

RCOA

Royal College of Anaesthetists

Primary and Final FRCA Examinations (Reviews and Appeal)

Regulations



List of amendments

October 2010	Complete re-write of March 2004 edition.
March 2013	Complaints policy added.
September 2016	General updates.
September 2018	General updates. Applicants not eligible for exams whilst matters under review, appeal or complaint remain unresolved.

Contents

Commencement and Revocation 3

Definitions 3

Re-calculation 3

Further information requests regarding examination performance 4

Review 4

Appeals 5

Complaints 6

Annex A

Examination Appeal Application Form 7

Annex B

Notes for Chair 10

Annex C

Procedures for Appeal Hearings 11

Commencement and Revocation

- 1 These Regulations shall be known as the Royal College of Anaesthetists' Primary and Final FRCA Examinations (Reviews and Appeals) Regulations and shall come into force on 1 September 2018. The Regulations made by the ETE Board of the Royal College of Anaesthetists on 1 September are hereby revoked.

Definitions

- 2 The words and phrases in the left hand column below shall have the meanings assigned to them in the right hand column.

Appeal	Has the meaning assigned to it in Regulation 14 of these Regulations.
Appeals Clerk	A member of the College staff with responsibility for administering Examination Appeals.
Complaint	Has the meaning attached to it in Regulation 21 of these Regulations.
Director	The Education, Training and Examinations Director of the Royal College of Anaesthetists.
Examiners	The Board of Examiners for the part of the examination to which a representation or appeal relates, or the Chairman of that Board or any member of that Board designated by the Chairman.
Panel	An Appeal Panel set up in accordance with Regulation 16.
Re-calculation	Has the meaning attached to it in Regulation 5 of these Regulations.
Review	Has the meaning attached to it in Regulation 8 of these Regulations.

- 3 The Royal College of Anaesthetists (the College) is committed to ensuring that all examination candidates are treated fairly and consistently during FRCA Examinations. These Regulations allow candidates to request a Review of the conduct of their examination where they believe they may have been treated unfairly, and allege impropriety or bias of some kind. Any decision regarding the request for a Review is made by the Director. Candidates who remain dissatisfied with the Director's decision and wish to have their case heard by an independent panel may request an Appeal. The procedures that should be followed regarding Appeals and Reviews, including re-calculation and subject access requests in regard to examinations are set out below:

Re-calculation

- 4 All marks are awarded following strict guidelines (Appendix 2 – Primary and Final FRCA Examination Regulations refers). **Papers cannot be remarked**, marks confirmed by the Examination Boards are final. However, if, following the outcome of a Review or Appeal, bias or impropriety is agreed to have been proven - then the Review or Appeal body will take such action to rectify the situation identified.
- 5 Prior to the confirmation of results all examination papers undergo a number of approved and thorough checking procedures. All marks are verified by the appropriate Board of Examiners or Core Group. A candidate who remains dissatisfied with the determination of his/her result but is not alleging any impropriety or bias, may, after receipt of his/her official result letter, request an additional calculation of his/her result. Re-calculation will incur a £50 administration charge. The administration charge will be refunded where an error is identified. Applicants should be fully aware that errors found during additional calculation are extremely rare and marks could be deducted if additional marks were added in error. Re-calculation requests must be made:
 - a within one month of release of result date.
 - b in writing to the Head of Examinations and accompanied by the administration fee, by cheque payable to 'The Royal College of Anaesthetists'.

Further information requests regarding examination performance

- 6 Official result letters, in the opinion of the Board of Examiners, provide full information regarding the breakdown of results. Examiners' comments, where provided will be supplied on request. Requests must be made in writing (letter or email), following receipt of official result letters. Appendix 9 of the Examinations Regulations give full details regarding the feedback provided to candidates.
- 7 The General Data Protection Regulation (EU)2016/679 (the GDPR) gives full details regarding the release of information and subject access requests. Under the GDPR examination scripts are exempt from disclosure in the event of a subject access request. The College adopts a policy that candidates have no automatic right of access to examination scripts. Candidates attending official guidance interviews may be given access to scripts at the discretion of the interviewing examiner.

