



Guidelines for Handling Appeals related to Examination

These guidelines outline the process for managing candidate appeals concerning to examination outcomes related to alleged malpractice, with due regard to the right to fair hearing to the candidates. By implementing a structured and transparent appeal process, the **Nursing Council of Kenya (NCK)** seeks to address candidate concerns effectively and uphold the integrity and public confidence in the NCK Licensure Examination results. It further accords candidates a fair opportunity to appeal the decision in line with the principles of natural justice.

The guidelines detail how appeals are handled, covering: specific reasons for appeal, how to submit appeals easily and within deadlines, the initial review and confirmation, possible outcomes, communication of the outcome, the possibility of additional review, and the appeal committee's makeup, duties, and roles. These measures are designed to ensure that all appeals are handled consistently, impartially, and in accordance with the Council's commitment to fairness and professional standards.

1. Clearly defined appeal grounds:

Appeals will be considered for cancellation of results emanating from examination malpractice.

2. Accessible and timely submission:

Appeals should be submitted in prescribed format and contain the following information:

- a) **Identification:** Candidate name, National ID number, index number, exam number, name of the exam centre, training institution, programme, and date;
- b) **Detailed explanation:** provide a statement on the issues;
- c) **Supporting evidence:** Relevant documentation (e.g., photographs, medical certificates).

3. Initial review and acknowledgement:

- a) **Centralized handling:** All reported appeal cases will be processed by an appeal committee.
- b) **Preliminary assessment:** Review for defined grounds and complete required information. Non-compliant appeals may be rejected with explanation.

If an appeal is incomplete or ineligible, a candidate will be notified within 14 working days and required to respond and submit missing information within 14 working days. Failure to respond within the specified timeframe will lead to the appeal being closed.

- c) **Receipt of the Appeal:** Receipt of the appeal will be acknowledged within 14 working days.

4. Possible outcomes:

- a) **Appeal upheld:** Reversal of cancellation status.
- b) **Appeal rejected:** In the event that an appeal has been reviewed and subsequently rejected, candidates who are required to re-take an examination may do so after one (1) year.

5. Communication:

The outcome of the appeal shall be formally communicated to the candidate in writing following the conclusion of the relevant Council meeting where the appeal was considered.

The decision shall be conveyed via official correspondence, such as an email or letter, sent to the candidate's registered contact address. All communications shall be dated and recorded for institutional records.

Content of communication: The written communication shall include:

- a) A clear statement of the appeal decision (e.g., upheld, or rejected)
- b) A brief summary of the grounds considered
- c) The rationale for the decision
- d) Any resulting actions, such as eligibility for future examination cycles

6. Appeal Committee:

A) Composition:

All appeal request(s) will be undertaken by an appointed appeal committee that will be guided by these guidelines. The composition of the committee will be as follows:

- a) Director - Education and Examination - Secretary;
- b) Director – Standards and Compliance - Member;
- c) Director – Registration and Licensing - Member
- d) Director – Legal Department or representative - Member;
- e) Deputy Director – Examination - Member; and
- f) Deputy Director – ICT or representative - Member.

The CEO/Registrar shall appoint a chair among the team members and may co-opt members.

B) Roles and responsibilities:

The committee will undertake the following:

- a) Review all appeal requests received;
- b) Review evidence provided for each appeal request;
- c) Make decisions on the appeal requests as per these guidelines;
- d) Matters before the Appeal Committee will be decided by a majority vote;
- e) Comprehensively document the deliberations and outcomes for each appeal request(s);
- f) Any dissenting opinions must be recorded and submitted to the CEO/Registrar;
- g) Ensure fair hearing and unbiased decision making; and
- h) Make recommendations to the CEO/Registrar.

C) Quorum

A minimum of four (4) members including the Chairperson.

7) Confidentiality and Data Protection

i) Confidentiality of Appeal Proceedings

All information related to examination appeals—including submissions, deliberations, supporting documentation, and outcomes—shall be treated with the highest level of confidentiality. Access to such information shall be restricted to authorized personnel directly involved in the appeals process.

ii) Communication of Outcomes

Appeal decisions shall be communicated only to the candidate and other parties with a legitimate need to know, such as relevant Council members or administrative staff involved in implementing the decision. No appeal-related information shall be disclosed to third parties without the explicit consent of the candidate, unless required by law.

iii) Retention of Appeal Records

Formal records of all appeals, including decisions and related correspondence, shall be retained securely for a period as specified in the NCK Records Management Policy. These records shall be used solely for administrative, legal, or quality assurance purposes.

iv) Candidate Rights

Candidates have the right to request access to their personal data held by NCK in relation to the appeals process, in accordance with applicable data protection laws. Requests must be submitted in writing and will be processed within the legally prescribed timelines.

v) Breach of Confidentiality

Any breach of confidentiality or misuse of personal data in the context of the appeals process shall be taken seriously and may result in disciplinary action or legal consequences in accordance with NCK policies and applicable legislation.

8) Review and amendment of the Guidelines

These guidelines shall be reviewed every five (5) years or as needed to align with legal, policy, or institutional changes.