

APPEALS POLICY FOR THE PRACTICAL EXAMINATION

1. INTRODUCTION

The Australian Dental Council (ADC) has an appeals procedure for those who believe that their performance in the Practical Examination has been adversely affected by the administrative process used. Appeals against examination outcomes can only be made on the basis that there has been an alleged breach in the administrative process.

The ADC reserves the right to change its examination procedures. Candidates should check the ADC website <http://www.adc.org.au> for information.

Prior to making an application for review or appeal, candidates may (but are not required to) apply to the ADC for verification (confirmation) of their examination result in accordance with the *ADC Verification of Practical Examination Results Policy*.

This Policy provides guidelines to candidates who wish to proceed with a review/appeal. Candidates are advised to study this document carefully before making an application to the ADC.

2. NOTIFICATION OF EXAMINATION OUTCOME

Candidates who fail an examination are advised of the outcome as soon as possible after the examination. This advice includes information on areas deemed unsatisfactory.

3. APPEAL PROCESS

The appeal process consists of two separate stages:

a) Application for Review (see 4. below):

A written application for a review should be forwarded to the ADC together with the nominated fee within 28 days of the examination results being posted online. The application must be substantiated with supporting documentation or statements.

The application will be referred to a Review Panel that will review the administrative process and the examination result. The Review Panel comprises a minimum of three representatives of the ADC Assessment Committee (one of whom will be the Chair), and the ADC Chief Executive Officer (CEO).

b) Application for Appeal (see 5. below):

If the candidate is dissatisfied with the decision of the Review Panel, the candidate may make an *Application for Appeal*. The application is then considered by an Independent Appeals Committee (IAC) consisting of two external dental practitioners and one practitioner from another profession with experience in academia and assessments. Following consideration of the case, the IAC will deliver its decision on behalf of the ADC. The ADC will advise the candidate of the outcome of the appeal.

The *Application for Review* and the *Application for Appeal* must relate only to the administrative procedures of the Practical Examination.

A candidate may make an *Application for Appeal* only after an *Application for Review* has been made and determined.

4. APPLICATION FOR REVIEW

A candidate may make an *Application for Review* against the administrative procedures of the Practical Examination.

Timelines

An *Application for Review* must be submitted to the Chief Executive Officer (CEO) of the ADC within 28 days of the date of the examination results being posted. This timeframe is regardless of whether the candidate has requested verification of their examination result or whether verification has been completed.

Grounds of Review

A candidate may make an *Application for Review* against the administrative procedures of a Practical Examination in the following circumstances:

- (a) the procedural requirements and instructions, as specified in the *Practical Examination Handbook* and in the instructions for specific examination sessions provided to candidates by the ADC, were not followed or not followed to a significant extent; or
- (b) the candidate's performance was adversely affected by significant deficiencies in the examination procedures beyond the control of the candidate.

The following matters are not grounds for an appeal of a Practical Examination:

- (a) disagreement with the standard set by the ADC for the Practical Examination in the *Practical Examination Handbook*;
- (b) the mark or grade awarded to a candidate for a Practical Examination or for any section of the examination;
- (c) personal or other reasons that inhibit a candidate's ability to undertake or prepare sufficiently for an examination.

Process of Review

The *Application for Review* must:

- (a) be in writing and in the prescribed form and addressed to the CEO
- (b) relate only to the administrative procedures of the Practical Examination;
- (c) specify the grounds and set out in detail the circumstances considered to justify the *Application for Review*;
- (d) attach originals or certified copies of all supporting documentation; and
- (e) be accompanied by payment of the relevant fee.

Once the *Application for Review* is received by the CEO, the CEO will refer the *Application for Review* to the Review Panel within six weeks of receipt of the application.

When the *Application for Review* is referred to the Review Panel, the following will occur:

- (a) the Director, Assessments & Examinations will make available to the Review Panel relevant information and records related to the candidates claims
- (b) the Review Panel will consider the administrative process, the examination result and all relevant information
- (c) the Review Panel will make a recommendation on behalf of the ADC and the candidate will be advised of the outcome within six weeks of the appeal being lodged.

The applicant does not have the right to appear before the Review Panel.

Decisions of Review Panel

Following its deliberations, the Review Panel may, with any conditions it considers appropriate:

- (a) direct that the candidate be permitted a further attempt at the examination at the earliest opportunity, without charging an examination fee. This may also include retention of the candidate's standing in relation to eligibility criteria as at the time of attempting the Practical Examination which is the subject of the *Application for Review*;
- (b) if the review upholds the candidate's appeal the review application fee may be refunded to the candidate in whole or in part;
- (c) not uphold the candidate's claims or find them to be a non-contributing factor to the overall result.

