



UEMS-CESMA GUIDELINE ON APPEAL PROCEDURES FOR EUROPEAN POSTGRADUATE MEDICAL ASSESSMENTS

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REASONS FOR PROVISION OF AN APPEAL MECHANISM

The purposes of a postgraduate European medical assessment can be defined as an objective assessment 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 (which is probably in principle legally enforceable) independent of the examiners involved in the assessment. A formal, published appeal process is therefore strongly encouraged. The appeal mechanism should be transparent, along the lines which follow, and make clear that only challenges to methods or conduct can be accepted, while judgment of performance of candidates will never be negotiable.

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 candidate's performance. Any illness affecting performance must be declared at the time, and supported by a timely medical certificate (supplied 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 processes 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. Transparency is also needed where the assessment format is concerned. Appeals can be anticipated if there is a poor match between the balance of the assessment questions and the curriculum or syllabus. 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 rights matters.

The *European Council for European Specialist Medical Assessments* (UEMS-CESMA) advises the Boards and Sections to establish an appeal panel constituted to provide a combination of necessary specialty expertise and independence. The panel should comprise 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,
 - European Board or Society President,
 - UEMS-CESMA Executive member;
- Other panel members might be selected, with due consideration given to ethnic, language or other minority interest issues germane to the complaint, from:
 - European Board or Society President (if not already panel chairman),
 - Chairman of the Exam Board (unless named in complaint by appellant),
 - An examiner who did not examine the appellant,
 - Another European Board Chairman or Society President,
 - An independent appointee,
 - European Board or Society Administrator (for minutes only).

Appeal process

The eligibility criteria for appeals and the costs for lodging appeals need to be published. A time limit should be pre-defined, for which the *Council for European Specialist Medical Assessments* (UEMS-CESMA) advises 30 days after the dissemination of the results. Legitimate grounds for appeals need to be clarified. The payment of the full fee for an appeal (€300 is proposed by UEMS-CESMA) needs to be made in advance of a formal appeal hearing. However, it is important first to consider a simple solution for resolution without resorting to a formal appeal, 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 *European Council for European Specialist Medical Assessments* (UEMS-CESMA) advises including within the appeal procedure the possibility for the appellant to bring a friend. If the “friend” is a lawyer, a notice should be given by the appellant (e.g. four weeks prior to the hearing date) in order to allow legal representation if necessary for the appeal panel.

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 his or her 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 weeks in advance, and include:

- Examiners reports,
- 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 advised above. If this fails, the panel membership will need to be confirmed, the date and venue arranged, and members supplied with the 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 the 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 candidate 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 outcome options 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 by 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 case part of the appeal fee (e.g. 75%) will be reimbursed to the candidate, while the other part of the appeal fee 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 the 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, the *Council for European Specialist Medical Assessments* (UEMS-CESMA) advises the Boards and Sections to reserve 50% of the appeal fee as 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 the candidate for the next attempt at the examination, and the appeal fee is refunded to the candidate in full.



RELATED DOCUMENTS

- Mathysen D.G.P., Rouffet J.B., Tenore A., Papalois V., Sparrow O., Goldik Z. (2015).
Guideline for the organisation of European postgraduate medical assessments.
UEMS-CESMA Publication
- Goldik Z., Mathysen D.G.P., Rouffet J.B., Tenore A., Papalois V., Sparrow O. (2015).
Guideline on examiner selection for European postgraduate medical assessments.
UEMS-CESMA Publication
- Tenore A., Mathysen D.G.P., Mills P., Westwood M., Rouffet J.B., Papalois V., Sparrow O., Goldik Z. (2015). A guide to successfully writing MCQs: Executive summary. UEMS-CESMA Publication (2nd edition)
- Papalois V., Goldik Z., Mathysen D.G.P., Rouffet J.B., Tenore A., Sparrow O. (2015).
Guideline for the quality control on behalf of UEMS-CESMA of European postgraduate medical assessments. UEMS-CESMA Publication (2nd edition)
- Boorman J., Mathysen D.G.P., Noël J.L., Bloch K., Rouffet J.B., Tenore A., Papalois V., Sparrow O., Goldik Z. (2015). Survey on European postgraduate medical assessments by the Council for European Specialist Medical Assessments (UEMS-CESMA). MedEd Publish 3 (42), 1-4
- Mathysen D.G.P., Goldik Z. (2015). On the quality control and importance of European postgraduate medical assessments. Medical Teacher 37 (9), 886-887