



## Candidate Appeals Procedure

### Introduction

This document sets out the process required for all Royal College of Pathologists candidates wishing to appeal against an examination result.

Contained within this policy is the following information, which candidates should ensure they have fully read before submitting an appeal:

- Grounds for Appeal
- Submitting an Appeal
- Stage 1
- Stage 2
- Overview of Roles & Responsibilities
- Timescales
- Fees

### Grounds for Appeal

A candidate who has taken any College examination has the right of appeal if there is evidence of procedural or administrative irregularity by the College or its contractors in the conduct or content of the examination that has adversely affected the candidate's result.

Candidates must be able to provide evidence that the decision against which they are appealing meets **at least** one of the following criteria:

- The decision was biased or discriminatory.
- There was a substantial procedural irregularity.

The onus is on the candidate to provide evidence that one of the criteria listed above has been met.

Candidates considering an appeal should take note of the following:

- Candidates who present themselves for the examination are deemed to be prepared for and capable of taking it. Adverse circumstances known to the candidate in advance of the examination will not be accepted as mitigating factors in their performance in the examination if they could have withdrawn or informed the Examinations Department in advance.
- Candidates are expected to have obtained further feedback on their examination performance via their educational supervisor or specialty adviser before submitting an appeal (see para 22 of *Regulations and Guidelines for College examinations*).
- Disagreement with the academic judgement of examiners will not give grounds for appeal and papers will not be remarked as part of the process.
- An appeal submitted on the grounds that a candidate did not understand or was not aware of the *Regulations and Guidelines* will not be considered.

- When appealing on the grounds of circumstances relating to events or issues which may have affected their performance during the examination, candidates are advised to have brought this to the invigilator's attention during the examination or to have notified the Head of Examinations within one week of the date of the examination.
- Candidates are advised that, when taking their examination online, circumstances surrounding the online experience will not give grounds for appeal. Examiners marking are already aware of any adverse circumstances during an exam and all questions are reviewed to ensure the marking process provides the best outcome for all candidates.

### **Submitting an appeal**

A Stage 1 appeal must be made by the candidate themselves in writing within two weeks of issue of the examination result or within one week of issue of further feedback. Appeals must be sent to the Head of Examinations by e-mail to [exams@rcpath.org](mailto:exams@rcpath.org).

There is no fee for a Stage 1 appeal.

A Stage 2 appeal must be received by the Head of Examinations within three weeks of the notification date of the Stage 1 decision. Payment for a Stage 2 appeal will be arranged on receipt of the appeal.

**Candidates are not permitted to contact individual examiners at any stage of the appeal process.**

### **Stage 1 Appeal**

Once an application for appeal has been received and acknowledged by the Head of Examinations it will be considered by the Clinical Director of Examinations.

The Clinical Director will undertake a full enquiry into the grounds for appeal. This will include investigating bias or discrimination where appropriate and checking that no administrative, procedural, numerical, data transcription or computing errors have occurred, and that the declared result accurately reflects the judgement of the examiners. The Director will review all relevant documentation and may also ask the Chair of the Panel of Examiners of the specialty for a report on the examination in question.

Once the investigation has been completed, the Clinical Director will document all findings, and a written notification will be sent to the candidate with a decision on their appeal.

Where a procedural irregularity is found the Clinical Director of Examinations may authorise a refund of the examination fee or waiver of the fee to re-sit the relevant component of the examination. Only in exceptional circumstances, where it is clear that a paper has been overlooked or marks incorrectly totalled, will a fail mark be converted to a pass.

## Stage 2 Appeal

A candidate can continue to Stage 2 of the appeals process if they are dissatisfied with the outcome of Stage 1. An Appeals Review Panel will review the outcome of Stage 1 and a Stage 2 appeal will include a full oral hearing. A fee will be charged to the candidate to cover the costs incurred by College in holding the hearing. This fee will be no greater than the relevant entry fee and will be returned if the appeal is upheld.

The Appeals Review Panel cannot interfere with a judgement about assessment or an examination outcome nor will it put itself in the position of the examiners in order to re-mark or pass comment on the marks given. It will look at whether the College has followed its own assessment, marking and moderation procedures and whether there was any unfairness or bias in the decision-making process.

The following points should be noted:

- All documents, together with the candidate's reasons for appealing to the Appeals Review Panel, will be made available to Panel members.
- There is no expectation that additional information will be placed before the Panel, but in exceptional circumstances the Chairman of the Assessment Review Panel may allow such additional information. This should be submitted at least seven days before the date fixed for the Panel hearing.
- The candidate has the right to attend the Appeals Review Panel hearing and to bring someone to support them during the hearing.
- The candidate will be responsible for making their own arrangements for the appeals hearing, including travel and accommodation arrangements.
- The Chair of the Appeals Review Panel will determine the precise procedure for each appeal hearing; members of the Panel may ask questions of those in attendance.
- The Chair of the Appeals Review Panel can decide that the appeals hearing be virtual if the candidate chooses not to attend. The Panel may interact by either a conference call or on-line, or any similar technology that allow for synchronous interaction.
- The Appeals Review Panel will reach a decision, set out a statement of reasons and a written notification will be sent to the appellant.
- Candidates cannot appeal against a Stage 2 decision.
- If the appeal is upheld the Appeals Review Panel may authorise a refund of the appeal fee, the examination fee or waiver of the fee to re-sit the relevant component of the examination. Only in exceptional circumstances will a fail mark be converted to a pass. The Appeals Review Panel can authorise the reimbursement of reasonable incidental costs.