In its determination, Review Panel may **not**:

- (a) overturn the result of a Practical Examination and change a FAIL grade to a PASS grade in any section of the examination or in the examination overall;
- (b) exempt a candidate from the requirement to pass the Practical Examination in a single examination attempt or exempt a candidate from any other requirements of the Practical Examination (other than exemption from the eligibility criteria in the circumstances outlined in (a) above).

The Review Panel is not required to give reasons for its decision.

A candidate whose *Application for Review* is upheld by the Review Panel and who is permitted a further attempt at the examination must apply to sit the examination within any period specified by the Review Panel in accordance with above, and having met any conditions imposed.

The candidate will be advised in writing by the CEO of the outcome of the review as soon as practicable following the decision.

5. APPLICATION FOR APPEAL

If a candidate is dissatisfied with the decision of the Review Panel, the candidate may request a hearing from an Independent Appeals Committee (IAC).

Timelines

The *Application for Appeal* should be addressed to the 'Chair, IAC' and forwarded to the ADC within 28 days of the date of the letter notifying the candidate of the decision of the Review Panel. The *Application for Appeal* should include any relevant supporting documentation and be accompanied by the stipulated fee.

Appointment of the IAC

The IAC is composed of members who are independent of the ADC and the ADC Review Panel. Two will be dental practitioners and at least one will be from another profession with experience in academia and examinations.

Grounds for Appeal

A candidate may make an *Application for Appeal* against the administrative procedures of a Practical Examination in the following circumstances:

- (a) the procedural requirements and instructions, as specified in the *Practical Examination Handbook* and in the instructions for specific examination sessions provided to candidates by the ADC, were not followed or not followed to a significant extent; or
- (b) the candidate's performance was adversely affected by significant deficiencies in the examination procedures beyond the control of the candidate.

The following matters are not part of the appeal grounds of a Practical Examination:

- (a) disagreement with the standards set by the ADC for the Practical Examination in the *Practical Examination Handbook*;
- (b) the mark or grade awarded to a candidate for a Practical Examination or for any section of the examination;
- (c) personal or other reasons that inhibit a candidate's ability to prepare sufficiently for an examination;
- (d) personal illness experienced during an examination.

Process of the Appeal

- (a) An IAC shall be convened by the CEO, within six weeks of receipt of the *Application for Appeal*.
- (b) A candidate shall have the right to appear and address the IAC and may be accompanied by another person, but shall not be entitled to bring an advocate or spokesperson or legal representation before the IAC, unless the IAC has given its prior consent.
- (c) The IAC will act according to the rules of natural justice and decide each appeal on its merits. The IAC is not bound by the rules of evidence and, subject to the rules of natural justice, may inform itself on any matter, and in such manner as it thinks fit. The IAC shall be entitled to consider all relevant information which it thinks fit, and may invite any person to appear before it or to provide information.

Subject to these guidelines, the IAC shall have full power to regulate its own conduct and operation. The proceedings of the IAC, and other information provided to the IAC, shall be kept confidential except information released with the consent of the candidate and the report of findings to the ADC.

Decision of the IAC

The IAC may, with any conditions it considers appropriate:

- (a) direct that the candidate be permitted a further attempt at the examination at the earliest opportunity, without charging an examination fee. This may also include retention of the candidate's standing in relation to eligibility criteria as at the time of attempting the Practical Examination which is the subject of the Appeal.
- (b) if an appeal is successful, recommend to the ADC that the appeal application fee be refunded to the candidate in whole or in part
- (c) reject the appeal.

5.1 The IAC may not:

- (a) overturn the result of a Practical Examination and change a FAIL grade to a PASS grade in any section of the examination or in the examination overall
- (b) exempt a candidate from the requirement to pass the Practical Examination in a single examination attempt or exempt a candidate from any other requirements of the Practical Examination (other than exemption from the eligibility criteria in the circumstances of (a) above).

5.2 The IAC is not required to give reasons for its decision.

5.3 A candidate whose appeal is upheld and who is permitted a further attempt at the examination must apply to sit the examination within any period specified by the IAC and having met any conditions imposed.

5.4 The candidate will be advised in writing by the CEO of the outcome of the appeal as soon as practicable following the decision.

6. FEES

For a list of current fees, please refer to the 'Fee Schedule' section on the ADC website www.adc.org.au

Approved by: ADC Board

Approval Date: 14 Feb 2013

Revised: 12 March 2015

19 February 2016