Review

- 8 Subject to the following regulations, a candidate can ask the Director to review the conduct or the result of their examination. Reviews will be entertained which allege impropriety or bias of some kind in the organisation, content, conduct or determination of the result of the examination. The burden of proof lies with the applicant, who must prove clear reason to why their performance was affected by impropriety or bias. The following are some examples of incidents that could occur, and may affect performance in the areas mentioned above:
 - **Organisation**, e.g. wrong or missing documentation, instructions or artifacts, poor seating/lighting, error in timing allowed, which was not resolved during the examination.
 - **Content**, e.g. questions not relevant to the examination, questions on a topic not related to the curriculum.
 - **Conduct**, e.g. prior to or during the exam process the examiner asked personal questions about candidate's age, gender, origins, beliefs, disabilities, workplace or experience which affected the candidate's performance or final outcome.
 - **Determination of the result**, e.g. the examiner(s) did not follow the marking methods set out in Appendix 2 of the current examination regulations.

The above list gives some examples of situations that may form the basis of a request for a review; it is not intended to be a complete list.
- 9 No Review, however, may be made of matters which relate solely to the examiners' judgement.
- 10 Any request for a Review must be submitted in writing by the candidate, to whom the Review request relates, setting out in full the matter on which alleged impropriety or bias is based, addressed to the Director and submitted within two months of completing the relevant examination.
- 11 On receipt of a request for a Review, the Director will send the candidate a letter of acknowledgement and will consider the admissibility of the request. If the Director concludes that the Review is inadmissible, whether on the ground of Regulation 9 or for any other reason, the Director will so inform the candidate in writing forthwith.
- 12 If the Director:
 - a is of the opinion that the Review request is in the nature of a request for guidance, re-calculation or a complaint rather than a challenge of the examination procedure or result due to alleged impropriety or bias, the request will proceed in accordance with the appropriate regulation.
 - b finds that the matter on which the Review is based contains any error of fact, the candidate shall be so informed without delay and shall be invited to indicate whether he or she wishes to pursue the matter. If he or she does not, the Review shall be deemed to have been dismissed.
 - c concludes that the matter on which the Review is based, provides proof of impropriety or bias of some kind in the organisation, content, conduct or determination of the result of the examination, whether in whole or in part, the Director shall take any action necessary to rectify the situation identified and the candidate shall be informed of the findings and any corrective action to be taken.

- d concludes that the matter on which the Review is based does not prove impropriety or bias of some kind in the organisation, content, conduct or determination of the result of the examination, then the candidate shall be so informed in writing forthwith.
- 13
- a In conducting the Review in accordance with Regulation 11, the Director may consult the Examiners.
 - b Where a matter under review remains unresolved, a person shall not be eligible to apply for or attend FRCA examinations.

