assessing authorities</p> <p>Assessing overseas qualified practitioners</p> <p>Providing advice to board on accreditation functions</p>
Paramedicine	Paramedicine Board of Australia	Paramedicine Accreditation Committee	<p>Development and review of accreditation standards</p> <p>Assessing programs of study and education providers against the standards</p> <p>Providing advice to board on accreditation functions</p>
Pharmacy	Pharmacy Board of Australia	Australian Pharmacy Council	<p>Development and review of accreditation standards</p> <p>Assessing programs of study and education providers against the standards</p> <p>Assessing overseas assessing authorities</p> <p>Assessing overseas qualified practitioners</p> <p>Providing advice to board on accreditation functions</p>
Physiotherapy	Physiotherapy Board of Australia	Australian Physiotherapy Council	<p>Development and review of accreditation standards</p> <p>Assessing programs of study and education providers against the standards</p> <p>Assessing overseas qualified practitioners</p> <p>Providing advice to board on accreditation functions</p>

Podiatry	Podiatry Board of Australia	Podiatry Accreditation Committee	<p>Development and review of accreditation standards</p> <p>Assessing programs of study and education providers against the standards</p> <p>Providing advice to board on accreditation functions</p>
Psychology	Psychology Board of Australia	Australian Psychology Accreditation Council	<p>Development and review of accreditation standards</p> <p>Assessing programs of study and education providers against the standards</p> <p>Providing advice to board on accreditation functions</p>