



National Institute for Health Specialties
United Arab Emirates

Appeal Policy and Procedures

Title:	Appeal Policy and Procedure
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Reviewed by:	Secretary General
Approved by:	Board of Directors
Linked Document:	NIHS Guidelines for Assisting Candidates with Special Needs During Examinations (NIHS-GDL-ASSESSMENT-14).
Date & Signature:	
Scope of the Policy:	Appeals related to exams conducted by NIHS.
Stakeholders:	Secretary General, Appeal Committee, Assessment Unit, Specialty Examination Sub-committee (SES), Candidates.

MODIFICATION HISTORY

Version	Date	Summary of Revisions	Responsibility	Signature
V 1.0	10-10-2023	Policy Circulated	Assessment Unit	
V 1.1	29-11-2023	1. Updated timelines in policy & flowchart. 2. Added section on appeal hearing and withdrawal.	Assessment Unit	
V 1.2	1-5-2024	Advisory Committee: 1. Revise Procedural Steps and Flowchart. 2. Revise Appeal Committee Roles & Responsibilities	Assessment Unit	

Contents

1. Abbreviations & Definitions	4
2. Policy Purpose and Context.....	4
2.1. Policy Scope.....	4
3. Policy Statements	5
4. Role of the Appeal Committee.....	6
5. Appeal Committee Structure.....	6
6. Appeal Committee Decision-Making process	7
7. Procedural Steps.....	7
8. Withdrawal of Appeal.....	9
9. References.....	9
10. Appeal Process Flowchart.....	9

1. Abbreviations & Definitions

- ☐ NIHS: National Institute for Health Specialties
- ☐ SC: Scientific Committee
- ☐ QA: Quality Assurance Committee
- ☐ SES: Specialty Examination Sub-Committee
- ☐ CAC: Central Assessment Committee
- ☐ AVC: Assessment Violation Committee
- ☐ **Appeal:** An appeal is a formal request for review of an exam outcome due to perceived errors or irregularities. It involves submitting a written statement outlining grounds for appeal and supporting evidence.
- ☐ **Complaint:** Any expression of a specific concern about the provision or quality of service by the NIHS, including issues such as staff conduct, disputes about the regulations, other procedures, or the application thereof is defined as a 'complaint' and as such will not be considered under these Regulations (but may instead be handled in accordance with the Complaints Procedures).
- ☐ **Marking:** It is defined in the context of the policy as checking any errors that might happen during recording, collecting, or reporting marks but not rechecking/reassessing the exam contents.

2. Policy Purpose and Context

The appeal process is integral to the NIHS assessment structure as the right of candidates to object to process and outcome of examinations is enshrined in the assessment bylaws and the assessment executive rules. The NIHS adopts a policy of accepting appeals in relation to various exams and putting in place a structured and transparent process in dealing with cases of appeals towards reaching a just and fair decision. This document is meant to delineate and explain the NIHS appeal process.

2.1. Policy Scope

The scope of this policy pertains to situations in which a candidate seeks to appeal the outcome of their examination due to procedural or logistical irregularities in its conduct, resulting in an adverse impact on the candidate's performance.

No appeal will be entertained solely on the grounds that a candidate wishes to challenge the judgement of the examiners or their examination result as these results are rigorously calculated based on the scientific grounds and methodology.

3. Policy Statements

A candidate may have the right of appeal based on the following grounds:

