



CESMA Appeals Proposal

Owen Sparrow
Neurosurgery Board

Appeals – Why?

Exam Purpose

- Objective assessment
- Meaningful qualification
- Fair process
- Open criteria
- Reliable assessment
- Reproducible results
- **Seen to be fair**

Demonstrably Fair

- Show exam system is open to challenge
- Providing redress probably legally enforceable
- Morally decent
- Independent of the examiners concerned
- Challenge to methods or conduct only
- **Judgement of performance** is non-negotiable
- Appeals need a framework

Transparency

- Establish grounds for appeal
 - Process, not performance of candidate
- Are there underlying discrimination issues?
 - Gender
 - Race
 - Language
- Examination format
 - Sampling of curriculum unfair
- Examiner conduct

Appeal Panel

Composition of Panel is pivotal, to ensure:

- Balance
- Independence
- Appropriate knowledge in specialty
- Capable of addressing:
 - Discrimination issues
 - Minority rights matters

Panel Members

- Panel Chairman
 - UEMS Section President? }
 - Europ. Assoc. President? } Both present
 - CESMA Chairman?
- Board Chairman
- Two Examining Panel Members
- Another Board Chairman
- Independent appointee
- Board Administrator (minutes only)

Process

- Publish criteria and costs
- Time limit after event (21 days after results?)
- Clarify **legitimate** grounds
- Payment of full fee in advance (€400?)
- Consider simple (& cheap) solution
 - May be satisfied with clear written explanation?
 - Obtain statement from examiner(s) concerned
 - Letter of response to abort appeal

Appellant Support

- Option of bringing a friend
- If “friend” a lawyer:
 - Notice (e.g. 4 weeks prior to panel date)
 - Arrange legal representation for Appeal Board
- Appeal in language of exam?
 - If not, then consider translator
 - If language issue, was appellant realistic?
 - If can't understand appeal, how was exam understood?

Requirements

- All written evidence to appellant
 - Examiners' reports
 - Observations of Assessor (if present)
 - Overall performance scores of appellant
- All written evidence to panel members

Hearing

- Panel convenes early for chairman to:
 - Determine conduct of panel/questioning
 - Determine maximum duration
 - Explore any issues arising from members
- Appeal hearing proceeds
- Appellant withdraws
 - Will be informed of outcome in writing
- Panel deliberates

Outcome Options

- No grounds, so no formal consideration
- Clarification sufficed, no appeal hearing
- Appeal dismissed after hearing
- Appeal partially upheld
- Appeal fully upheld

Options: No Hearing

- No grounds for appeal, summary rejection
 - No fee demanded
 - Simple letter of rejection: no grounds
- Clarification sufficed, no appeal hearing
 - Some money refunded

Appeal Outcome Options

- Clarification sufficed, no appeal hearing
 - Retain 25% fee (€100?), rest returned
- Appeal dismissed after hearing
 - Fee forfeited
- Appeal partially upheld
 - Valid appeal, but would **not** have altered outcome
 - Some credit towards future exam attempt
- Appeal fully upheld
 - Examination result declared null and void

Outcome Options

- Appeal dismissed after hearing
 - Exam result confirmed
 - Full fee forfeited

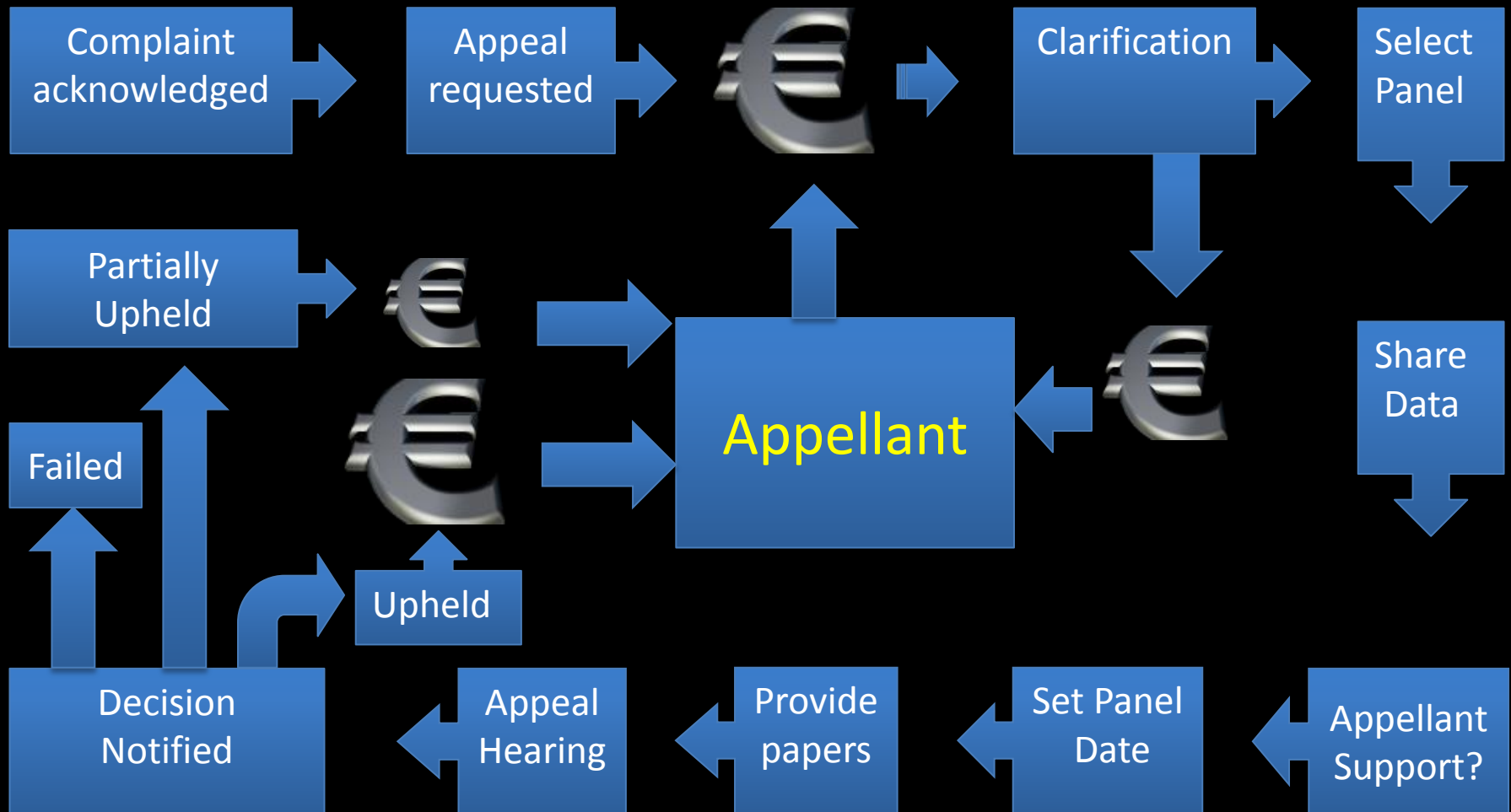
Outcome Options

- Appeal partially upheld
 - Valid appeal, but would not have altered outcome
 - Examination result confirmed
 - 50% of appeal fee (200€?) credit allowed towards future exam

Outcome Options

- Appeal fully upheld
 - Examination result declared null and void
 - Examination attempt disregarded for regulations
 - No charge for next examination attempt
 - Full appeal fee refunded

Process





Thank you