



## Examination Appeals Regulations

### Introduction

These Regulations apply to all candidates for examinations run by the Faculty of Physician Associates (FPA) from 1 September 2017. Candidates should note that by virtue of entering to sit an examination they are deemed to have understood and agreed to respect and abide by these appeals regulations. Throughout these regulations, the FPA examination sub-committee may delegate any of the duties to an appropriate member of the faculty or examination-subcommittee.

### Definitions

These Regulations are to be used to investigate all academic and examination appeals. An 'appeal' is defined as a request for a review of a decision made by or on behalf of the Examination Board about the performance in an examination of a candidate or group of candidates.

A candidate who has attempted any part or component of an examination may, in the circumstances set out below, appeal against the result. The only grounds for appeal are that:

1. There is clear evidence of procedural irregularity in the conduct of the examination (including administrative error) which has adversely affected a candidate's performance.
2. There were exceptional circumstances, such as illness (for which clear documentary evidence must be provided), which adversely affected a candidate's performance in the examination. Candidates have to file an appeal within five days of the examination and not wait until after they receive their results. *(Candidates should note that the Examination Regulations make clear that there is a right of withdrawal from any examination due to exceptional circumstances, and candidates appealing on these grounds must provide a valid reason explaining why they chose not to do this.)*

Appeals will not be accepted on any other grounds, for example that a candidate:

- Considers his or her efforts were under-marked



- Failed the examination by a narrow margin
- Did not understand or was unaware of the Examination Regulations

Any expression of a specific concern about the provision or quality of a service by the FPA including issues such as staff conduct, disputes about the regulations, other procedures or the application thereof is defined as a 'complaint' and as such will not be considered under these regulations (but may instead be handled in accordance with the Complaints Procedures in the Examination Regulations).

## Procedure

Any appeal shall be made in writing to the FPA within five days of the exam and all supporting follow up documentary evidence has to be submitted within thirty days of starting the appeal. Any appeal submitted after this period must include an explanation and evidence as to why it could not be submitted sooner, and will only be accepted at the sole discretion of the FPA.

Candidates are assured that they have the opportunity to raise matters of legitimate concern through these appeal regulations without risk of disadvantage or criticism. Towards this end, the FPA recognises the importance of confidentiality when handling appeals, and will maintain an appellant's anonymity as far as is possible during any investigation. However, it will occasionally be necessary to disclose an appellant's identity to progress an investigation, and moreover this will be done as a matter of routine should any hearing by an appeals panel be necessary. Candidates who are not willing for their identity to be disclosed in this way should notify the FPA.

On receipt of an appeal the FPA will investigate and collate all relevant information, before referring it to the chair of the examination sub-committee for initial consideration. The chair may discuss the case, or direct the FPA to undertake further investigations, as he/she deems necessary.

The chair of the examination sub-committee may authorise one of the deputy chairs, OSCE or Written Exam lead to consider appeals on his/her behalf, and if a direct conflict of interest exists the chair will be delegated to a deputy chair.

If it is considered by the chair that the appeal is frivolous, unsubstantiated or outside the permitted grounds, the candidate will be notified of this and informed that the appeals procedure is at an end. If it is considered that the appeal is vexatious or malicious, or that the appellant has used false information, the appeal procedure will



also be at an end but in this instance the appellant may be liable for action under the FPA Fitness to Practise Procedure.

If it is considered by the chair that there is a case in support of the appeal "at first sight" (*prima facie*), he/she may arrange for an immediate remedy to be offered to the candidate. Alternatively, if the chair is unable to determine whether there is a *prima facie* case, or (particularly in the absence of precedent, or in any case involving the possible correction of results and/or marks) decides the appeal requires wider discussion, he/she may refer the appeal to the examination sub-committee for consideration.

### Procedure for Multiple Choice Examinations

Procedural irregularities are highly unlikely in the written examination, but in cases of extenuating circumstances due to sudden candidate illness or in cases of procedural irregularity, he/she may consider alternative remedies such as a resit, a refund, or expunging the attempt.