- 3.1 Procedural defects or irregularities in the conduct of the examination that is within the NIHS's control, (i.e. administrative error) which could have adversely affected a candidate's performance or the outcome of the examination. This is applicable regardless of whether the exam is delivered in a face-to-face or remote setting.
- 3.2 Candidates are required to inform NIHS in writing of any medical or adverse personal circumstances before the examination date. Such circumstances may be notified in advance; if not, valid reasons for not notifying in writing are necessary [Refer to NIHS Guidelines for Assisting Candidates with Special Needs During Examinations (NIHS-GDL-ASSESSMENT-14)]
- 3.3 If a candidate's performance in the examination was adversely affected by exceptional circumstances like illness, clear documentary evidence is required. Candidates should preferably submit details of such circumstances on the examination day or within three working days afterward, rather than waiting until receiving their results.
- 3.4 Appeals will not be accepted on the grounds that a candidate:
 - 3.4.1 Considers his or her efforts were under-marked
 - 3.4.2 Failed the exam by a narrow margin
 - 3.4.3 Did not understand or was unaware of the Examination Regulations
 - 3.4.4 Appeals against a matter of academic judgement.
 - 3.4.5 Appeals concerning insufficient hardware and electronic infrastructure to adequately complete the exam, where appropriate (remote delivery).
- 3.5 The outcome of an appeal submitted under these regulations may only be determined as either:
 - 3.5.1 Dismissed, as it is outside the permitted grounds.
 - 3.5.2 Dismissed, as it is out of time or incomplete.
 - 3.5.3 Upheld

- 3.6 Candidates should note that an appeal cannot turn a fail into a pass unless it's proven that an error occurred in recording, collecting, or reporting marks. This error must be significant enough that, without it, the candidate would have passed the examination.
- 3.7 Candidates are not allowed to directly contact Specialty Examination Sub-committee chairs or members to appeal exam results. Doing so will prompt a formal investigation and possible referral to the Assessment Violations Committee for disciplinary action.

4. Role of the Appeal Committee

- 4.1 The Committee is responsible for reviewing and deciding on appeals related to objections about process irregularities or procedural defects including but not limited to the following:
- 4.1.1 Administrative errors, such as registration or scheduling mishaps.
 - 4.1.2 Monitoring adherence to examination protocols and guidelines.
 - 4.1.3 Any other objections pertinent to the NIHS exams referred to the committee by the Secretary General
- 4.2 The following are out of scope of the committee review
- 4.2.1 Examination content and format.
 - 4.2.2 Standards for passing scores and performance criteria.
 - 4.2.3 Validity and reliability of examination items.
 - 4.2.4 Psychometric analyses.
 - 4.2.5 Academic Judgement.

5. Appeal Committee Structure

- 5.1 The Secretary General of NIHS will establish an appeal committee, appointing members from diverse health organizations within the UAE. NIHS to maintain a list of qualified persons in each specialty as potential appeals panel members. The committee's function will revolve around handling all appeals related to NIHS assessment processes.
- 5.2 The selection process for the appeal committee members must ensure the absence of conflicts of interest, which encompasses but is not limited to:
- 5.2.1 A member must not be part of the scientific committee overseeing the exam being appealed.
 - 5.2.2 A member must not hold the position of program director for the program under appeal.

5.2.3 A member must not be involved in organizing or preparing for the exam being appealed.

5.2.4 A member must not take part in discussing and deciding on an appeal related to a family member or a relative

5.3 NIHS will allocate an administrative assistant to facilitate the committee's functioning and to support the rapporteur in producing and keeping the meeting minutes.

6. Appeal Committee Decision-Making process

6.1 The Appeal Committee convenes regularly at the chairperson's discretion, contingent on appeal cases in the queue.

6.2 The quorum for meetings is constituted by 50% plus 1 of the committee members. If a meeting fails to achieve quorum, it must be adjourned and rescheduled.

6.3 Decisions are reached either through consensus or by voting, with the chairperson holding the deciding vote in the event of a tie.

6.4 The Chairperson of the Appeal Committee presides over committee proceedings, chairs meetings, coordinates member participation, delegates roles and responsibilities, ensures procedural orderliness, and communicates committee decisions to the Secretary General NIHS.

6.5 The Vice Chairperson assumes the responsibilities of the Chairperson in his/her absence and may undertake additional duties as delegated by the Chairperson

6.6 The rapporteur assists the Chairperson in coordinating meeting logistics, maintaining committee alignment, and documenting meeting minutes and records.

