



The Architects
Professional
Examination
Authority in
Scotland Ltd

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**Part 3 Examination in
Professional Practice
and Management**

Appeals Procedure

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APEAS Appeals Procedure

Preamble

Prior to submitting an appeal, candidates are advised to discuss any concerns about a decision of the Examination Committee informally with their Professional Studies Adviser in the first instance and then with the CEO of APEAS to attempt to resolve the issue. In cases where an acknowledged simple error has been made, that will normally be resolved by the Convenor of the Examination Committee, after having secured the agreement of the Examination Committee and in consultation with the CEO, taking the appropriate action, without the need for the candidate to make a formal appeal.

If a simple error is found to have affected more than one candidate, the Convenor of the Examination Committee, after having secured the agreement of the Examination Committee and in consultation with the CEO, will take the appropriate action to resolve all issues in respect of those candidates who have been affected, whether or not they have engaged in this procedure.

This Appeals Procedure should be read, and will be applied, in the context of the APEAS Fit to Sit Policy.

1. Grounds for appeal

- 1.1. No appeal shall be accepted or considered in relation to the professional judgement of the Examination Committee, properly informed by a recommendation from the candidate's Practice Examiners in respect of a candidate's written submissions and/or performance at the Oral Examination.
- 1.2. Appeals against a decision of the Examination Committee may be lodged only on the following procedural grounds:
 - a) That there is relevant information e.g., medical or personal circumstances that for good and proper reason was/were not disclosed to APEAS prior to, or at the time of, the candidate's examination.
 - 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.

2. Membership of the Appeal Committee

- 2.1. Membership of the Appeal Committee (the Committee) shall be:
 - A Director who is a member of the Board having been nominated by the Association of the Scottish Schools of Architecture (Convenor).
 - A Director having been appointed to the Board on the basis of their having passed their Part 3 Examination with APEAS within 2 years of their appointment to the Board.
 - A lay Director.
 - A member of the Practice Examiners' Committee who was not involved in the assessment of the appellant.
- 2.2. The Board will, on an annual basis, confirm the precise membership of the Committee at its December meeting (except the member of the Practice Examiners' Committee who will be identified by the APEAS Office Manager as and when required). In the absence of any category of Director, the Chair of the Board shall nominate a substitute Director.
- 2.3. The Convenor, in cases of an equality of votes, shall have a second or casting vote.
- 2.4. The APEAS Office Manager will act as Secretary to the Committee, who will ensure

that decisions and the reasons for those decisions are recorded and communicated as required by this procedure.

3. Authority of the Appeal Committee

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

- (1) uphold an appeal, in which case the matter shall be referred back to the Examination Committee.
- (2) Notwithstanding that the point raised in an appeal might be decided in favour of the appellant, dismiss the appeal if the Committee considers that the appellant has suffered no disadvantage.
- (3) Dismiss an appeal.

4. Submission of an appeal

- 4.1. Any candidate who wishes to lodge an appeal must submit it in writing, using the prescribed pro forma, to the APEAS Office Manager stating clearly the ground(s) for the appeal within 1 calendar month from the publication of results.
- 4.2. The Secretary to the Committee shall convey the appeal to the Convenor of the Committee. If the appeal is out of time, the Convenor may dismiss the appeal at this stage and the Secretary shall communicate that decision to the appellant.

5. Consideration of an appeal: Stage 1

- 5.1. Assuming that the appeal is to proceed, and in order to arrive at a decision, the Convenor shall send a copy of the appeal and any evidence to the Convenor of the Examination Committee, with a request for a response to the appeal.
- 5.2. The Convenor of the Examination Committee may wish to consult with the appellant's Practice Examiners and/or the APEAS CEO in formulating a response to the appeal, which will be provided using the prescribed pro-forma.
- 5.3. On receipt of the Convenor of the Examination Committee's response, the Convenor of the Committee may, after consultation with other members of the Committee, dismiss the appeal because no competent grounds have been stated.
- 5.4. Where the appeal is deemed not to be competent, the Secretary of the Committee shall write to the appellant, normally within 1 calendar month of receiving the appeal, stating the reason(s) why the appeal is deemed not to be competent.
- 5.5. The Convenor may, and after consultation with the other members of the Committee, uphold the appeal on the ground that the Examination Committee was unaware of the medical or personal circumstances that for good and proper reason was/were not disclosed to APEAS prior to, or at the time of, the candidate's examination and which are now detailed in the appeal, and refer the matter back to the Examination Committee for further consideration.
- 5.6. Alternatively, the Convenor may, and after consultation with the other members of the Committee, uphold the appeal on the ground 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 and refer the matter back to the Examination Committee for further consideration.
- 5.7. In referring the matter back to the Examination Committee, the Committee may recommend whether or not any re-assessment of the appellant should be undertaken by the Practice Examiners who conducted the assessment appealed against or by Practice Examiners not previously involved in the candidate's assessment, depending on the circumstances of the case. The Convenor may also make any other recommendation to the Examination Committee that the Committee considers

appropriate, based on the circumstances of the case.

