



## **Announcement**

### **New Appeals Regulations**

**Published: April 2021**

The following Appeals Regulations published in April 2021 are applicable to examinations conducted by the College *from 1<sup>st</sup> July 2021 onwards*.

These regulations apply to all examinations conducted by the College with the exception of the MRCS, MRCS (ENT), DO-HNS, Specialty Membership Dental Examinations, and MRCP(UK) examinations. Information regarding appeals for these examinations can be located on the relevant pages of the College website.

The previously published document 'Appeal Procedure for College Examinations' and ISFE 'Appeals Regulations June 2013' will no longer be valid after the 30<sup>th</sup> June 2021.



# Royal College of Physicians and Surgeons of Glasgow

## Appeal Regulations relating to Examinations

**April 2021**

<b>Reviewer</b>	<b>Sign Off Month/Year</b>
Chief Executive Officer, RCPSG	February 2021
RCPSG Solicitors (Brodies)	March 2021
Examinations Unit	April 2021
Examination Boards (DEB, SEB, SFEE)	April 2021
<b>Publication Date: April 2021</b>	



## Appeal Regulations for College Examinations

These Appeal Regulations apply to all examinations conducted by the College with the exception of the MRCS, MRCS (ENT), DO-HNS, Specialty Membership Dental Examinations, and MRCP(UK) examinations. Information regarding appeals for these examinations can be located on the relevant pages of the College website.

### Introduction

- 1.1 An appeal is a request for a review of an examination result. Appeals will not be accepted from third parties on behalf of a candidate.

***Candidates should note that, by entering to sit an examination, they are assumed to have understood and agreed to abide by the regulations, including these appeal regulations***

### Reasons for an Appeal

- 1.2 Appeals must be on the grounds of either:
- (1) Marking process error which had an impact on the outcome of the examination; or
  - (2) Procedural defects or irregularities in the conduct of the examination, including administrative error, which could have adversely affected a candidate's performance or the outcome of the examination.
- 1.3 Appeals will not be accepted (except on the grounds of appeal set out in section 1.2 above) where:
- (1) The candidate failed the examination by a narrow margin;
  - (2) The candidate believes they have been under marked;
  - (3) There has been a lack of understanding or awareness of the examination regulations on the part of the candidate;
  - (4) The candidate disagrees with the academic judgement of examiners, such as disagreeing with a specific mark awarded;
  - (5) The outcome of the examination is consistent with the examination regulations; or
  - (6) The candidate seeks to rely on mitigating personal circumstances.
- 1.4 Candidates should note that regulations make clear that there is the right of withdrawal from the examination due to exceptional circumstances. Candidates who sit the examination are declaring themselves physically and mentally fit to do so. The College will therefore not accept appeals from candidates on the grounds of a personal circumstance which the candidate was aware of before the examination, or becomes aware of during the examination, that may have affected their performance but where the candidate chose to sit or to continue with the examination regardless of that circumstance.



### **The Appeal Process**

- 2.1 An appeal must be submitted via email to the Deputy Head of Assessment at the College within 30 working days of the examination result publication on the College website.
- 2.2 The appeal must state the name and address of the candidate, the examination result appealed against and the grounds of appeal, as detailed in section 1.2. The appeal must be accompanied by any supporting information the candidate feels is relevant. On receipt of the appeal, administrative checks will be carried out to ensure that the appeal has been submitted within the required timeframe and is on appropriate grounds. The appeal will be returned if these criteria are not met. If the initial criteria are met, the appeal will proceed and the fee noted in section 2.3 will be charged. If the criteria are not met, the appellant will be advised that is the case and the appeal will not proceed.
- 2.3 The fee for submitting an appeal is £100. On acknowledgement of the receipt of the appeal, payment of the appeal fee must be made before the investigation will commence. The acknowledgement will explain how to make payment. The fee will be reimbursed only if the appeal is upheld.
- 2.4 The appeal and any other documents required for consideration will be treated as having been given or sent on the day it is received by the College: any letter or document sent to any person including the appellant will be sent to the person's last notified email address and will be treated as having been given or sent on the day that it is sent.
- 2.5 On receipt of an appeal, the Deputy Head of Assessment (or another nominated individual) will consider the appeal and may do so in conjunction with the Lead Clinician for the Examination, if appropriate. The appeal may be:
  - (1) Dismissed as considered to be unsubstantiated;
  - (2) Dismissed as outside the permitted grounds, or incomplete;
  - (3) Upheld, the result annulled and the attempt expunged; or
  - (4) Upheld and (subject to section 2.6 below) where the ground of appeal was a marking process error, the correct mark applied.

The College will respond within 30 days to confirm the appeal decision to the candidate.

- 2.6 If an appeal is upheld, the candidate may also be awarded a refund of the examination fee they paid and/or a free entry to the next diet of the same examination. The decision on whether to award a refund of fees and/or a free attempt will be made by the Deputy Head of Assessment on a case by case basis.

In the event of an appeal on the grounds of marking process error, candidates should note that an appeal cannot lead to a fail result being changed into a pass result, unless it has been established that there was an error in the collation, recording or reporting of the marks that had an effect on the outcome such that if this had not occurred, the candidate would have passed the examination.