6.7 Should significant discord arise within the committee, the Chairperson is obligated to escalate the matter to the Secretary General for resolution

6.8 The Appeal Committee may extend invitations to individuals external to its membership (within the NIHS, such as SC, CAC, SES, Quality Committee) to attend meetings based on relevance, although such invitees do not possess voting rights.

6.9 Members of the Assessment Unit and SES are permitted to participate in committee meetings to offer necessary clarifications, respond to inquiries from members, or provide requisite documentation.

7. Procedural Steps

- 7.1 All appeals must be submitted through the designated form available on the NIHS website within 10 working/business days following the dispatch of the relevant result and should be accompanied by pertinent documentary evidence if applicable.
- 7.2 Appeals submitted beyond this period must explain the reasons for the delayed submission and will be accepted solely at the NIHS Secretary General's discretion.
- 7.3 Any appeal requests not submitted within the stipulated period and without the necessary fee will neither be processed nor considered.
- 7.4 The NIHS assessment unit receives and reviews the appeals and ensures they fit the appeal case classification. The Unit may communicate forth and back with candidates appealing for clarification and adequacy of supporting documentation. NIHS reserves the right to reclassify an appeal as a complaint or vice versa at any stage in the proceedings, in consultation with the appellant/complainant.
- 7.5 If the Assessment Unit considers the appeal within the permitted grounds, and the procedural defect, irregularity or exceptional personal circumstance has affected the outcome, the unit shall take appropriate action.
- 7.6 If the Assessment Unit considers that the appeal is outside the permitted grounds, the appeal will not progress further, and the unit will notify the candidate accordingly.
- 7.7 If the candidate disagrees with the reasons provided for dismissal of their appeal on convincing grounds by the Assessment Unit, they are allowed to re-appeal within five (5) business days of receiving the decision from the unit. They are required to perform the following steps:
 - 7.7.1 Submit a re-appeal request on the NIHS website.
 - 7.7.2 Finalize the payment for service.
 - 7.7.3 Attach relevant supporting evidence documents, if applicable.
 - 7.7.4 Attach a copy of the Assessment Unit decision regarding the original appeal.
- 7.8 The NIHS Appeal Committee conducts additional investigations and determines a decision.
 - 7.8.1 If the appeal is upheld, the attempt is voided, and the candidate will be granted a free attempt at a future sitting.
 - 7.8.2 If an appeal is outside the permitted grounds, the appeal is dismissed, and the candidate notified.
- 7.9 Following the decision of the Appeal Committee, the NIHS does not accommodate any further appeals, and the decision is deemed final.
- 7.10 The entire appeal procedure is anticipated to span no more than forty-five (45) business days from the date the appeal is received by the NIHS until the final decision is made and

communicated. Candidates will be notified if the process is expected to extend beyond this duration.

7.11 Documentation and records are updated and archived for future reference and utilization.

8. Withdrawal of Appeal

8.1 The candidate has the right to withdraw his/her appeal at any time in the process without adverse implications.

8.2 If the appeal is withdrawn by the candidate, the original decision shall be fixed and considered valid.

8.3 The appeal withdrawal is considered binding after 3 working days of its submission by the candidate.

8.4 Following the endorsement of the withdrawal by the NIHS, the candidate loses the right to re-appeal, and any decision taken is considered final.

9. References

9.1 Royal College of Surgeons of England. (July 2020). APPEAL REGULATIONS.

9.2 Royal College of Physicians of Ireland. (March 2022). Policy and Procedures on Appeals for Examinations. Link:

https://www.rcpi.ie/Portals/0/Document%20Repository/Exams/Policies%20and%20Procedures/Exams_Policies_Appeals-Policy_2022.pdf

9.3 Royal College of Physicians and Surgeons Glasgow. (n.d.). Royal College of Physicians and Surgeons Glasgow Appeals Procedure. Link:

<https://rcpsg.ac.uk/documents/examinations/miscellaneous-2/396-appeals-procedure/file>.

10. Appeal Process Flowchart

Figure 1: Appeal Process Flowchart