Appeals

- 14 If a candidate who has received a reply under Regulation 12.d remains dissatisfied with the findings of the Director and wishes to challenge the points set out in the decision letter, he/she may submit an Appeal using the application form at Annex A to the College's Appeals Clerk. This should set out the grounds of his/her reasons for Appeal. No Appeal may be made in matters which relate solely to the examiners' judgement. The Appeal application form must be accompanied by a fee of £1,655 (by cheque payable to 'The Royal College of Anaesthetists') and must be received within two calendar months of the Director's decision letter. The Chair of the Panel has the power to decide whether all, part or none of the Appeal fee is returned.
- 15 On receipt of an Appeal application the Appeals Clerk will confirm receipt in writing and advise the Appellant of a date by which an Appeal Panel will be appointed, which will not be more than one calendar month after the date of receipt of the application. At this stage; the Appellant can request a meeting with a senior FRCA examiner who is not involved in the Review or the Appeal, to discuss the FRCA examination processes or marking systems, the senior examiner will be nominated by the College. The content of this meeting cannot be used as further evidence towards the case of the Appellant or the College. The Appellant may withdraw his/her application and receive a full refund of fee providing it is prior to the final date set for the appointment of the Appeal Panel. The applicant shall not be eligible to apply for or undertake any FRCA examination where a matter under Appeal remains unresolved.
- 16 On appointment, the Panel will consist of two examiners who have not previously been involved at any time in the examination of the Appellant or his/her Review and a Chair, who will have no formal connection with the College, is not medically qualified but has experience of examining in the fields of higher and postgraduate education. The fee submitted by the Appellant covers professional and travel costs which are chargeable/incurred by the Panel. The Appeals Clerk will notify the Appellant of the names of the members of the Panel and set the date and time at which the Appeal will be heard, at the same time, confirming to the Appellant the reasons for the Director's Review decision. The Appeal hearing will be set at a date that is no more than three calendar months from receipt of the Appeal application form. On the date set by the Appeals Clerk, the Panel shall proceed to hear the Appeal in accordance with Notes for the Chair at Annex B and Procedures for Appeal Hearings at Annex C to these Regulations. The Appeals Clerk will meet the Appellant on arrival and provide advice on the procedure, confirm the names of witnesses to be called on behalf of the Appellant and the College and fix timings.
- 17 At the conclusion of the proceedings, which are to be conducted in accordance with Annex C, the Panel shall reach its findings. The findings the Panel can make are:
- a That the Appeal is dismissed; no further Appeal may be considered.
 - b That the Appeal is justified in whole or in part but that the matter does not justify further action.
 - c That the Appeal is justified and either that:
 - 1 any mark originally awarded to the Appellant shall be appropriately corrected and, if the consequence of such correction so requires, that the Appellant shall be declared successful in the examination; or
 - 2 the result of the Appellant's examination shall be declared void and that he/she shall be allowed to re-sit without payment of any fee.
- 18 The Chair shall have the power to decide whether all, part of or none of the Appeal fee will be returned.
- 19 On announcing its finding the Panel shall give reasons for its decisions, which will be confirmed in writing (the decision document). The Appellant will be advised of an approximate date on which the decision document will be available. The decision document will be signed by all members of the Panel as being an accurate record of the Panel's findings and reason(s) for their decision. Five copies will be produced; one copy will be held on College files, one copy to the Appellant and one copy for each member of the Panel.

Complaints

- 20 The College recognises that on occasion candidates may wish to express their dissatisfaction with the way in which something has been done and feel confident that any such complaint is handled in a fair and consistent way. Candidates who consider that they have grounds for complaint, regarding the provision of a service by the College that does not amount to a request for a 'Review', (see paragraph 8), should use the following regulations.
- 21 A 'complaint' in accordance with these regulations, is defined as an expression of dissatisfaction or a specific concern, whether given orally or in writing, about the provision or quality of a service provided during the examination process.
- 22 Complaints should be brought to the attention of a College officer as soon as possible. All complaints given orally at the time of an examination taking place will be logged on an incident report form by the College officer. Immediate action to resolve issues as they arise will be taken wherever possible and the complainant will be advised accordingly.
- 23 All complaints should be raised initially with the College officer directly involved. The vast majority of complaints can and should be resolved in this way. If this does not resolve the matter, or this step is for any reason not possible or appropriate, the complainant should contact the College by email or in writing, setting out in full the matter on which the complaint is based. Correspondence should be addressed for the attention of the Head of Examinations, within one month of the incident occurring. Complaints submitted anonymously or on behalf of another party will not be considered.
- 24 Where a complaint more closely fits a request for a Review or a matter such as a re-calculation, it will be reclassified and proceed in accordance with the appropriate regulation. Such reclassification will always be carried out so that the matter can be considered in the most appropriate and fair way. Candidates will not be required to resubmit their cases.
- 25 An informal and flexible approach to resolution of complaints will be adopted wherever possible. All complainants will be advised of the course of action taken to resolve the complaint.
- 26 If following communication with the College a complainant remains dissatisfied and only when all attempts to resolve the complaint have been exhausted. Then a 'formal complaint' should be submitted to the Director. Following discussion with the Examinations Committee, the Director will reach a conclusion on the complaint and determine a course of action.
- 27 Formal complaints must be submitted in writing to the Director, headed 'Formal Complaint' stating:
 - a the nature of the complaint,
 - b what has/has not been done to resolve it
 - c why the complainant is not satisfied with the course of action taken by the College/College Officer, and
 - d what the complainant would like to be done to resolve the matter to their satisfaction.
- 28 The Director will acknowledge an official complaint within five working days of receipt. A full response will be made as soon as possible. Full reasons will be given for the decision reached.
- 29 The decision of the Director is final and following despatch of the decision letter the complaint's procedure will be at an end.
- 30 Candidate confidentiality will be observed when handling complaints wherever possible. However, it will occasionally be necessary to disclose a complainant's identity to progress an investigation. Candidates who engage in the complaints process will not be disadvantaged.
- 31 Candidates shall not be eligible to apply for or undertake any FRCA examination whilst a complaint remains unresolved.