### Procedure for Clinical Examination

Where there is evidence that a candidate's examination performance was adversely affected by a procedural irregularity in the conduct of that exam, which has not been adequately addressed, the chair of the examination sub-committee shall consider the case. Candidates should note that examiners cannot accurately or numerically determine the effects of any procedural irregularity or extenuating circumstance on a candidate's performance. As such it is not normal practice to revise a candidate's result *even* if an appeal is upheld and the likely effects of the circumstances on a candidate's performance are judged to be severe. Instead the chair of the examination sub-committee may expunge the attempt from a candidate's record and/or offer some other remedy, so that the candidate may *demonstrably* meet the standard required for the examination at a subsequent attempt.

The decision of the chair or examination sub-committee will be communicated to the candidate within 10 working days of all evidence being submitted.

If the candidate is not satisfied with the outcome of their appeal, they must contact the manager of the FPA at the RCP within 10 working days of being notified of it to request that their case be reconsidered by an appeals panel. All such requests will be reviewed by an independent examination expert, who will determine whether



sufficient evidence remains for consideration by an appeals hearing panel, following the decision of the examination sub-committee chair.

### **Conduct of an appeal hearing panel**

An appeal hearing panel shall be convened at the discretion of the FPA chair of the examination sub-committee, and established by the manager of the FPA, who will act as secretary to the panel.

The appeal hearing panel shall meet as soon as is practicable, and be constituted with one member from each of the following categories, or their nominee, provided that none have any conflict of interest:

- chair of the examination sub-committee, shall chair the panel (or their representative)
- lead(s) of the component of the examination in question (OSCE and/or written)
- additional member of the examination sub-committee
- FPA manager (act as panel secretary)

The secretary's role shall be to record the proceedings and deliberations of the appeal hearing panel, and he/she may advise on procedural or regulatory matters. He or she may not influence the decisions of the appeal hearing panel in any way.

The candidate shall have the right to be present at all proceedings of the appeal hearing panel subject to the procedures detailed below, and to present written or oral evidence to the appeal hearing panel. Proceedings of the appeal hearing panel shall not be invalidated by reason of the absence of the candidate, provided that the procedure detailed below has been observed.

The candidate has the right to be accompanied at the hearing by a friend (who cannot be their course director/academic advisor or similar, or a legally qualified person). The friend may advise and counsel the candidate, but may not make any statements to, or cross-examine, any other person present at the hearing. If the candidate wishes to be accompanied by a friend they must provide the secretary to the appeal hearing panel with the name, address and roles of the nominated person, and the reasons for their involvement, not less than five working days before the hearing.

The secretary shall inform the candidate of the scheduled date of the appeal hearing panel as soon as possible and not less than 15 working days before the date of the



hearing. The secretary will then arrange for a copy of each document that is to be presented to the appeal hearing panel to be sent to the candidate not less than 10 working days before the date set for the hearing. Such documents shall include any statement(s) provided by the candidate, whose responsibility it is to ensure any such documents and written statements they intend to provide in support of their appeal are received by the secretary at least 12 working days before the date set for the hearing. No documents may be presented to or referred to by the appeal hearing panel, unless details have been circulated in this manner, except with the consent of both the appeal hearing panel and the candidate. All documents will also be circulated in advance to members of the appeal hearing panel so that they may familiarise themselves with the details of the case before the date of the hearing.

### **Appeal hearing panel procedure**

The appeal hearing panel may, at its discretion, meet before the scheduled start of the hearing for preliminary discussions. The secretary shall be present and keep a record of proceedings.

At the start of the hearing panel all present shall introduce themselves. The chair shall then invite the candidate to present their appeal, documentary evidence in support of their case. The panel may then question the candidate.

The hearing may, at its discretion and at any time, interrupt proceedings to ask questions. Before the appellant is dismissed, the chair shall give them the opportunity to make a closing statement. Before leaving, the candidate shall be reminded that he/she will be notified of the outcome within ten working days.

The appeal hearing panel shall then consider the matter, whether there are sufficient grounds and evidence for the appeal to be upheld, and what, if any, remedy should be offered to the candidate. The comments and decisions of individual appeal hearing panel members shall always be treated as confidential.

Following the meeting the secretary shall prepare a written report summarising the proceedings and the decisions of the appeal hearing panel. This shall be sent to the candidate within ten working days of the hearing, and a copy presented to the next meeting of the relevant examination sub-committee for its information and action, if appropriate. The candidate shall be reminded that the decision of the appeal hearing panel is final, and that the appeals procedure is at an end.



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