

3. UEMS - OCCUPATIONAL MEDICINE GUIDELINE ON APPEAL PROCEDURES FOR EUROPEAN POSTGRADUATE MEDICAL ASSESSMENT IN OCCUPATIONAL MEDICINE

REASONS FOR PROVISION OF AN APPEAL MECHANISM

The purposes of a postgraduate European medical assessment can be defined as an objective leading to a meaningful qualification based on a fair process with open criteria allowing a reliable assessment of candidates with reproducible results, which is seen to be fair.

Establishing an appeal mechanism for candidates demonstrates the assessment system is open to challenge by candidates, with a mechanism for redress independent of the examiners involved in the assessment. A formal, published appeal process is therefore transparently opened in European postgraduate medical assessment in occupational medicine.

Grounds for an Appeal

The grounds for an appeal should be limited to procedural irregularity, examiner misconduct, administrative errors or extenuating circumstances that have adversely affected the candidates performance. Any illness affecting performance must be declared at the time, and supported by a timely medical certificate (supported within five working days).

TRANSPARENT FRAMEWORK FOR APPEALS

Appeals need a transparent framework, in which the grounds for appeal are clearly established. It must be clear that process can be challenged, while the judgement of performance of candidates cannot be challenged. Transparency also covers potential underlying discrimination issues such as gender, race or language. Appeals must be anticipated if there is a poor match between the balance of the assessment questions and the curriculum. Finally, transparency is needed in respect of examiner conduct.

Appeal panel

The composition of an appeal panel is pivotal, to ensure balance, independence, appropriate knowledge in the specialty and capability of addressing discrimination issues or minority right matters.

We decided to establish an appeal panel constituted to provide a combination of necessary specialty expertise and independence. The panel is composed by four or five members (to keep costs down) who could be selected from the following potential panel members:

- Appeal chairman (not the chairman of the examination panel) might be chosen from:
 - UEMS Section President
 - EASOM President
- Other panel members might be selected, with due consideration given to ethnic, language or other minority interest issues germane to the complaint, from:
 - EASOM President (if not already a panel chairman)
 - Chairman of the Exam Board (unless named in complaint by appellant)
 - An examiner who did not examine the appellant
 - An independent appointee
 - UEMS Occupational Medicine Section or EASOM Administrator (for minutes only).

Appeal process

The eligibility criteria for appeals: -

Time limit for appeal is 30 days after the dissemination of the results at the most.

Legitimate grounds for appeals: UEMS occupational medicine specialist assessment

The payment of full fee for an appeal is 300 EUR and needs to be made in advance of a formal appeal hearing.

First simple solution for resolution without resorting to a formal appeal is considered, which could be:

- A clear written explanation to the candidate;
- A statement from the examiner(s) concerned;
- A letter of response to abort an appeal.

Appellant support

The appeal will only be deemed valid if received in the same language as that used for the candidate's assessment, and should be conducted in that language. This need not preclude the appellant being accompanied by a translator at their own expense if arranged in advance.

Requirements

All written evidence relating to those aspects of the examination subject to appeal should be provided to both appellant and appeal panel members at least two week in advance, and include:

- Examiners report
- Observations of assessor(s) (if present),
- Overall performance scores of appellant.

Hearing

When an appeal has been received, it is important that the Board Chairman attempts informal resolution as stated above. If this fails, the panel membership will need to be confirmed, the date and venue arranged, and members supplied with documentation. On the day, convening early is essential for the panel chairman to determine the conduct of the panel and the questioning, and the maximum duration of hearing. To explore any issues raised by the panel members before the hearing commences, an initial teleconference might be employed several days in advance to speed the process.

The candidates should retain the right of withdrawal of the appeal in which case the panel members and the candidate should be informed in writing. A partial or even full refund of the fee should be considered if little cost has been incurred.

Appeal outcomes

There are several appeal outcomes available:

- No valid grounds for appeal – the appeal will not be considered formally,
- Clarification was sufficient – no appeal hearing was required,
- Appeal has been dismissed after hearing,
- Appeal was partially upheld by panel,
- Appeal was fully upheld.

No hearing

Should there be no valid grounds for an appeal, a formal letter of rejection is sent to the candidate explaining why there are no grounds for the appeal – this could be either the examination board chairman or the panel chairman, should it be decided later in the process. In this case, no appeal fee will be levied.

If clarification was sufficient, there is no need for an appeal hearing, in which of the appeal fee (e.g. 75%) will be reimbursed to the candidate, while the other part of the appeal is kept for administration costs.

Appeal dismissed after hearing

If the examination results of the candidate are confirmed after the appeal hearing, the appeal will be dismissed. No reimbursement of the appeal fee will be made.

Appeal partially upheld

If the appeal is partially upheld after hearing, the appeal being considered to be valid without influencing the outcome of the examination, then the examination result should be formally confirmed. In this case 50% of the appeal fee is reserved as a credit allowed towards participation at a future European examination, refunding the balance of 50% of the fee charged.

Appeal fully upheld

If the appeal is fully upheld the candidate's assessment results will be declared null and void. No charges can be made to candidate for the next attempt at the examination, and the appeal fee is refunded to the candidate in full.