### **Further Review**

- 3.1 In the event that the appeal is dismissed in accordance with section 2.5(1) and the candidate wishes to pursue the appeal further, the candidate must submit their request in writing to the Director of Education and Assessment within 10 days of notification of dismissal and may provide additional information at this stage.

The grounds for any further appeal are those set out in section 1.2 above.

- 3.2 On receipt of such a request the Director of Education and Assessment will consider whether the request has been submitted within the required timeframe and is on appropriate grounds and whether in the judgement of the Director of Education and Assessment any additional information provided by the candidate is sufficient to warrant review by an Appeal Board. The Director will either confirm dismissal of the appeal, or allow the appeal to proceed to review by an Appeal Board. The decision of the Director is final.
- 3.3 The fee for convening an Appeal Board is £600. On confirmation of a decision to convene an Appeal Board, payment of the appeal board fee must be made before the Appeal Board will be convened. The confirmation will detail how to make payment. The fee will be reimbursed only if the appeal is upheld.

### **Convening an Appeal Board**

- 4.1 If the Director allows the appeal to proceed to an Appeal Board, they will appoint an Appeal Board consisting of:
- (1) A Chair, who will be either the President or Vice President Medical or Surgical or Dean of the Faculty of Dental Surgery;
  - (2) A representative from another Royal College;
  - (3) A representative from another examiner panel within the College;
  - (4) An Appeal Board Secretary, nominated by the Director of Education and Assessment to minute proceedings but have no vote; and
  - (5) A non-voting legal adviser, if thought appropriate by the Director.
- 4.2 The Appeal Board will meet for a hearing (and may do so remotely or in person) as soon as reasonably possible, usually within 30 working days of receipt of payment of the Appeal Board fee.
- 4.3 The Deputy Head of Assessment, the Director of Education and Assessment and the Lead Clinician for the examination may be asked to attend to give information to the Board.
- 4.4 The appellant may attend the hearing if they wish and present written or oral evidence to the Appeal Board. Proceedings of the Appeal Board shall not be invalidated if the appellant is absent, provided that the procedure detailed below has been observed. The appellant may be accompanied by a legal adviser or supporter. The legal adviser/supporter may advise and counsel the candidate, but may not make any statements to, or cross-examine, any other person present at the hearing.



- 4.5 In advance of the Appeal Board hearing, the Appeal Board Secretary will:
- (1) Advise the appellant of the date and time of the hearing and request payment of the fee for convening the Appeal Board. The appellant will be informed that the hearing will not take place unless the fee has been paid;
  - (2) Advise the appellant of the time and location of the Appeal Board meeting, or advise of the means of attending the meeting if it is to be held remotely (e.g. via video conference);
  - (3) Inform the appellant that they have the right to be accompanied in accordance with section 4.4 and request confirmation of the name of any accompanying person; and
  - (4) Inform the appellant, normally 2 weeks in advance, of the names of the persons who will be on the Appeal Board.
- 4.6 On receipt of the information detailed in section 4.5, and at least two working days prior to the Appeal Board hearing taking place, the appellant must:
- (1) Acknowledge receipt of the details of and arrangements for the Appeal Board;
  - (2) Confirm if they wish to attend the Appeal Board; and
  - (3) If attending the Appeal Board hearing, confirm whether they will be accompanied (as detailed in section 4.4) and advise of the name and role of the person accompanying them.

#### **Procedure for a Hearing**

- 5.1 The hearing will only take place if the appellant has paid the required fee.
- 5.2 The hearing will be held in private.
- 5.3 At the hearing the Appeal Board may address any questions to any parties present: the appellant may make or submit a statement and may, through the Chair, address any questions to any parties present.
- 5.4 Thereafter all persons except the members of the Appeal Board shall withdraw while the Board considers its decision. The Appeal Board may reach its decision or defer its decision pending further enquiries. The Appeal Board will provide the appellant with a timeframe for conclusion of any further enquiries.
- 5.5 The Appeal Board may at any stage adjourn.

#### **Disposal**

- 6.1 The Appeal Board will determine the outcome of the appeal at the conclusion of its consideration or as soon as possible thereafter. It will decide by a majority.
- 6.2 The Appeal Board may dismiss the appeal or uphold the appeal.



- 6.3 If an appeal on the grounds of marking process error is upheld, candidates should note that an appeal cannot lead to a fail result being changed into a pass result, unless it has been established that there was an error in the collation, recording or reporting of the marks that had an effect on the outcome such that if this had not occurred, the candidate would have passed the examination.
- 6.4 If an appeal on the grounds of procedural defects or irregularities is upheld the candidate may be awarded a refund of the examination fee they paid, and/or a free entry to the next diet of the same examination, and/or their attempt may be expunged. The decision on whether to award a refund of fees and/or a free attempt will be made by the Chair of the Appeal Board on a case by case basis.
- 6.5 If an appeal is upheld the original appeal fee plus the Appeal Board fee will be refunded to the appellant and any reasonable and proportionate costs in relation to travel and accommodation incurred by the appellant may be refunded. The amount of costs which may be refunded will be decided by the Chair of the Appeal Board following submission of appropriate receipts by the appellant.
- 6.6 The Secretary will prepare a written report which will be sent to the candidate within 10 working days of the hearing to intimate the decision of the Appeal Board.
- 6.7 The decision of the Appeal Board will be final and represent the conclusion of the appeal process.