

AREA OF NEED PROGRAM

APPEAL PROCESS

Overview

The Area of Need Program is one of a number of strategies to address workforce shortages, especially in rural areas. The program provides a mechanism for filling medical positions which are unable to attract fully registered medical practitioners through the usual recruitment processes.

The Area of Need Framework and Criteria for Eligibility for Area of Need Status sets out the Area of Need principles and the information required from applicants to determine eligibility. The NSW Department of Health is responsible for the assessment and determination of applications lodged under the Area of Need program. Applicant organisations are required to meet the three criteria outlined in the Framework and Criteria for Eligibility for Area of Need Status.

The Area of Need appeals process has been developed in consultation with members of the Area of Need Advisory Committee to review the decisions made by the Department of Health in those instances where applicant organisations do not agree with departmental decision.

Purpose of the appeals process

The appeal process is a re-assessment of the application. It is not only an exploration of whether due process was followed. The purpose of the appeal process is to provide:

- Integrity and equity in the decision-making process;
- Assurance that processes are fair, transparent, workable and reflect the underlying principles of the program;
- A mechanism to monitor the effectiveness of the procedures and ensure continuous improvement;
- Eliminate perceived bias against any applicant organisations; and
- Eliminate time consuming complaints that may arise from misunderstandings.

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1. Requests for appeals

- 1.1 Requests to seek re-assessment of an Area of Need position application must be submitted in writing within 28 days of notification of the Department's decision on the application. Requests must clearly state the grounds for appeal.
- 1.2 Requests for appeal will **not** be considered where the reason given by the NSW Department of Health for rejecting the application is one of the following:
- The application does not fully address all the criteria;
 - The grounds for appeal are not covered by the Area of Need principles;
 - The application refers to another person or organization other than the original Area of Need applicant organisation;
 - The application may be resolved in another way, for example, with the Commonwealth Department of Health and Ageing;
 - The grounds for appeal fall outside the Department's jurisdiction eg, Medicare Provider Number, immigration matter, etc.
 - The request appeal is made after 28 working days of notification of the Department's decision on the application.

2. Assessment of appeals requests

- 2.1 Requests will be referred to an Appeals Committee comprising of three members, including two representatives from any of the following organisations:
- An employer organisation (AHS, Private Practice);
 - An industrial body (eg AMA, ASMOF, RDA, CMO Association); and
 - A support organisation (eg, GP Division, RDN)

The third member will be a NSW Department of Health representative who will chair the Committee and who was not involved in the assessment or approval of the Area of Need application.

- 2.2 The Appeals Committee will conduct a paper-based assessment of application. Documentation provided will include:
- Original Area of Need application.
 - Department's decision stating the reason for declining the application.
 - Applicant organisation's written request to have the application re-assessed including the grounds for this request.
- 2.3 The Committee will be convened on 'as needed' basis through a telephone hook up once all Appeals Committee members have received the documentation.
- 2.4 Applicant organisations will be notified in writing of the outcome of the appeals process within 28 working days of the lodgment of the appeals request.