



Third-Party Provider Panel Application Review Policy

1. INTERNAL REVIEW OF FNLRS DECISION

1.1 Review by the Board of FNLRS

1.1.1 The TPPP applicant may in writing seek a review of the decision contained in the Minute of Decision. The review will be conducted by the Board. The TPPP applicant must inform FNLRS in writing that it requires review of the decision within 30 days of the group being advised of the decision and the TPPP applicant must provide written particulars of the grounds for review.

1.1.2 In conducting the review, the Board may:

- (a) provide an opportunity for members of the assessment subcommittee and representatives of the affected TPPP applicant to be heard;
- (b) consider all documents considered when the original decision was made and any other relevant documents, provided that any other documents that are relied upon are provided to the TPPP applicant seeking the review with an opportunity to comment;
- (c) obtain independent legal or other professional advice.

1.1.3 The TPPP applicant will be notified of the decision of the Board and provided with a brief statement of reasons. They will also be notified of further review rights.

1.1.4 The Board can, at its sole discretion, refer the review to an independent reviewer for either a merits and/or process review. If so the TPPP applicant will be advised and provided with an outline of the process and timeframe.

1.2 Review of the Board's decision

1.2.1 The TPPP applicant may seek a review of the decision of the Board of FNLRS. The grounds on which a TPPP applicant may apply for review of the Board's decision are limited to the following:

- (a) that a breach of the rules of natural justice occurred in connection with the making of the decision or that the procedures adopted were otherwise unfair;
- (b) that procedures set out in the Third Party Provider Panel Assessment Committee (TPPPAC) terms of reference were not observed;
- (c) that the making of the decision was an improper exercise of power conferred upon the Board under the TPPPAC terms of reference.
- (d) that there was no evidence or other material to justify the making of the decision; or
- (e) that the decision was otherwise contrary to law or was subject to error that would entitle the TPPP applicant to judicial review of the decision.

1.2.2 The TPPP applicant must inform FNLRS in writing that it requires review of the decision within 30 days of the group being advised of the decision and the TPPP applicant must provide written

particulars of the grounds and written reasons why the group believes that the decision should be internally reviewed based on those grounds.

- 1.2.3 FNLRS will as soon as practicable forward a copy of the Minute of Decision, the Board's decision, and statement of reasons and all the material relating to the application which was before FNLRS to an independent external assessor (the "Assessor").

1.3 Review by Assessor

- 1.3.1 The Assessor shall review the decision to ascertain whether any of the grounds are made out or whether there is a real likelihood that one or more of the grounds could be made out if the matter were further investigated.

- 1.3.2 The Assessor will conduct their assessment within a reasonable time and will then provide a written report of his or her assessment to FNLRS. The Assessor's report shall state whether, in the Assessor's opinion:

- (a) any of the grounds have been made out; or
- (b) there is a real likelihood that one or more of the grounds could be made out if the making of the decision were further investigated.

- 1.3.3 The Assessor should set out brief reasons for their decision in the written report.

1.4 Consequences flowing from Assessor's decision

- 1.4.1 If the Assessor confirms that:

- (a) none of the grounds have been made out; or
- (b) none of the grounds would be likely to be made out if the making of the decision were further investigated,

then the decision will be deemed to be final.

- 1.4.2 If the Assessor decides that:

- (a) at least one of the grounds has been made out; or
- (b) there is a real likelihood that one or more of the grounds could be made out if the making of the decision were further investigated, the Assessor will remit the decision to FNLRS with recommendations to ensure that the decision is remade in accordance with the proper application of the TPPPAC terms of reference. Any subsequent determination by FNLRS will be final.

2. REVIEW OF APPOINTMENT TO TPPP

2.1 Right of FNLRS to Review

In order to ensure the integrity of the TPPP, FNLRS reserves the right to conduct a review of TPPP appointments at any time.

2.2 Procedure for review

- 2.2.1 In conducting such a review, FNLRS shall give written notice of its intention to conduct a review to the relevant TPPP member and shall invite the relevant TPPP member to make submissions in relation to the review. Any submissions must be provided to FNLRS within 30 days of provision of notice of the proposed review from FNLRS.
- 2.2.2 Having provided the relevant TPPP member with such notice and, where applicable, having reviewed the submissions, FNLRS may then conduct a review following which it may reach a decision that the TPPP member:
- (a) remain on the TPPP;
 - (b) remain on the TPPP subject to conditions; or
 - (c) be removed from the TPPP.
- 2.2.3 Any review conducted by FNLRS under this guideline should be carried out in the same manner in which new TPPP applications are assessed and determined under the TPPPAC terms of reference.