

## Complaints & Appeals Policy

### Introduction

This document outlines the policy and procedures for any candidates who wish to make a complaint or submit an appeal in relation to an assessment or examination of an FSRH qualification.

FSRH are committed to ensuring reliability and fairness in all forms of assessment within its qualifications. The Faculty have a series of measures in place to monitor and maintain reliability in all assessment components across all qualifications. Examiners and Assessors are subject to a rigorous selection and training process, and their performance as Examiners is regularly scrutinised by means of observation and statistical analysis. Equality and diversity training is compulsory for all new Examiners.

The marking of written papers is coordinated by Examination Convenors and calibrated using reference scripts to maximise inter-marker reliability. Various fail-safe procedures are also in place to double-check manual calculations and to prevent data-handling errors in the computer processing of marks.

The Faculty routinely provides as much feedback on candidates' performance as is both practicable and consistent with the security of marking schedules. The Faculty cannot undertake to create a personalised summary on candidates' performances beyond what is contained in results letters, as detailed in current examination regulations.

The complaints and appeals policy applies to candidates who:

- wish to challenge their result in any part of the examination,
- are dissatisfied with the conduct of any part of the examination,
- wish to ask for a review, or to lodge a complaint.

### Policy

In determining its policy, the Faculty has given consideration to two main points of principle:

- The Faculty marking and standard-setting procedures are such that in all components the reliability of the marking decision is greatest at the time of the initial Examiners' judgement, i.e., when written paper markers are in close contact with their coordinating Convenors, and when the candidate's performance in the oral assessment is fresh in the Examiners' memory.
- Subsequent review by different or Senior Examiners or by independent assessors cannot guarantee greater accuracy or reliability, as the conditions that foster marking reliability cannot be recreated at a later date. Moreover, in the case of the oral assessment, there is no residual physical evidence of the candidate's performance, which could be revisited.
- By Examiners applying marking schedules and making judgements, nothing can supplant the judgement of the individual Examiner(s) marking an examination component.
- No appeal can be made solely on the grounds that the candidate wishes to challenge the judgement of an Examiner.

- The Faculty take all possible and necessary precautions to ensure the maximum reliability of the result and to compensate for errors of measurement are built into the marking process.
- Unless there is good reason to suspect a procedural error, the Faculty does not consider it appropriate for any written papers to be remarked, or for any reassignment to be made of grades obtained in the oral assessment.
- The Faculty's response to any complaints or appeals regarding procedural errors will be confined to 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.
- Candidates who feel that they have grounds for a complaint or appeal or for a review of their results must follow the procedure set out in this document.
- Candidates are bound by the terms set out in the regulations for the qualification that they are undertaking which is agreed to upon registering for the examination.
- Candidates who have experienced mitigating circumstances which they feel have affected their performance in an examination or assessment should follow the mitigating circumstances policy.
- Attendance of any part of an examination will count as an attempt and the results will stand.
- The grounds upon which an application for review may be made are:
  - that there was inappropriate discrimination in the determination of the decision;
  - that an administrative irregularity or procedural failure has occurred giving rise to reasonable doubt that the decision would otherwise have been different;
  - that there were circumstances, unknown to the Faculty at the time, which contributed to the applicant's lack of success and there is reasonable doubt that, had these circumstances been taken into account, the decision would have been different; or
  - that new or fresh evidence is available which, had it been available at the time, might have affected the decision.

## Procedures

### *Submitting a complaint for investigation*

1. If you wish to lodge any kind of complaint, or ask for any issue to be investigated, you must notify the Director of Education and Training in writing within 21 days from the date of issue of the result.
2. The written submission must include your name and address, your telephone number or email address, and your candidate number.
3. The written submission must state: the specific part of the examination result against which the complaint is being made; the grounds upon which the complaint is based; and the revised decision being sought.
4. Your submission will be dealt with in the first instance by the Director of Education and Training, who will take all appropriate steps to ascertain the relevant facts, including consulting, where necessary, with Examiners and/or Education and Training staff. The Director of Education and Training will respond in writing as soon

as practicable and, in any event, no later than 28 days after receipt of your submission.

