



ROYAL  
COLLEGE OF  
PHYSICIANS  
OF IRELAND

# Policy and Procedures on Appeals for Examinations

March 2022

# RCPI Examination Appeals Policy

This policy was developed in December 2021 and undergoes a review every three years from the date of approval. The policy is approved by the RCPI Examinations Committee.

<b>Policy Title</b>	<a href="#">Appeals Policy for Examinations</a>
<b>Approvers</b>	Examinations Committee
<b>Author(s)</b>	Examinations Department
<b>Applies to</b>	Examinations Candidates
<b>Policy Number</b>	

# 1 Introduction

- 1.1 These Regulations apply to all candidates for examinations administered by the Royal College of Physicians of Ireland from September 2012 (when these Regulations came into effect).
- 1.2 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 all relevant regulations, including these Appeals Regulations.
- 1.3 Throughout these Regulations, any College Officer may delegate any of the duties ascribed to him/her to another appropriate member of College staff.
- 1.4 Any dispute as to the interpretation of these Regulations shall be referred, in the first instance, to the College Registrar and is subject to the general appeals policy of the College, whose decision in the matter shall be final.

# 2 Definitions

- 2.1 These Regulations are to be used to investigate examination appeals.
- 2.2 An 'appeal' is defined as a request for a review of a decision made by or on behalf of an Examinations Board about the performance in an examination of a candidate subject to 2.3.1 and/or 2.3.2 below.
- 2.3 A candidate who has attempted any Part or component of an RCPI examination governed by these regulations may, in the circumstances set out below, have the right of appeal against the result. The **only** grounds for appeal are that:
  - 2.3.1 There is clear evidence of procedural irregularity in the conduct of the examination (including administrative error) which has adversely affected a candidate's performance;
  - 2.3.2 There were exceptional circumstances, such as illness or some other extenuating circumstance (for which clear documentary evidence must be provided), which adversely affected a candidate's performance in the examination. Candidates are advised to submit details of any such circumstances preferably on the day of the examination or in any circumstances within three working days of the examination and not wait until

after they receive their results. Candidates should note that the Regulations make clear that there is the right of withdrawal from any examination up to its start due to exceptional circumstances. Candidates who sit the examination are deemed to be certifying themselves fit and healthy to do so. RCPI will not accept appeals from candidates who were aware of exceptional or extenuating circumstances before the examination and subsequently chose to sit.

2.4 Appeals will **not** be accepted on the grounds that a candidate:

- Considers his or her efforts were under-marked
- Failed the exam by a narrow margin
- Did not understand or was unaware of the Examination Regulations
- Seeks to question the exercise of professional or academic judgement. In particular, an appeal may not question the clinical judgement of an examiner regarding a patient in a clinical exam.

2.5 Candidates are expected to notify Examinations staff of any irregularity regarding their examination at the earliest opportunity. This allows such factors to be considered in the results process, if applicable. Candidates appealing after results have been issued on the basis of circumstances not previously disclosed will be required to explain why they did not notify the College of the issue sooner. Failure to provide a satisfactory explanation may be used as grounds to deny the appeal.

2.6 If an appeal is upheld the normal recourse offered is that the attempt at the examination may be expunged from their record and they are entitled to re-sit the examination.

2.7 All candidates should note that it is only in very exceptional extenuating circumstances can a candidate's result be amended. Furthermore, it must be evident that, if the candidate had been able to complete the exam in the normal way/circumstances, they would have passed it. It should be noted in particular that candidates affected by technical issues causing disruption or delays in their exam are very unlikely to meet this standard.

2.8 Any expression of a specific concern about the provision or quality of a service by RCPI, 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.

- 2.9 It is recognised that on occasion it may be initially unclear whether a case constitutes an appeal or a complaint; hence RCPI reserves the right to reclassify appeals to complaints or vice-versa at any stage in proceedings, after consulting with the person appealing or complaining. Such reclassification will always be done so that the matter can be considered in the most appropriate and fair way, and candidates will not be required to resubmit their cases following any reclassification.

### **3 Procedure**

- 3.1 Any appeal shall be made in writing to the Examinations Department within ten working days of the despatch of the result to which it relates, and include supporting documentary evidence, including the fee of €250 (which will be refunded if the appeal is upheld). In cases where the appeal is made under 2.3.2 the appeal should be lodged within three working days of the examination.
- 3.2 Any appeal submitted after these periods 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 Examinations Manager.
- 3.3 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, RCPI 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 Committee be necessary. Candidates who are not willing for their identity to be disclosed in this way should notify the Examinations Manager.
- 3.4 Acknowledgement of receipt of an appeal will be sent to a candidate within five working days of receipt of the appeal.
- 3.5 On receipt of an appeal the Examinations Manager or his/her nominee will investigate and collate all relevant information to ascertain the validity of the appeal having regard to 3.6 and 3.7 below within 10 days of the receipt of the appeal.
- 3.6 If it is considered by the Examinations Manager or his/her nominee 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 Examinations Manager may consider what other action is appropriate, as per the Examinations Code of Conduct.

