

Review

Requirement for an Appeals Process for Assessed Registration Decisions

As a basic customer service requirement HPC should develop an appeals process to evaluate the decisions of assessors, and determine if errors have been made. Whilst our main duty of care is to protect the public, it is unreasonable to expect applicants to pay significant amounts of money and have no recourse to review of decisions.

It is envisaged that this appeals process would become more appropriate under the new order where the candidates training and experience are deemed most important, whilst references become of less importance. The candidates abilities are thus more quantifiable, and measurable.

The process is designed to allow decisions based on the applicants submission to be changed, should there be adequate justification. This could be a relatively minor change from requiring a "Test of Competence" to being admitted to the register.

This process will not be a route for applicants claims to have suffered delays, or been inconvenienced by the generic application processes. This is purely designed to offer a facility to re-evaluate the assessment process for a particular candidate.

This process will not be publicised and will be operated at the discretion of the Registration Manager receiving a communication from the applicant, or other HPC personnel..

It is envisaged that the existence of this procedure will gradually become known, through out the HPC registered professions. It is suggested that the request for entry to the appeals process should come direct from the applicant, not from a third party such as a potential employer, or employment/relocation agency. Specific reasons for considering the scrutiny decision must be given at the time of request for review. "I do not agree with the decision" is not an adequate reason for review.

International & Grandparenting Applicants for Registration **– Review/Appeals Procedure**

The appeals process is designed to determine if applicants for registration via the international route have justifiable reasons to claim their application assessment has been impacted by error or incorrect assumptions. The basis for International route registration is by determination of equivalence of ability that would be expected of a new UK graduate. UK graduates enter via a pass list system. UK graduates must therefore reach the Standards of Conduct, Performance and Ethics during their university examinations and assessment process. International candidates must exhibit these attributes also.

The Grandparenting assessment route requires a minimum of “safe and competent practice over 3 of the last 5 years or part time equivalent” or additional education and training plus considerable levels of safe practice.

Grandparenting applicants are still required to meet the Standards of Conduct, Performance and Ethics within their scope of practice under Route A; or across the entire scope of the profession for those having undergone a combination of training and experience, for those under Route B.

Whilst applicants could cite many possible causes for their appeal, sample reasons and probable action by HPC are indicated in Table 1 below.

The Appeals Process

There is a requirement for a two level appeals process, one internal process checking for accuracy of data used for assessor decisions comparing the feed back from the assessors against the submitted application. Have some items been missed, was the application submitted to the assessors complete?

The second level requires at least a working knowledge of the profession in question, and the obvious route would be to involve the lead assessor of the profession and or sub modality.

If the issue cannot be resolved by the lead assessor, the application should be passed to the Chair of the Registration Committee. We must determine if all appeals should be placed before the Registration Committee or Chair of the Registration Committee.

This decision will be final, no further appeal is possible by any internal HPC route.

Where external organisations assist in the overall registration process, such as the IBMS in MLTs or the ACS for Clinical Scientists the Registration Manager must determine where the responsibility lies for that particular part of the assessment process under question and involve the relevant organisation.

Table 1

	Example	Entry to Appeals Process
	Are the total course hours or academic/tutorial/clinical breakdown cited by the assessors incorrect?	Level One Arithmetic errors should be determined, passed to assessors for re-examination.
	If the candidate is assessed on a combination of education/training and experience; can the applicant claim that "My colleague did exactly the same course and has the same experience, why is their result different?"	Level One If same institution and same time frame, re-examination by assessors
	Claim of racial /sexual orientation /gender / age discrimination during the assessment process	Requires evidence that assessment should be reassessed.
	Grandparenting Scope of Practise limited to less than applicant has been working under within the appropriate time frame.	Level One
	Claim of excessive delay at HPC	Not applicable
	Claim of incorrect process requested by HPC	Level One Reg Mgr check procedure
	Claim that external test was not held in an appropriate manner	Level One
	I am registered in country ???? where my training was determined to be adequate, why am I not registered here (UK) automatically?	Not applicable. Cite examples of differences in professional activity between UK & USA Physiotherapy.

Level One Administrative Check

This would examine the factual evidence submitted by the candidate; for instance checking hours of specific training in a particular subject area or making incorrect assumptions. Levels of UK NARIC equivalence should be checked in house, levels of English language competence may cause difficulties if mapping IELTS scores to other language competence testing schemes has taken place.

In the past where evidence has been missed or obvious errors have been highlighted, assessors have rapidly re-examined their decisions and taken corrective action. There is no reason that this should not continue.

HPC registration staff do not have the clinical expertise to judge any appeals in detail. However some level of examination is required internally to ensure the applicants request is at least reasonable in the first instance. This should be conducted by the

Registration Manager with the assistance of a Registration Officer with knowledge of the specific profession in question.

Consistency is one of the key issues highlighted by the analysis of existing appeals. Where inconsistency has been highlighted in the past, (same course, same academic year) pairs of assessment decisions have been returned to the assessors for re-examination. This usually results in resolution of issues and equalisation of decisions and or tariff. In the past the assessors have taken a cautious approach and asked for additional evidence from applicants that have already been accepted, to match that evidence required of the other applicant, in an attempt to be equitable. This approach should be discouraged where ever possible unless there are concerns with respect to the previously successful candidate.

Should the Level One analysis indicate that the clinical or academic judgement should be re-evaluated the Registration Manager should pass the case on to the Level Two Assessment check.

Level Two Assessor Check

The second level of the appeals process should examine the clinical or academic basis for the assessor decision, and feed back to the assessor pair concerning the individual decision regarding the applicant in question. This role requires clinical expertise and should not be undertaken by HPC administrators. This role would be fulfilled by a senior assessor with the authority to override the decision of the earlier assessor pair; or the Chair of the Registration Committee.

Any Level One Assessor check outputs should be passed to the Level Two Assessor check, to ensure full detail is available.

It is unlikely that this would be a frequent occurrence. The reasons for accepting the applicant, and the basis for overturning the original decision must be fully documented.

It is likely that versions of the original application, the original assessment result and the appeals decision will be used as training materials to enhance standardisation of the assessment process.

Consistency of decisions with respect to applicants from the same institution and the same academic year is currently one of the main concerns of the ad hoc appeal mechanism.

A database of assessment is being built to detail course vs. tariff / decisions for each profession. This is a long term project and will record the gradual standardisation of training around the globe. Historic course evaluations should be retained. Ultimately this may enable a course and graduation year database to facilitate processing an application .