

Rules Relating to Clinical Examination Appeals

The Australian Medical Council (AMC) process for an appeal against the outcome of a clinical examination is a three stage process;

1. An administrative review of the circumstances of the appeal.
2. Further consideration of the appeal may be sought from an Appeal Panel appointed by the AMC Assessment Committee where the candidate is not satisfied with the result of the first stage administrative review.
3. Consideration may be sought from an Independent Appeal Committee, appointed by the President of the AMC, where the candidate is not satisfied with the result of the second stage AMC Assessment Committee Appeal Panel.

1. INTRODUCTION

- 1.1 Candidates for the AMC clinical examination may appeal in relation to a clinical examination.
- 1.2 Candidates who wish to appeal should study these Rules carefully before lodging their documentation.
- 1.3 These Rules apply only to appeals to the AMC Assessment Committee in relation to Clinical Examinations. (Appeals concerning the Multiple Choice Examination are covered by the document Rules relating to MCQ Examination Appeals).

2. TIMETABLE

- 2.1 An appeal must be submitted on the relevant Application Form to the AMC within **28 days** of the examination result being available to candidates on the AMC's web site.

3. APPEAL CRITERIA

- 3.1 A candidate may appeal where a change or changes to the scoring would change the overall result awarded to entitle the candidate to a Re-test or a Pass, or (if the candidate was scored as a Re-Test in the original examination attempt) to a Pass overall.
- 3.2 An appeal **MAY ONLY** be lodged in the following circumstances:
 - A. the scoring of the candidate in one or more station did not accurately reflect the true performance of the candidate

- B. the procedural requirements for one or more stations of the clinical examination, as specified in the AMC **Clinical Examination Specifications** booklet, current at the time of the examination, were not followed in a significant manner or to a significant extent; or
 - C. the candidate's performance in one or more stations of the clinical examination was impaired by significant deficiencies in the examination procedures beyond the control of the candidate.
- 3.3 For the purposes of paragraph 3.2 of these Rules, the following matters are not part of the procedures of a clinical examination:
- A. the standard set by the AMC for the clinical examination;
 - B. late arrival of the candidate at an examination centre; and
 - C. personal illness experienced during an AMC examination.

3.4 An appeal must:

- A. be submitted on the relevant Appeal Form available from the AMC's web site;
- B. set out in detail the circumstances considered to justify the appeal;
- C. attach the originals or certified copies of any supporting documentation; and
- D. be accompanied by the relevant fee. *Please note this fee is GST free.*

An appeal will not be accepted unless all of the required materials are provided and the relevant fee paid. Candidates should note that due to time and cost constraints candidates will not be given access to the clinical examination information sheet or (if they exist) vision or sound recordings of their performance in any station of the clinical examination prior to the candidate lodging an appeal.

4. **FIRST STAGE - ADMINISTRATIVE REVIEW**

- 4.1 Following receipt of an appeal in accordance with paragraph 3.4, the AMC will review the appeal and any other relevant materials, including any vision or sound recording of the candidate's performance in the station or stations the subject of the appeal ("administrative review"). The AMC may discuss the matters or subject of the appeal with the clinical examiner or examiners and any other person involved in the matters or subject of the appeal.
- 4.2 If the AMC considers that the provisions of paragraph 3.2B or C above are satisfied then the AMC may:
- A. set aside the result of the clinical examination awarded to the candidate, in which case the AMC will:
 - (i) direct that the candidate be offered a Re-test or a further attempt at the whole or part of the clinical examination; and
 - (ii) determine what if any fee is to be paid by the candidate if the offer is accepted; or
 - B. Decline to set aside the result of the clinical examination awarded to the candidate.
- 4.3 The AMC will inform the candidate of the result of the review.