- 3.7 If it is considered by the Examinations Manager or his/her nominee that the appeal is within the permitted grounds, he/she shall refer the appeal to the Chair of the relevant Examinations Board/Committee for consideration. The Chair may discuss the case, or direct the Examinations Department to undertake further investigations, as he/she deems necessary. The appeals procedure is normally expected to take no more than 6 weeks from the date of the appeal being received by the Examinations Department. Candidates will be kept informed if the process is likely to take longer than this for any reason.
- 3.8 If it is considered by the Chair that there is a prima facie case in support of the appeal, 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 next scheduled meeting of the relevant Examining Board for consideration.
- 3.9 If the candidate is not satisfied with the outcome of any appeal, they must contact the Examinations Department within 10 working days of being notified of it to request that their case be reconsidered at Step 2 of the Appeals Process. Candidates whose appeals have been upheld cannot ask for the decision to be reviewed if they are not satisfied with the remedy offered by the Chair. Candidates whose appeal has not been upheld cannot ask for the appeal to be reviewed simply because they do not agree with the decision. In correspondence with the Examinations Department, they must either:
- Demonstrate that the process outlined in the appeals regulations has not been followed; or
  - Provide additional evidence that was not considered by the Chair when they initially reviewed the appeal.

## 4 Step 2 Appeals

- 4.1 Upon receipt of a step 2 appeal, it will be reviewed in the first instance by the Dean/Director of the relevant Faculty/Institute (or their nominee), who will decide whether the above grounds have been met. If it is considered by the Dean/Director or his/her nominee that the appeal does not meet the requirements of section 3.9, the candidate will be notified of this and informed that the appeals procedure is at an end.
- 4.2 If the Dean/Director determines that the appeal may proceed, the appellant will be advised of the fact, and that the sum of €500 is required to be lodged with the College as an act of good faith. The fee may be refundable if the appeal is upheld. The appeal will be considered by the Dean/Director, who will appoint an Appeals Committee to review the matter.

## 5 Appeals Committee

- 5.1 The Appeals Committee will consist of:
  - (a) The Dean/Director of the appropriate Faculty (or nominee), who shall be Chair
  - (b) A senior Fellow of the College from the appellant's own specialty
  - (c) A senior Fellow of the College from a different specialty; preferably a member of a different Examination Board.
  - (d) An external assessor from another academic or professional body.

No person who has been concerned in any way with the decisions giving rise to the appeal will be eligible to sit on the Appeals Committee. A legal representative of the College may be present as an adviser to the Committee.

- 5.2 The Appeals Committee will determine whether the decision of the Board Chair was reasonable, whether any avenue of investigation was overlooked, or whether sufficient evidence exists to offer an alternative remedy.
- 5.3 The Appeals Committee shall convene a hearing as soon as is practicable and the appellant will be informed giving at least 20 working days' notice so that he/she can arrange to be present, accompanied if so wished.

- 5.4 The Examinations Department will arrange for a copy of each document that is to be presented to the Appeals Committee Hearing 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 list of witnesses they intend to call in support of their appeal are received by the Examinations Department at least 12 working days before the date set for the Hearing. No documents or witnesses may be presented to or referred to by the Committee, unless details have been circulated in this manner, except with the consent of both the Committee and the candidate. All documents will also be circulated in advance to members of the Committee so that they may familiarise themselves with the details of the case before the date of the Hearing.
- 5.5 At the Hearing, the appellant will be asked to present their case to the Committee, and to answer any questions. The Committee may ask for additional information to be presented. The appellant will then leave, and the Committee shall 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 Committee members shall always be treated as confidential.
- 5.6 The Committee's decision, including a summary of its findings shall be communicated to the appellant by the Dean/Director within five working days of the date of the Hearing.

## **6 Step 3 Review**

- 6.1 A candidate who believes that there was an error in the conduct of his/her Step 2 Appeal may, within 10 working days of receiving the Committee's decision, request a review of the appeal by the College Registrar.
- 6.2 The Registrar shall review all information provided by the candidate, to determine if the correct procedure was followed in the conduct of the appeal, and if the appeal was fairly treated. The purpose of this review is solely to determine if such a procedural irregularity has occurred, and is not to relitigate the Appeal.
- 6.3 If the Registrar determines that there was an error in the conduct of the appeal, she/he may refer the matter back to the Appeal Committee for further consideration. The Registrar shall then refer the matter to the next meeting of the College Executive, which



shall decide on any appropriate further action. The decision of the Registrar and/or College Executive shall be final.

## 7 Review of Policy

This Policy shall be subject to review every three years from the date of approval of this document by the Executive Board

Approved By:	Date
Examinations Committee	September 2012
Review	
Review by Examinations Committee	25 March 2022

RCPI is GDPR compliant. Should you have any queries on GDPR please contact [dataprotectionofficer@rcpi.ie](mailto:dataprotectionofficer@rcpi.ie).