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## **APEAS APPEALS PROCEDURE**

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### **1. Introduction**

The decision of the examiners, as confirmed by the Examination Committee, shall be final and no appeal will be accepted or considered in relation to grades or decisions of examiners and their professional judgement of the candidate's submissions and responses to questions at the oral examination.

Appeals against the examiner's decisions may be lodged only on the following procedural or medical grounds:

- a. that there is relevant information that for good and proper reason was not, or could not then be, made available to the Examination Committee at the time when they reached their decision on a particular candidate
- b. that the conduct of the examination was not in accordance with Regulations of the Part 3 Examination in Professional Practice and Management as operated by APEAS
- c. that there was evidence of medical circumstances which materially affected submissions and/or performance in relation to the Examination in Professional Practice and Management which should be/could have been considered by the examiners

### **2. Appeals Process**

Any candidate who wishes to lodge an appeal should submit it in writing to the CEO stating clearly the grounds for the appeal. Appeals will not normally be considered when they are lodged more than three months after the meeting of the Examination Committee following on directly after the Oral Examinations.

The CEO will confer with the Convenor of the Examination Committee and the Senior Examiner of the Practice Examiners Committee to ensure that the appeal is competent in terms of statements a, b, and c in Section 1. Where the appeal is deemed to be competent the appeal will proceed to the next stage, namely the Appeals Committee. The CEO will write to the candidate, within 28-days of receiving the written appeal, confirming the date, time and conditions under which the Appeals Committee will operate. Where the appeal is deemed not to be competent the CEO will write to the candidate, within 28-days of receiving the written appeal, clearly stating the reason (s) the appeal is deemed not to be competent.

Where an Appeals Committee meeting is to be held this will normally take place within eight weeks of receiving the written appeal.

The Appeals Committee will consist of:

- the Convenor of the Examinations Committee (who will act as chair)
- the Senior Examiner of the Practice Examiners Committee
- a lay member of the APEAS Board
- the Chief Executive Officer of APEAS (acting as Secretary)

The Convenor of the Examination Committee or Senior Examiner will not be able to sit on the Appeals Committee where they have examined the appellant. Under these circumstances their place will be taken by another member of the APEAS Board.

The appellant will have the right to appear in person at the Appeals Committee accompanied by a person of his or her choosing. The appellant will be able to present any additional information in support of his or her appeal. Members of the Appeals Committee may wish to question the candidate with regard to any points of clarification they have concerning the appeal.

The Appeals Committee has the authority to make the following decisions:

- (1) uphold the appeal in which case a suitable remedy (see section 3) would be applied
- (2) dismiss the appeal
- (3) adjourn the appeal to gather more information

In regard to (3) the Appeals Committee would meet again, normally within 14-days, at which point only decisions (1) and (2) would be open to it.

A report of the Appeals Committee meeting will be prepared by the CEO.

Following the Appeals Committee the CEO will write to the appellant, within 7-days of the Appeals Committee meeting, with the decision of the Committee. Where decision (1) has been applied details will also be provided of any remedy.

If the appellant is dissatisfied with the decision of the Appeals Committee he or she may make one further appeal directly to the APEAS Board. Such an appeal would be heard by the Board, normally within 8-weeks of the CEO receiving in writing the appellant's wish to proceed to this stage.

A minimum of five Board members should be present at this meeting including the Convenor of the Examination Committee. The meeting should be chaired by the chair of the APEAS Board or another director that he/she nominates. The nominee should not, however, be the Convenor of the Examination Committee or the Senior Examiner of the Practice Examiners Committee. The CEO will act as secretary to the meeting.

Both the Board and the appellant will receive a copy of the Appeals Committee report prepared by the CEO at least 7-days prior to this meeting.

The appellant will have the right to appear in person accompanied by a person of his or her choosing.

The meeting will commence with the Convenor of the Examination Committee presenting the reasons the Appeals Committee arrived at its decision. The appellant will then have an opportunity to present any additional information in support of his or her appeal, which may include issues relating to the conduct of the Appeals process. Members of the APEAS Board may wish to question the candidate with regard to any points of clarification they have concerning the appeal.

The same decisions are open to the Board as were to the Appeals Committee and in the case of decision (1) a suitable remedy would be applied. The CEO will write to the appellant within 7-days of the Board meeting indicating the decision of the Board and any remedy that is to be applied.

The decision of the APEAS Board will be final.

### **Special Circumstance**

It should be noted that in circumstances where the Convenor, the Senior Examiner and the lay member of the APEAS Board come to the view that the appellant's appeal is fully justified they may not call an Appeals Committee meeting but rather agree a suitable remedy amongst themselves. The CEO will then communicate the decision on the remedy to the appellant within 7-days of being informed of it by the Convenor.

### 3. **Remedies**

The following remedies may be applied in the case where an appeal is upheld:

- (1) Award a higher grade for one or more component submissions.
- (2) Reassess one or more component submissions by new practice examiners.
- (3) Permit a candidate to have another oral examination normally within three months of the appeal decision.

### 4. **Monitoring, evaluation and review**

The CEO will prepare a report on an annual basis to the APEAS Board regarding any appeals and the action taken.