

Competency in Optometry Examination Appeals

A INTRODUCTION

This document has been prepared with the assistance of ‘*Good Practice Guide for the Assessment of Overseas Qualifications and Skills for the Purpose of Migration*’ produced by the Commonwealth Department of Education, Science and Training in 2006 and aims to conform to its Principles of Assessment:

1. Communication is clear and comprehensive and provides clients with the information they need to be able to make informed decisions at all times.
2. Information relevant to the decision is recorded and securely stored, with appropriate protection for the personal details of applicants.
3. Fees for assessments and related services are determined on a not-for-profit basis.
4. The standards used for assessments are consistent with the current standards for Australian-trained professionals.
5. Every applicant has the right to access an appeal process.

Section 11 of the O CANZ document ‘Assessing Optometrists with Overseas Qualifications – Explanatory Notes’ concerns appeals, and states:

Candidates who believe they have cause to appeal in relation to conduct and/or outcome of the examination must lodge an appeal with O CANZ within 28 days of the date of the release of the result of the examination.

Appeals against examination results will only be accepted when based on the following grounds:

1. *an error in the examination process, including marking; or*
2. *evidence of unfairness by the person conducting the examination.*

Difficulties in preparation or alleged difficulties in tuition are not grounds for appeal. The appeals process is not a means of circumventing the normal assessment procedures. Except in very limited circumstances (such as an error in summation of marks in a written examination or where the review finds that additional marks should have been awarded) a successful appeal will not lead to an examination result being altered. Where an appeal is upheld, the usual outcome is to allow the candidate an opportunity to re-sit that part of the examination that was in dispute without payment of further examination fees. However, this only occurs where the results of the original examination, taken as a whole, show that the candidate had competency close to meeting the standard required, and when a fault in the examination process or another appeal ground has been established.

Information about appeals against other decisions including decisions concerning eligibility for admission to the examination is available from the OCANZ Executive Officer.

The first stage of the appeal process is an administrative review to ascertain whether any administrative or procedural error occurred. The current fee for an administrative review is outlined on the OCANZ website and will be refunded in the event that an error is identified and rectified to the candidate's satisfaction. If an administrative review does not find any error, a candidate may ask that the appeal be considered by an independent Appeal Committee. The appeal fee is also on the OCANZ website and is payable for each examination part for which an appeal is lodged. The examination parts are each of the written papers, the skills testing and the patient examinations.

Every effort will be made to deal with all appeals within 3 months from the lodgement of the appeal. The appeal fee will be refunded in the event that the appeal is upheld but is retained to offset the cost of undertaking the independent review if the appeal is unsuccessful.

B DEFINITIONS

In this document:

- 'OCANZ' means Optometry Council of Australia and New Zealand
- 'Examination' means the OCANZ Competency in Optometry Examination
- 'applicant' refers to a person who has applied to sit for the Examination but has not been approved to do so
- 'candidate' refers to a person who has been approved to sit for the Examination
- 'appellant' refers to a person who has lodged an appeal in respect of a decision made by the OCANZ affecting that person.

C CATEGORIES OF APPEALS AND GROUNDS FOR MAKING AN APPEAL

Category 1: Appeals in relation to conduct and/or outcome of the Examination

An appeal in this category may be justified on the following grounds:

- the candidate's performance was impaired by a deficiency or error in the Examination process; or
- evidence of unfairness on the part of an examiner.

The fact that a candidate disagrees with an Examination result is not sufficient ground for an appeal. The candidate must be able to demonstrate that there has been a flaw in the examination process.

If it is claimed that an error has occurred in marking, the candidate is required to indicate in what part of the Examination they believe an error to have occurred and its nature.

If the candidate claims that the Examination environment was unsatisfactory, the problem must be identified specifically and, if possible, corroborated.

Candidates cannot appeal against academic or skill standards set by OCANZ.

Category 2: Appeals for an extension of time limit and/or for an additional attempt at the Examination, over and above those normally allowed.

An appeal in this category may be justified on the following grounds:

- Medical reasons.
- Family or other personal reasons.

Candidates appealing on medical grounds must submit a medical certificate. Candidates appealing on other grounds need to supply supporting information which may include statutory declarations.

Category 3: Appeals against decisions adversely affecting an applicant or candidate in relation to matters other than those specified above, including the assessment of a person's eligibility to sit the Examination.

An appeal in this category may be justified on the following grounds:

- An incorrect interpretation of documentation submitted by an applicant.
- That a decision was made in error or in a manner inconsistent with the procedures.

The eligibility requirements, academic and skill standards set by OCANZ do not constitute grounds for an appeal.

D STAGES IN CONSIDERING AN APPEAL

The process is in 3 stages –

- 1. Administrative review**
- 2. Advice to the appellant**
- 3. Appeal Committee**

Please note that OCANZ does not release its examination question papers or answer sheets to candidates or appellants. An appeal will not result in an exemption from the requirement to successfully complete all components of the Examination. Appellants do not appear before OCANZ in person in relation to appeals.

Stage 1: ADMINISTRATIVE REVIEW

Following lodgement of a written appeal and payment of the administrative review fee, an administrative review is carried out by the OCANZ Executive Officer, in consultation with the Chair of the Examination Committee (or nominee) if required, to identify any administrative or procedural error.

If an error is identified and rectified to the satisfaction of the appellant the formal appeal process is not activated.

Stage 2: ADVICE TO THE APPELLANT

In the event that the appeal is not upheld by the internal administrative review, the OCANZ Executive Officer or nominee will explain the processes of formal appeal and answer the questions

asked by the appellant so she or he can make an informed decision about proceeding to a formal appeal. The intention is to assist the appellant to understand fully the part of the assessment to which she or he objects.

The appellant is required to give notice in writing of her or his wish to proceed and must include the appeal fee (for each Examination part for which an appeal is lodged) with that notice. The notice must be signed by the appellant, state the grounds for appeal and include any supporting documentary material. The appeal fee will be refunded if the Appeal Committee upholds the appeal.

Stage 3: APPEAL COMMITTEE

Once the avenues for resolution in Stages 1 and 2 are exhausted, an Appeal Committee appointed by OCANZ will conduct an independent review of the matter. The Appeal Committee will comprise 3 persons none of whom were involved in the original decision.

The Appeal Committee may call for further material from the appellant, OCANZ or the examiners.

Matters before the Appeal Committee will be by majority vote.

The decision of the Appeal Committee is final.

E OUTCOMES OF APPEAL PROCESS

In relation to **Category 1 appeals**, if the review finds in favour of the appellant and also finds that the result of the original Examination, taken as a whole, shows that the appellant had competency close to meeting the required standard, it may:

- Set aside the results of the Examination or any of its components, and order a new Examination, with or without conditions.
- Determine that Examination fees be refunded or waived in part or in full.
- Make any decision it considers appropriate within the limits of the established Examination process.

In relation to **Category 2** and **Category 3 appeals**, the Appeal Committee, if it finds in favour of the appellant, may:

- Allow an additional attempt at the Examination, over and above those normally allowed, with or without conditions which may include an extension of time allowed for an Examination component.
- Make any decision it considers appropriate within the limits of the established procedures for the relevant assessment or Examination process.

Date approved	13 December 2019
Effective Date	March 2020
Policy Review date	March 2023
Reference:	g:\examination\appeals policy