## **Overview of the Roles and Responsibilities**

### **Candidate**

- Candidates should discuss their appeal with their educational supervisor or other appropriate trainer prior to submitting the required documentation
- Only the candidate can initiate the process.
- Candidates are expected to present a clear, concise and convincing written case via the Head of Examinations at each appeal stage. This should be submitted as a Word/PDF document. Appeals sent as an email message without a clear and concise explanation will not be considered.
- All information relevant to the appeal should be provided at the beginning of the process as only in exceptional circumstances will new information and evidence be included later in the process.
- Candidates may only appeal on one or more of the grounds listed (see Grounds for Appeal) and all evidence presented should clearly relate to the appeal.
- Candidates will be responsible for all personal costs incurred and any appeals fee will only be refunded if the Stage 2 appeal is upheld.

### **Head of Examinations**

The Head of Examinations will act independently and objectively and will:

- Confirm the criteria for an appeal have been met, and notify the candidate of Stage 1 commencement.
- Confirm the criteria for an appeal have not been met, and notify the candidate of the failure to meet the criteria.
- Forward all approved Stage 1 appeals to the Clinical Director of Examinations.
- Carry out an initial administrative check to ensure that the assessment result has been recorded properly.
- Carry out a marking check, if the appeal is on these grounds.

### **Clinical Director of Examinations**

The Clinical Director of Examinations will act independently and objectively and will:

- Review any appeals where the criteria for an appeal have not been met.
- Fully investigate all Stage 1 appeals.
- Ensure that the process is fair, open and transparent.
- Ensure the candidate is notified of all decisions made, or any changes to the agreed timescales.
- Attend any Stage 2 Appeal hearings.

## **The Chair of the Panel of Examiners**

The Chair of the Examiners' Panel will act independently and objectively and will:

- Provide a written response to the grounds for appeal as requested.
- Implement any recommendation made by the Clinical Director of Examinations or the Appeal Review Panel.

## **Appeals Review Panel**

- The Appeals Review Panel will not be a standing Panel, but will be convened as necessary.
- Membership will be formed by senior College Fellows drawn from either panels of examiners that are not the candidate's specialty or Council together with at least one nomination of the Lay Advisory Committee.
- The Chair will be elected by each Panel immediately after its formation.
- A quorum will consist of three members including one lay member.
- No individual will be a member of an Appeals Review Panel if there is a possible conflict of interest. This will be declared to the Head of Examinations acting as the Appeals Review Panel secretary prior to the convening of the Panel.
- Where required, the Chair of the Appeals Review Panel may seek outside specialist advice. Where this is the case, the candidate will be notified.
- The Chair of the Appeals Review Panel is responsible for taking decisions during the appeal process.
- The Chair of the Appeals Review Panel is empowered to decide on any dispute over documents to be presented to the Panel.

## **Timescales**

- All Stage 1 appeals must be received within two weeks of issue of the examination result or within one week of issue of further feedback.
- The receipt of an accepted appeal will be acknowledged within one week.
- A notification of failure to meet the required criteria for an appeal will be acknowledged within one week.
- A decision on a Stage 1 appeal by the Director of Examinations and Assessment will be reached within four weeks. In more complex cases, the timescale may be extended. Candidates will be kept informed of any changes to the expected timetable.
- A Stage 2 appeal must be received by the Head of Examinations within three weeks after the notification date of the Stage 1 decision.
- A Stage 2 appeal will be heard, where possible, within one month of receipt of a Stage 2 appeal. This may be extended at the discretion of the Chairman of the Appeals Review Panel.
- Candidates will receive notification of the Appeals Review Panel decision within 10 days of the hearing.

The College reserves the right to amend any of the stated timescales, within reason, and subject to the complexity of an appeal, or the availability of suitable Appeal Review Panel members. Candidates will be kept informed of all revision schedule revisions and the reasons for the changes.

## **Fees**

There is no fee for submitting a Stage 1 appeal against an examination result. The fee for a Stage 2 appeal is £500.

- A Stage 2 appeal will not be accepted without the correct fee.
- Candidates will not be refunded for unsuccessful appeals.
- If the appeal is successful candidates may receive, if requested, the reimbursement of reasonable incidental costs incurred. The Appeals Review Panel will determine such costs.
- An application for costs may include reasonable travel and subsistence expenses, but cannot include legal or other professional fees