Appeal fee paid:	<input type="text"/>
Signature of College Official:	<input type="text"/>
Date received:	<input type="text"/>
A/C Reference No:	<input type="text" value="1101/ 22 / A"/>

Annex A Examination Appeal Application Form

Section 1

To be completed by the Appellant and returned with the fee

Full name:

College Reference Number:

Contact address including postcode:

FRCA Examination Primary/Final date:

Candidate number:

Please summarise in 50 words the grounds on which you base your Appeal.
(If you wish to submit a more detailed account, please attach additional pages):

Appeals will only be entertained which allege impropriety or bias of some kind in the organisation, content, conduct or determination of the result of the examination. *No Appeal may be made which relates solely to matters of the examiners' judgement.*
Please indicate on what basis your appeal is made:

Organisational issues

Content of the examination questions

Conduct of the examination

Determination of the result

If your Appeal is successful, please indicate what outcome you are seeking (this is required for the information of the Chair only and the Panel may reach another conclusion from those listed below):

No further action

Upgrading of a previously allocated section mark, and to be declared successful if this change so affects my overall examination result

My examination result to be declared void and that I re-sit the examination without payment of any fee

Some other result (please specify below)

Signed: Date:

Please attach a cheque for the Appeal fee made payable to 'The Royal College of Anaesthetists' and return to:

Appeals Clerk
Royal College of Anaesthetists
Churchill House
35 Red Lion Square
London WC1R 4SG

Section 2

To be completed by the Director

Full name:

In 50 words, please summarise the grounds on which the earlier Review was rejected.
(Please give a full account on separate pages if desired):

Please return this form to:

Appeals Clerk
The Royal College of Anaesthetists
Churchill House
35 Red Lion Square
London WC1R 4SG

NOTES

- 1 Section 1 to be completed by the Appellant and returned to the Reviews Clerk; the Appeals Clerk is to forward a copy to the Director.
- 2 Section 2 to be completed by the Director and returned to the Appeals Clerk.
- 3 Completed form to be copied to the Appellant, the Director and members of the Appeal Panel.

Annex B

Notes for Chair of Appeal Panel

- 1 Appeals will be entertained which allege impropriety or bias of some kind in the organisation, content, conduct or determination of the result of the examination, for example:
 - Organisation, e.g. wrong or missing documentation, instructions or artifacts poor seating/lighting, error in timing allowed, which was not resolved during the examination.
 - Content, e.g. questions not relevant to the examination, questions on a topic not related to the curriculum.
 - Conduct, e.g. prior to or during the exam process the examiner asked personal questions about candidate's age, gender, origins, beliefs disabilities, workplace or experience which could have affected the final outcome.
 - Determination of the result, e.g. the examiner(s) did not follow the marking methods set out in Appendix 2 of the current Examination Regulations.
- 2 No Appeal may be made which relates solely to matters of examiners' judgement.
- 3 No recording equipment is allowed in the hearing; the Appeals Clerk will minute the proceedings (long or short-hand) as the only record. The minutes will reflect the bare facts of the event, i.e. not the intricate details. The Appeals Clerk will assist the Chair in the production and dispatch of the 'decision document'.
- 4 The Appellant's Representative can be medically qualified but should not be his/her legal representative, and may be:
 - a an anaesthetist (e.g. College Tutor)
 - b a friend (not appearing in a professional capacity)
 - c a member of his/her Trade Union
- 5 If the Appellant chooses their representative to present their case, then the Appellant can only contribute as a witness.
- 6 **Witnesses**
 - a All witnesses will be arranged through the Appeals Clerk, who will liaise with the Chair regarding their attendance.
 - b The decision to call witnesses will rest with the Chair whose permission shall not be unreasonably withheld. Normally no more than two witnesses for either party will attend.
 - c In the case of multiple witnesses, the Chair may require witnesses to present written statements rather than to appear in person. All those to be present at the Appeal hearing will be notified of the witnesses and whether they will appear in person or if their evidence is to be read.
 - d Witnesses for the College will be reimbursed for expenses reasonably incurred (normally) within the UK. The Appellant's witnesses will not be reimbursed by the College but the Chair has the power to reimburse those expenses of a successful applicant which are reasonably incurred in attending the Appeal hearing.
- 7 Explain to the Appellant if applicable, that the result of 'the Appellant's examination shall be declared void', means that their attempt will not be counted.
- 8 Steps 4 to 10 of the Appeal Hearing Procedure must be repeated, to the satisfaction of all parties, if new material, not relied upon during the original hearing, is used within the textual content of Step 10.
- 9 The Chair shall have the power to decide whether all, part or none of the Appeal fee will be returned.