6. Appeal Committee Hearing: Stage 2

- 6.1. If the appeal is not dismissed or referred back to the Examination Committee for further consideration, the Convenor shall cause a hearing of the Committee to be fixed as soon as is practicable.
- 6.2. The Secretary shall write to the appellant, normally within 1 calendar month of receiving the written appeal, confirming the date, time and conditions under which the hearing of the Committee shall operate.
- 6.3. The appellant shall have the right to appear in person at the meeting of the Committee, accompanied by a person of her/his choosing.
- 6.4. The Committee shall regulate its own procedure subject only to the rules of natural justice and the requirement to hear evidence from the appellant or any relevant witness identified by the appellant should the appellant so desire. In regulating its own procedure, the Committee may allow the appellant to present their evidence, including any witness evidence, before inviting the Convenor of the Examination Committee (who may be accompanied by the APEAS CEO) to respond, to which the appellant may be invited to respond. The Committee may adjourn the hearing and re-convene if and when necessary.
- 6.5. Following the meeting of the Committee, the Secretary to the Appeal Committee shall write to the appellant, within 7 days of the Committee meeting, with the decision of the Committee (see 3.1, 3.2, 3.3, 5.5, 5.6 and 5.7 above).

7. APEAS Board Appeal Panel: Stage 3

- 7.1 If the appellant is dissatisfied with the decision of the Committee, he or she may make one further appeal to the APEAS Board Appeal Panel. Any candidate who wishes to lodge such an appeal must submit it in writing, using the prescribed pro forma, to the APEAS Office Manager stating clearly the ground(s) for the appeal within 1 calendar month from notification of the Committee's decision.
- 7.2 The only competent grounds of appeal by an appellant against the decision of the Committee are that:
 - New relevant evidence has emerged which could not reasonably have been available for the Committee;
 - The procedure adopted by the Committee was defective;
 - The disposal by the Committee was perverse.
- 7.3 The Panel shall consist of a minimum of two Directors nominated by the Chair of the Board and the Chair of the Board, unless inappropriate or prevented by illness, absence or other good cause, in which case there shall be three Directors. The Board will, on an annual basis, confirm the precise membership of the Appeal Panel at its December meeting.
- 7.4 In the absence of the Chair, the Directors shall nominate one of their number to be Convenor.
- 7.5 The Panel shall be bound, so far as appropriate, by the same Rules of Procedure as apply to the Committee and shall have the same powers as the Committee, substituting the word "Panel" for the word "Committee" and substituting other appropriate persons/ bodies/committees where relevant.
- 7.6 The decision of the Appeal Panel shall be final.

8. Remedies

- 8.1 Where an appeal is upheld and referred back to the Examination Committee for further consideration, one of the following remedies shall be applied by the Examination Committee:
- (1) Re-assessment of one or more written components either with or without the appellant re-submitting the relevant components, depending on the circumstances of the case. Reassessment may be undertaken by the Practice Examiners who conducted the original assessment or by Practice Examiners not previously involved in the candidate's assessment, depending on the circumstances of the case. A second Oral Examination shall be conducted at an appropriate time following the re-assessment of the written component(s).
 - (2) A second Oral Examination without the re-assessment of a written component. The second Oral Examination may be undertaken by the Practice Examiners who conducted the original assessment or by Practice Examiners not previously involved in the candidate's assessment, depending on the circumstances of the case.
 - (3) Exceptionally, a third remedy formulated in response to the circumstances of the case, which may be informed by a recommendation from the Appeal Committee.

9. Monitoring, evaluation and review

- 9.1 The Secretary to the Committee will prepare a report on an annual basis to the APEAS Board regarding any appeals and the action taken. On that basis, the Board will review the effectiveness of the Appeals Procedure.

(Whilst APEAS does not fall within the scope of the Quality Assurance Agency for Higher Education (QAA), this Appeal Procedure takes account of the QAA's expectations in respect of equivalent processes operated across higher education.)