



ASSOCIATION OF HEALTH PROFESSIONS IN OPHTHALMOLOGY

APPEALS PROCEDURE OF THE EXAMINATIONS COMMITTEE

The Examinations Committee is committed to the provision of a good quality service to candidates. We recognise that sometimes we get things wrong and to deal with this we have a complaints and an appeals procedure. Any candidate who makes an appeal in good faith will not be disadvantaged in current or future examinations. Candidates should feel able to make an appeal, secure in the knowledge that it will be fairly investigated.

This document sets out the process required for all AHPO candidates wishing to appeal against an examination or assessment result. Contained within this document is the relevant information, which candidates should ensure they have fully read before submitting an appeal. You are strongly encouraged to discuss any matters leading you to consider appealing against a decision with your assessor or tutor before submitting a formal appeal.

The Secretary of the Examinations Committee will initially consider whether a candidate has brought his or her appeal within the grounds for appeal set out below. An appeal will not be considered where the Secretary of the Examinations Committee considers that the evidence provided does not constitute adequate grounds for appeal under AHPO's Regulations, and in such a case will notify the candidate of the reasons for this decision. It is therefore important that you read the possible grounds for appeal carefully and make sure that your appeal is based either of the two permissible grounds.

1.0 Grounds for Appeal

- 1.1 A candidate who has attempted AHPO Examinations or Assessments may, in the circumstances set out below, have the right of appeal against the result. The grounds for appeal are that:
 - i. there is evidence of a procedural irregularity in the conduct or content of the Examination or Assessment (including administrative error) which has adversely affected the candidate's performance
 - ii. there appears to be evidence of prejudice or of bias on the part of one or more of the examiners
- 1.2 Candidates who present themselves for the examination / assessment are deemed to be prepared for and capable of taking it. Appeals will not be accepted on the grounds that a candidate:
 - iii. considers his or her efforts were under-marked
 - iv. did not understand or was unaware of the Examination or Assessment Regulations
 - v. seeks to question academic or professional judgement

2.0 Outcomes of an Appeal

- 2.1 The outcomes of an appeal, which may be requested by a candidate are:
 - i. The examination attempt is discounted from the candidate's examination history
 - ii. A full or partial refund of the examination fee
 - iii. Only in cases where there is evidence of a procedural irregularity and where the candidate is deemed a borderline fail (that being within minus one standard error of measurement of the final pass mark) the examination result is amended from a fail

3.0 Exceptional Circumstances

- 3.1 Candidates unable to attend for an Examination or Assessment due to exceptional circumstances are advised to submit details to the Secretary of the Examinations Committee of AHPO before taking the Examination or Assessment, or immediately (i.e. within three working days) afterwards. Failure to do so will be noted should an appeal be submitted subsequently and may affect the outcome.
- 3.2 Candidates who become unwell during the course of an examination should notify the Senior Invigilator immediately and subsequently provide medical certification within three working days of taking the examination and not wait until after they receive their results.

4.0 Submitting an appeal – Stage One Process

- 4.1 A candidate wishing to appeal must submit this in writing within 28 days of issue of the examination result or awarding of the qualification. The representation should be typewritten and must include the full and detailed grounds of appeal and all of the documentary evidence (such as medical certification) that the candidate wishes to be considered, together with the requested outcome as per Regulation 2.1 above.
- 4.2 The written appeal and all documentation should be submitted via certified mail only to the Secretary of the Examinations Committee, AHPO, PO Box 598, Stockton on Tees, TS20 1WY. Any appeals received after 28 days will NOT be considered.
- 4.3 A fee of £250.00 must be received which will be refunded should the appeal be successful.
- 4.4 If the appeal meets the grounds for consideration of an appeal, the Secretary of the Examinations Committee will collate the relevant documentary evidence, which will include investigating bias or discrimination and checking that no administrative, procedural or computing errors have occurred, and that the declared result accurately reflects the judgement of the examiners. The Secretary will review all relevant documentation and may also ask for a report on the examination or assessment in question. The Secretary of the Examinations committee will then present all the collated information anonymously to the Chair of the Examinations Committee who will consider the appeal.
- 4.5 If it is considered by the Chair of the Examinations Committee that there is in fact no *prima facie* case, i.e. that the appeal request is outside the permitted grounds, frivolous or unsubstantiated, the candidate will be notified of this and informed that the appeal will not be heard and that the appeals procedure is at an end. If it is considered vexatious or malicious, or that the candidate has used false information, the appeal procedure will also be at an end but in this instance the candidate may be liable for action under the AHPO Examinations Misconduct Policy
- 4.6 If it is considered by the Chair of the Examinations Committee that there is a *prima facie* case in support of the appeal or where a procedural irregularity is found the Chair of the Examinations Committee may authorise a refund of the examination fee or waiver of the fee to re-sit the relevant component of the examination. Only in exceptional circumstances, where it is clear that a paper has been overlooked or marks incorrectly totalled, will a fail mark be converted to a pass. The Chair of the Examinations Committee will then make a recommendation to AHPO Council that the fail mark be converted to a pass.
- 4.7 Once the investigation has been completed, the Secretary of the Examinations Committee will send a written notification to the candidate with a decision on their appeal. The decision of the Chair of the Examinations Committee will be communicated to the candidate within 14 working days of receipt of the appeal.

