

ACAM Procedural Fairness Policy

**POLICY NUMBER/
REFERENCE:** 13-250723

POLICY TITLE: ACAM Procedural Fairness Policy

POLICY STATEMENT:

ACAM CPD Home membership is available to non-exempt medical practitioners in Australia at www.acam.org.au. It is not limited to members and fellows of ACAM but is open to those whose academic and clinical practice are aligned with the Australasian College of Aesthetic Medicine.

Objective

To provide subscribers assurance that, subject to the requirements of the ACAM CPD Home Program and the Standard, decisions which may affect recognition of their compliance with CPD requirements will be made fairly and objectively, free from bias or discrimination and, having regard to any exceptional circumstances, applied consistently.

DEFINITIONS:

Background

ACAM CPD Home is committed to exercising procedural fairness in its decision making, particularly when there is direct impact to subscribers. ACAM want our subscribers to feel they have been treated fairly, consistently, and objectively. Wherever possible, subject to obligations of privacy and confidentiality, when advising of a decision to which this policy applies, ACAM will endeavour to explain the reasoning behind our decision.

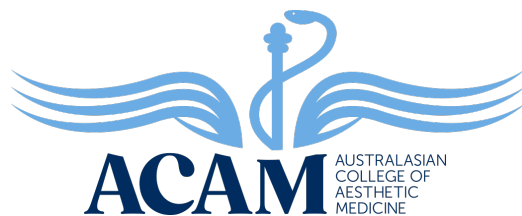
Purpose

The purpose of this policy is to provide some guidance for decision-makers about the sorts of things to be considered when making decisions that may impact negatively on a subscriber's rights or interests, including in relation to decisions about:

- recognising CPD activities;
- compliance with their CPD Home Program;
- compliance with the Medical Board of Australia (MBA) *Registration Standard: Continuing Professional Development* (the Standard);
- pertaining to a complaint, special consideration of exceptional circumstance;
- the granting or not of an exemption, variation or referral; and
- a reconsideration, review or appeal of a decision.

Scope

This policy applies to all subscribers, members of the Advisory Panel and representative of ACAM CPD Home and ACAM.



PROCEDURES:

Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. Procedural fairness requires the decision-maker when making decisions which affect the rights, obligation or legitimate expectations of subscribers to adopt procedures that are fair, appropriate and adapted to the circumstances of the matter requiring a decision. The decision-maker must:

- inform the subscriber, member or fellow of the matter on which a decision is to be made;
- give the subscriber, member or fellow an opportunity to respond to the matter;
- not be biased or seen to be biased; and
- take into account only relevant information, arguments or evidence, including that from an affected subscriber, member or fellow.

Decision makers shall undertake all reasonable enquires or investigations before making a decision. Any negative findings must be supported by facts or reliable and credible information. Only relevant factors are to be taken into account. Proper examination of all credible, relevant, and disputed issues is important. It is paramount that the identity of any confidential source of information pertaining to the decision to be made is protected. Decision makers shall ensure that a full record of the investigation and the outcome has been made.

Action

Inform

A subscriber must be provided with enough details of the matter affecting them to enable a response to be prepared, including:

- reasons for the matter affecting them or the case to be met;
- information or evidence on which the decision will be based;
- reasons why a decision is required;
- the nature of the decision to be made;
- the criteria on which the decision will be made; and
- likely outcomes the decision might give rise to.

Subsequent to the initial information provided to the subscriber, any additional information which could be relevant to a subscriber's response which comes to light it should also be provided. It is generally sufficient to provide a summary of the information pertaining to the matter in writing. Original documents do not have to be provided. Should they be, any material that would expose another individual to risk must be redacted.

Hear

A subscriber must be given a reasonable opportunity to be heard and to respond to any matter or decision to be made before a decision is made. This could include:

- making either an oral or written submission as appropriate to the circumstances
- giving evidence and calling witnesses (for example in a formal hearing)
- test persons in relation to any adverse information or material.



- The subscriber, member or fellow must be provided with sufficient notice of any decision to be made or hearing to be held. Where applicable, timeframes set out in relevant ACAM CPD Home policies must be followed. Otherwise, such notice as is reasonable in the circumstances must be given.
- ACAM CPD Home decision-makers should also consider whether there are any impediments or circumstances that might prevent or delay a subscriber's ability to respond to the matter at hand and make any appropriate allowances to ensure the consideration of a subscriber's submission or response.
- The subscriber, member or fellow may, with permission, bring a support person to any meeting or hearing on the matter at hand (see our Reconsider, Review and Appeals Policy).

Timeliness

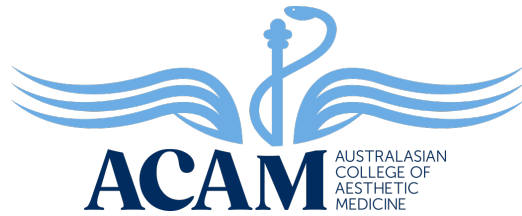
- The subscriber must be given reasonable and adequate notice to respond to any matter on which a decision is to be made that may impact negatively on the subscriber's rights or interests. What is 'reasonable and adequate' will depend on the circumstances.
- To facilitate the matter being dealt with in a timely manner a date for receipt of the response should be nominated. The respondent should be advised that the matter may be decided on in the absence of a response if there are no extenuating circumstances that would give rise to the granting of an extension of time.

Without Bias (Real or Perceived)

- The decision-maker must be impartial. They must not have a conflict of interest (direct or indirect), pertaining to the outcome of the decision to be made. They must be objective in their assessment of the matter and must act fairly and without any actual or apprehended bias.
- This includes ensuring that, from an onlooker's perspective, there is no reasonable perception of bias. For example, personal, financial, or family relationships, evidence of a closed mind or participation in another role in the decision-making process can all give rise to a reasonable perception of bias. If this is the case, the person concerned:
 - if an individual decision maker, should remove themselves from the process and ensure an independent person assumes the role; or
 - if the member of a decision-making entity, should identify their conflict of interest or bias to the Chair of the decision-making entity on which they sit, and adhere to whatever action the remaining members of the decision-making entity consider is appropriate (such as not participating in any discussion on the matter, and/or abstaining from any vote). Reference should be made to the ACAM CPD Home Conflict of Interest Policy.

Act only on relevant information or evidence

It is incumbent on decision-makers to give proper and genuine consideration to the merits of a subscriber's, members and fellows case before arriving at a decision. They must not take



into account facts or considerations unrelated to the matter at hand when making a decision. There must be facts or information to support all negative findings.

AMENDMENTS/REVIEW:

‘Review or Amended by the Management Committee (23 July 2023)’
‘Endorsed by Management Committee (31 July 2023)’

RELATED DOCUMENTS

1. CPD Home Reconsideration, Review and Appeal Policy
2. CPD Home Conflicts of Interest Policy
3. CPD Home Exceptional Circumstances and Specials Consideration Policy
4. Glossary of Terminology

REFERENCES:

File: ACAM Policy and Procedural Manual/Policy Manual Complete/Updated Policies/ACAM Procedural Fairness Policy 13-250723

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