5. If the details given in your submission are incomplete the Director of Education and Training will give you notice of this in writing within 28 days of receipt of your submission to the Faculty. You will then have one further and final 28 days from the date of posting of this notice to submit the remaining details.
6. If your submission is received out of time i.e. more than 21 days after the date of issue of the result, the FSRH will not accept your submission and the Director of Education and Training will inform you that the submission is invalid within 28 days of receipt of submission by the Faculty.
7. If your submission is within the times specified above, it will then be reviewed by a Review Panel, consisting of the Director of Education and Training, an Honorary Officer of the Faculty as Chair and two members of the Faculty, appointed by the Officer. No one involved in the review will have been involved in the section of the examination being reviewed. The Review Panel will complete the review and you will be informed of the outcome in writing by the Director of Education and Training within 28 days.
8. By way of example only, and not intended as an exhaustive list, the following remedies are at the Review Panel's disposal following the upholding or the acceptance of a submission:
  - an explanation or apology
  - an undertaking to review relevant administrative procedures
  - checking of data entry into the examination's computing systems
  - a refund of the examination fee
  - waiving of the examination fee in respect of re-sitting the examination.
9. In the event that you remain dissatisfied after receiving the Review Panel's response, you must write again to the CEO within 14 days of its receipt by you, giving your reasons for considering that the matter had not been satisfactorily resolved by prior correspondence and by notifying him/her of your wish to take the matter forward to an appeal.

*Submitting an appeal on the decision made by the review panel*

- In the Notice of Appeal you must specify:
  - the decision and findings of the Review Panel against which your appeal is made;
  - the full and specific grounds upon which your appeal is based;
  - whether you wish the appeal to be conducted as a hearing at which oral evidence may be adduced and, if so, whether you propose to be legally represented at the hearing.
- The Notice of Appeal must be accompanied by:
  - the application provided to the Review Panel and all supporting documents;
  - the decision of the Review Panel;
  - a fee of 50% of the cost of the assessment which is returnable in full in the event the Appeal Board upholds the appeal.
  - the fee payable may be determined from time to time by the Education Strategy Board.

## Conduct of Appeal

1. The CEO will convene a meeting of an Appeals Panel to consider your case as soon as reasonably practicable. The Appeals Panel will comprise: a (different) Honorary Officer of the FSRH; a member of another medical college or Faculty e.g. RCOG. No member of the Review Panel can be a member of the Appeals Panel.
2. The CEO, who is independent of the decision-making process, shall be designated the Appeal Manager and be responsible for ensuring that each application is managed in accordance with these regulations.
3. The Appeal Manager will determine whether the application is in time, is complete and does not contain manifestly incorrect facts.
4. If the application is received out of time, the Appeal Manager will not accept the application and will inform the applicant within 7 days of receipt of the application by the Faculty that it is invalid.
5. If the application is based upon manifestly incorrect facts, the Appeal Manager will not accept the application and will send to the applicant details of the correct facts within 7 days of receipt of the application by the Faculty.
6. If the details given in the application are incomplete, the Appeal Manager will give the applicant notice of this fact in writing within 7 days of receipt of the application by the Faculty. The applicant will have a further and final 14 days from the date of posting of this notice to submit the remaining details.
7. If the application is in time, the details are complete and it is not based upon manifestly incorrect facts, the Appeal Manager will acknowledge acceptance of the application within 7 days of its receipt by the Faculty and inform the applicant that the application has been referred to the Appeals Panel.
8. Failure of the applicant to meet the timescale as set out above will render an appeal invalid.
9. The first task of the Appeal Manager will be to confirm the Appeals Panel's terms of reference. The Appeals Panel will base its deliberations on the application received and may seek evidence from any person or source it considers relevant.
10. The Appeals Panel's decision will be final. If the Appeals Panel upholds the application, the Appeal Manager will implement the decision.