

Appeals Panel

Terms of Reference

1. About the panel

a. Purpose

The Appeals Panel provides an independent mechanism for the review, reconsideration and appeals arising from admissions, assessment, progression and credentialing decisions across Milestone 3 and Milestone 4 pathways of the Australian College of Physiotherapy. The Appeals Panel applies the principles of procedural fairness, consistency, transparency, cultural safety and defensibility, having regard to relevant College policies and standards.

The Panel operates independently from pathway governance, operational pathway delivery, assessment implementation and quality assurance activities to preserve the integrity and independence of the appeals process.

b. Authority and Delegations

- i. The Panel is established by College Council to undertake the functions and responsibilities set out in these Terms of Reference.
- ii. The Panel may request reports, records, documentation and other information reasonably required to determine appeals and fulfil its responsibilities.
- iii. The Panel determines appeals within its remit and reports appeal outcomes and activity to College Council.

c. Scope and responsibilities.

- i. Determine matters before the Panel in accordance with the College's Review, Reconsideration and Appeals Policy.
- ii. Receive and consider information, evidence, documentation and records relevant to matters before the Panel.
- iii. Request additional information, documentation or records relevant to matters before the Panel from decision-making bodies.
- iv. Determine outcomes in accordance with approved College policies and procedures.
- v. Develop, review and recommend to College Council policies, procedures and guidance relating to the Review, Reconsideration and Appeals Process across College admissions, assessment, progression and credentialing activities.
- vi. Provide a written report to College Council at each Council meeting on matters considered by the Panel and their outcomes.
- vii. Provide information regarding Panel activity and outcomes to the Quality Assurance Committee to support quality assurance, systematic monitoring and accreditation activities.
- viii. Escalate significant governance, procedural or policy risks arising from matters before the Panel to College Council.

2. Composition

- a. The Panel comprises a minimum of six (6) and a maximum of eleven (11) members appointed in accordance with the APA Committee and College Governance Regulations.

- b. Collectively, Panel members will possess expertise and experience relevant to the Panel's responsibilities, including governance, policy interpretation and application, appeals and review processes, procedural fairness and cultural safety.
- c. Panel members must be independent of matters under consideration and free from actual, potential or perceived conflicts of interest.
- d. Where specialised expertise is required to support the consideration of a matter before the Panel, the Panel may seek advice from subject matter experts or other individuals with relevant expertise. Such individuals are not members of the Panel and do not participate in determinations.
- e. To preserve the independence and impartiality of the Panel, members must not concurrently serve on the Training and Assessment Committee or any governance body reporting to the Training and Assessment Committee.
- f. Panel members should avoid concurrent membership of any other College governance bodies where such membership may give rise to an actual, potential or perceived conflict of interest in matters before the Panel.

3. Appointment and Terms

- a. Panel members are elected in accordance with the APA Committee and College Governance Regulations.
- b. Nominees must satisfy the eligibility requirements and selection criteria specified by College Council for the Panel, including any requirements relating to credentials, skills, expertise and experience.
- c. The Chair is appointed by College Council from among the Panel members.
- d. The Chair holds office for the duration of their term as a Panel member unless they resign, cease to be a member of the Panel, or College Council determines otherwise.
- e. Panel members are elected for a term of three (3) years commencing on 1 January of the year following their election.
- f. A member may serve a maximum of two (2) consecutive terms on the Panel.
- g. The Panel will elect a Deputy Chair from among its members. The Deputy Chair will support the Chair and act in the Chair's absence. The Deputy Chair holds office until they cease to be a member of the Panel or resign as Deputy Chair.
- h. A casual vacancy may be filled in accordance with the APA Committee and College Governance Regulations.
- i. Members may resign, cease to hold office, or be removed from office in accordance with the APA Committee and College Governance Regulations.

4. Conflicts and confidentiality

- a. Panel members must comply with the APA Conflict of Interest Policy and declare any actual, potential or perceived conflicts of interest.
- b. Conflicts of interest will be declared at the commencement of each meeting and recorded in the meeting minutes.
- c. A Panel member with an actual, potential or perceived conflict of interest, including involvement in the original decision, reconsideration process, or any matter giving rise to the appeal, must recuse themselves from the consideration and determination of the appeal.
- d. Panel members must maintain the confidentiality of appeal records, evidence, deliberations, decisions and any other information obtained through their role on the Panel. Such information must not be used for personal benefit or disclosed to any person except where authorised to do so or required by law.

- e. Panel members must comply with the Privacy Act 1988 (Cth) and any applicable APA policies and procedures relating to privacy, confidentiality and information management.

5. Quorum and voting

- a. Quorum is half of the appointed Panel members.
- b. Every Panel member is a voting member.
- c. On a show of hands, every voting Panel member present has one vote.
- d. Any matters requiring a decision will be determined by a simple majority of votes cast.
- e. If a matter is tied, the Chair will have a casting vote.

6. Reporting

- a. The Chair will provide a written report on the Panel's activities and any significant matters arising to College Council.
- b. The minutes of Panel meetings will be provided to College Council for information.

7. Secretariat and meetings

- a. The Panel will meet as required to fulfil its responsibilities.
- b. Secretariat support will be provided by the APA Education Team.
- c. The Secretariat will prepare meeting agendas, coordinate the distribution of meeting papers and maintain records of Panel meetings.
- d. Minutes of each meeting will be prepared and submitted to the Panel for approval.
- e. Panel papers should be circulated to members at least seven (7) days prior to a meeting, where practicable.
- f. The Panel will meet as required to fulfil its responsibilities and will hold at least one meeting each calendar year to review its performance, processes and these Terms of Reference.

8. Out-of-session Decisions

- a. The Panel may make decisions out of session where urgent matters arise between scheduled meetings.
- b. Any out-of-session decision must be supported by a majority of Panel members eligible to participate in the determination of the matter.
- c. Decisions made out of session will be recorded and included in the minutes of the next Panel meeting.

9. Reviews

- a. The Following its annual review, the Panel will provide any recommendations for improvements to Panel processes or amendments to these Terms of Reference to College Council.

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