Annex C

Procedures for Appeal Hearings

TO BE PRESENT

Appeal Panel: Chair
Two nominated examiners not previously involved in the examination or Review of the Appellant

Appellant
Appellant's Representative (if desired by the Appellant)
Education, Training and Examinations Director (Director), on behalf of the examiners
Appeals Clerk to minute the proceedings
Witnesses

Procedures

- 1 Chair to explain the procedure to the Appellant and Appellant's Representative if present.
- 2 **Appellant's Representative**
 - a The Appellant may appoint a representative who may be medically but not legally qualified.
 - b If an Appellant's Representative is present, the Chair is to establish whether the Appellant or the Appellant's Representative is to present the Appellant's case and answer questions. If the Appellant's Representative is to present the case, then the Appellant may only contribute as a witness.
- 3 New evidence may be brought to the hearing by either side. This new evidence should be made available to the Appellant or Director at least ten days before the date of the hearing. Neither the Appellant nor the Director can rely on any matter raised at the meeting with the senior examiner (paragraph 15), if so used.
- 4 **Witnesses**
 - a Either party may request witnesses to be present, subject to notifying the Appeals Clerk in writing not later than 21 days before the appeal hearing, with the reason why they have been invited. The Appeals Clerk will liaise with the Chair. Both parties will be advised accordingly.
 - b The decision to call witnesses will rest with the Chair of the Appeal Panel whose permission will not be unreasonably withheld. Normally not more than two witnesses would attend for either party. The Appeals Clerk will arrange for witnesses required to attend the hearing.
 - c In the case of multiple witnesses, the Chair may require witnesses to present written statements rather than to appear in person. All those to be present at the appeal hearing will be notified of the names of the witnesses to be called and those whose evidence will be read.
 - d Witnesses for the College will be reimbursed for expenses reasonably incurred and normally within the UK. The Appellant's witnesses will not be reimbursed by the College.
- 5 **Presentation of Evidence**
 - a **Appellant**
 - 1 The Appellant/Appellant's Representative presents the grounds of the Appeal with reference to, and contributions from, any witnesses permitted by the Chair, whether in person or by written statement
 - 2 The Director may cross-examine the Appellant/Appellant's Representative and witnesses.
 - 3 The Appellant or Appellant's Representative will have the right to re-examine any witnesses on completion of cross-examination.
 - 4 At the end of this process, members of the Panel may question a witness. Finally, the Chair will ask if there are any further questions before standing down the witness.
 - b **Education, Training and Examinations Director**
 - 1 On completion of the case for the Appellant, the Director will state why the matter on which the Appellant's Review was based on did not provide sufficient proof of impropriety or bias regarding the organisation, content, conduct or determination of the result of the examination, with reference to, and contributions from, any witnesses.
 - 2 Procedures 5.a.(2)–(4) are followed on behalf of the Director and his witnesses.

- c When appropriate, the Chair of the Panel will release all witnesses.
 - d The Appellant/Appellant's Representative makes a final summary statement of the Appellant's case - no new material may be introduced during the summary statement.
- 6 The Appellant, Appellant's Representative and the Director leave the room.
 - 7 The Appeal Panel reaches its findings which will normally be declared immediately.
 - 8 The Chair shall have the power to decide whether all, part or none of the appeal fee will be returned.
 - 9 In announcing its finding, the Panel shall give reasons for its decision.
 - 10 The decision of the Appeal Panel is to be confirmed in writing to the Appellant (the decision document). A copy will be provided to each member of the Panel and a copy will be held on College files.

Royal College of Anaesthetists

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Information correct as at September 2018