5. SECOND STAGE – DETERMINATION BY AMC ASSESSMENT COMMITTEE APPEAL PANEL

- 5.1 If the candidate is dissatisfied with the outcome of the administrative review, the candidate may request that the appeal be determined by a panel of clinical examiners (“appeal panel”), and the following provisions apply.
- 5.2 The AMC must receive that request in writing (including by e-mail) within 14 days of being informed of the outcome of the administrative review.
- 5.3 If the candidate wishes to request access to the clinical examination information sheet for candidates, and (if it exists) the vision and/or sound recording of the candidate’s performance in the station or stations the subject of the appeal, that request must be included with the request referred to in paragraph 5.2 above and by the same date.
- 5.4 Such access will be provided on payment of a fee determined by the AMC. (Candidates should note that due to privacy and potential intellectual property issues the materials and recordings may have identifying features masked, and that access may only be provided under controlled circumstances.)
- 5.5 Within 28 days of the later of:
(a) the candidate being informed of the outcome of the administrative review; and
(b) the candidate receiving access to materials requested under paragraph 5.3,
the candidate must provide all further material to the AMC that the candidate wishes to be taken into account in determining the appeal. This may include further submissions.
- 5.6 The chair of the AMC Assessment Committee or his nominee will appoint an appeal panel comprising of clinical examiners to determine the appeal.
- 5.7 The appeal panel will consider the appeal and all materials submitted by the candidate, and may review the supporting materials for the clinical examination station or stations the subject of the appeal, and the vision and sound recordings of the candidate’s performance in the station or stations the subject of the appeal, and will determine the appeal.
- 5.8 The appeal panel will not hear oral representations from the candidate or any person on the candidate’s behalf. The appeal panel will decide the appeal by majority vote.
- 5.9 In determining the appeal the appeal panel may do one or more of the following:
- A. change a Fail mark to a Pass;
 - B. change the candidate’s score in any station to a higher score as described in the Clinical Examination Specifications – Scoring in the Structured Clinical Assessment Examination;
 - C. order that the candidate be offered a Re-test, with or without conditions;
 - D. order that the candidate be offered a new clinical examination;

- E. determine what if any fee should be paid by the candidate for a Re-test or new clinical examination;
 - F. confirm the mark awarded to the candidate for the clinical examination; or
 - G. confirm the score awarded to the candidate for a station or stations.
- 5.10 The appeal panel is not required to give reasons for its decision.
- 5.11 A candidate whose appeal is upheld and is permitted a Re-test or a further clinical examination must apply to sit the examination within the period specified by the appeal panel, and must provide satisfactory evidence in writing that he or she has met or complied with any conditions imposed by the appeal panel.

6. **IMPORTANT NOTES ON APPEALS TO THE APPEAL PANEL**

- 6.1 The AMC will notify the candidate in writing of the decision on the appeal.
- 6.2 It is in the candidate's interests to ensure that his or her case is supported by as much relevant documentary material as is available. Where documentation is considered incomplete the appeal may be returned to the candidate for further documentation, unless the appeal is out of time.
- 6.3 All documents received by the AMC will be treated as confidential and made available only to those persons involved in the procedures outlined in these Rules.
- 6.4 It is the responsibility of all AMC candidates to know and comply with the AMC procedures and instructions in so far as they apply to their candidature. These procedures and instructions include those set down in the current AMC ***Clinical Examination Specifications*** booklet, in formal correspondence with the AMC Secretariat and in the instructions issued at examination centres.
- 6.5 The AMC reserves the right to change its examination procedures. Candidates should check with the AMC Secretariat concerning the current procedures.

7. INDEPENDENT APPEALS COMMITTEE

The Australian Medical Council (AMC) procedures for appeal against the outcome of a clinical examination provides for candidates to seek review of the decision of the Board of Examiners Appeal Panel relating to a clinical examination.

Candidates who consider they have a case for review of an appeal decision of the Board of Examiners Appeal Panel should study this document carefully before lodging their application.

Candidates should note that as the independent Appeals Committee does not include AMC examiners, the Appeals Committee does not have power to alter a FAIL grade to a PASS grade.

- 7.1 The AMC President will appoint an independent Appeals Committee or Committees (“independent Appeals Committee”) to consider applications for a review of decisions of the appeal panel of the AMC Assessment Committee. The independent Appeals Committee will comprise members with the following backgrounds:
- Chair - a senior clinical academic or director of clinical training at a teaching hospital;
 - a member experienced in registration or qualification of medical practitioners in Australia, and
 - a member experienced with Ethnic Affairs Commissions or their equivalent, or experience with administrative review bodies or tribunals, or with experience as an ombudsman or senior ombudsman officer.
- 7.2 In addition, an independent Appeals Committee will have access to a Technical Adviser who is an AMC Senior Examiner experienced in AMC clinical examinations and in counselling candidates. The Technical Adviser is not a member of an independent Appeals Committee and does not vote.
- 7.3 Matters before an independent Appeals Committee will be decided by a majority vote.
- 7.4 A candidate may apply to an independent Appeals Committee for the review of a decision of the Board of Examiners appeal panel where the candidate is dissatisfied with the decision of the appeal panel.
- 7.5 An independent Appeals Committee may:
- A. affirm the decision under review; or
 - B. with such conditions as appear appropriate, vary the decision under review; or
 - C. set aside the result of a clinical examination and direct that the candidate be permitted a further attempt at the clinical examination; or
 - D. set aside the result of a component of the multi-station clinical assessment.