5.0 Appeals Panel – Stage Two process

The Appeals Panel Stage of the process may only be invoked if the candidate has pursued the appeal through the stage one process as outlined above and remains dissatisfied with the outcome

- 5.1 The Appeal's Panel shall convene as soon as tractably possible or within 8 weeks of the candidate's written representation being received. The Appeal Panel will comprise of the following:
 - i. the Chair of the Examinations Committee, who will act as Chairman of the Appeal Panel
 - ii. an AHPO Trustee
 - iii. a member of the AHPO Panel of Examiners and Assessors
 - iv. a member of the AHPO Lay Advisory Group
- 5.2 The Secretary of the Examinations Committee will act as Secretary to the Appeal Panel and will attend the Panel as an observer.
- 5.3 The Panel will consider the appeal in the light of written evidence presented and will afford the candidate the opportunity of a hearing. The Chair of the Examinations Committee will agree the date of the hearing with the candidate.
- 5.4 No member of the Appeal Panel will have had any current or previous connection with the candidate or have been involved in assessing the candidate in the Examination or Assessment under appeal (or at least not the part of the Examination or Assessment which the appeal addresses).
- 5.5 In exceptional circumstances (for example, absence or illness), the Chair of the Examinations Committee may nominate a representative or Deputy to replace him/her on the Appeal Panel.
- 5.6 The candidate will be invited to present his or her case in person to the Appeal Panel. The candidate will be entitled to be accompanied by a friend. The friend may advise and counsel the candidate but will not be allowed to make statements or take any part in the proceedings.
- 5.7 The Appeal Panel may request from the candidate corroborative evidence not already supplied, such as previous examination performance, the candidate's portfolio and supporting evidence from trainers, mentors or assessors. This must be submitted to the Panel prior to the hearing. The Panel may also seek evidence from any other person, such as those concerned with the Examination or Assessment under appeal, and may summon any person to give evidence at the hearing. Members of the Panel and the candidate may question any person before it.
- 5.8 If the appeal is rejected, the Secretary to the Appeal Panel will inform the candidate of the reasons for the Panel's decision and this will be the end of the appeal process regardless of whether there are further circumstances subsequently cited by the candidate.
- 5.9 If the Appeal Panel upholds an appeal for outcomes requested under Regulations 2.1 (i) or (ii) the Appeal Panel's decision will be notified to the candidate by the Secretary to the Appeal Panel.
- 5.10 If the Appeal Panel upholds an appeal for a change in the result under Regulation 2.1 (iii) the case will be referred, with a report from the Appeal Panel, for a final decision by the AHPO Council. In order to do so the Panel must be satisfied that, had the candidate been able to complete the examination or assessment in the normal way, he/she would have passed it.
- 5.11 The candidate will normally be informed of the decision regarding an appeal within 28 days of the hearing. The candidate will be informed if any delay is likely to occur.

- 5.12 Any question arising in connection with the conduct of an appeal shall be determined fully and finally by the Chairman of the Appeal Panel, who may take whatever steps he/she considers necessary to ensure that the appeal is handled fairly and efficiently.

4.0 Referral to AHPO Council

- 4.1 The authority to change any Examination or Assessment result rests entirely with AHPO Council.
- 4.2 Where the Chair of the Examinations Committee or the Appeals Panel recommends that a candidate's result be altered (under Regulation 2.1 iii above) AHPO Council will consider the recommendations and agree by a majority whether it should be accepted on the grounds that, had the candidate been able to complete the Examination or Assessment in the normal way, he/she would have passed it. The details of the appeal will be presented to the AHPO Council anonymously, excluding the details of the candidate involved.
- 4.3 The decision of AHPO Council shall be final and will be communicated to the candidate by the Secretary to the Appeal Panel within 28 days.
- 4.4 This will be the end of the appeal process regardless of whether there are further circumstances cited subsequently by the candidate.

5.0 Complaints Procedure

- 5.1 Candidates wishing to contest the administration of the appeals process should refer to the AHPO Complaints Procedure.