- 7.6 An Appeals Committee **CAN NOT**:
- change a FAIL grade to a PASS grade in any component of the multi- stage clinical assessment or in the clinical examination overall; or
 - exempt a candidate from the necessity to pass the clinical examination or exempt a candidate from any other requirements of the clinical examination.
- 7.7 An independent Appeals Committee is not required to give reasons for its decision.
- 7.8 Applications for consideration by an independent Appeals Committee must be in writing (including by e-mail) and lodged with the AMC within 28 days of being notified of the decision of the Appeal Panel.
- 7.9 Applications must:
- set out in detail the circumstances why the decision of the Appeal Panel is challenged;
 - attach all relevant supporting documentation; and
 - enclose the relevant fee (information as to the current fee can be found on the AMC's website).
- 7.10 An independent Appeals Committee may call for any further material it considers appropriate from the candidate, the Assessment Committee or the AMC. This may include any vision and sound recordings of the candidate's performance in a station or stations of the clinical examination.
- 7.11 Under normal circumstances, a personal appearance before an independent Appeals Committee will not be permitted.
- 7.12 The AMC will notify the candidate in writing of the decision of the independent Appeals Committee.
- 7.13 A candidate who has been permitted a further attempt at the examination must apply to sit the examination within the period specified by an independent Appeals Committee and provide evidence of having met any conditions imposed by the independent Appeals Committee.
8. Further information regarding these Rules may be obtained from the AMC Secretariat at the following address:

AUSTRALIAN MEDICAL COUNCIL LIMITED
PO BOX 4810
KINGSTON ACT 2604

Telephone: (02) 6270 7878
Facsimile: (02) 6270 9799

Email: amc@amc.org.au

<p>CANDIDATE REFERENCE NUMBER: _____</p> <p>FAMILY NAME: _____</p> <p>GIVEN NAMES: _____</p> <p>ADDRESS: _____ _____</p> <p>POSTCODE: _____ STATE: _____ COUNTRY: _____</p> <p>CONTACT DETAILS</p> <p>HOME TEL: _____ WORK TEL: _____</p> <p>FACSIMILE: _____ EMAIL: _____</p>	<p>OFFICE USE ONLY</p>
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You should carefully read the **Rules Relating to Clinical Examination Appeals** before completing this form.

There are **three** categories of appeal against the result of a clinical examination. Indicate under which category you wish your appeal to be considered and then give a full description of the details to be considered.

1. **Scoring not accurate (NTC exam only)** - Section 3.2 A of the Rules
2. **Procedural requirements not followed**– Section 3.2 B of the Rules
3. **Performance impaired by deficiencies in examination procedures**– Section 3.2 C

Note: Applications must be accompanied by all relevant supporting documentation, as explained in the Rules.

Clinical Examination code/date this appeal application refers to: _____

PRIVACY

Your privacy is respected by the AMC. Information collected by the AMC may be used for administering AMC examinations and may be provided to AMC examiners, the Medical Board of Australia and AHPRA (the Australian Health Practitioner Regulation Agency).

If you have any privacy concerns or would like to verify information held about you please contact the Privacy Officer, Australian Medical Council Limited, PO Box 4810, KINGSTON ACT 2604

I certify that the information provided in this application is correct and authorise the Australian Medical Council to seek and obtain further details in respect of any material submitted in support of this application.

Signature and Consent to collect information:

Date:

Method of payment

The fee to accompany this form is A\$215 (GST is not payable).

Bank cheque or money order: Attach a bank cheque or money order made out to Australian Medical Council Limited,

Master/Visa card: Include the Master/Visa card details below. The recording of your signature is taken as consent to process payment.

Credit card number

Name on card

Card expiry date

Cardholder's signature

Date (dd/mm/yyyy)

Return the completed form and fee of A\$215 to:

The Chief Executive Officer
Australian Medical Council Limited
Po Box 4810
Kingston ACT 2604
Australia
Facsimile: (02) 6270 9799

AMC CONTACT DETAILS

Telephone: 02 6270 9777
Email: amc@amc.org.au
Website: <http://www.amc.org.au>

Note: Telephone calls are taken between 10am and 4pm.