

## **The Royal College of Surgeons of Edinburgh** **Examinations Complaints and Appeals Procedures (2007)**

The Royal College of Surgeons of Edinburgh is committed to providing a high quality service to its examination candidates. Candidates are encouraged by the College to communicate when there is cause for concern or a need for improvement.

This Complaints and Appeals procedure is intended to provide a formal means for reviewing a decision made on candidate assessment and resolve the candidates concerns in a fair and consistent manner.

### **Definitions**

1. For the purposes of this document the following definitions are made:
  - a. A complaint is defined as a specific concern about the provision of an examination; the administration of an examination; or the conduct of an examination (including the behaviour of staff or examiners). A complaint does not deal with concerns or disagreement with the pass/fail outcome of an examination.
  - b. An appeal is defined as a request for a review of a decision made by an examiner or examiners. No candidate may appeal on the basis of the results of the examination; however, he/she may make an appeal based on the conduct of the examination.
2. Any examination candidate who makes a complaint or appeal in good faith will not be disadvantaged in current or future examinations. Candidates should feel able to make a complaint, secure in the knowledge that it will be fairly investigated.

### **Complaints procedure**

3. Complaints may be made at the time of the examination to a member of staff. Should the matter not be resolved to the satisfaction of the candidate, the candidate may submit a formal, written or e-mail complaint to the staff member at the College responsible for the running of the examination - the Head of Surgical Examinations or Head of Dental Examinations - stating what redress, if any, the complainant desires. The date of the complaint arriving in the College should be recorded. If the formal complaint is not received at the College within 28 days of the date upon which the issue that gave rise to the complaint occurred, it will not be processed.
4. Anonymous complaints will not be considered.

### **Outline of the procedure for complaint**

5. On receipt of the complaint, the Head of Surgical Examinations or Head of Dental Exams will acknowledge the communication and consider the admissibility of the complaint. If the complaint is established to be vexatious or frivolous, it will be rejected and the candidate informed in writing as to the reasons for doing so. If the complaint is considered admissible, a senior

member of staff, who has no material interest in the complaint will be nominated to investigate the complaint.

6. The investigating member of staff will respond in writing to the complainant within 28 days of the receipt of the complaint in the College, addressing the issues raised and delivering a verdict on the complaint. Should the complaint be upheld, the College will make appropriate redress to the candidate and follow internal procedures to address any matters requiring further attention.
7. It is important to note that complaints will not always produce the outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that circumstances beyond the College's control may affect the level of service provided. However, whatever the decision, candidates will be informed of the result of their complaints in writing and will be provided with the reasons for the outcome.

### **Candidate dissatisfaction with complaint decision**

8. Should the candidate be dissatisfied with the outcome of the complaint, he or she should write to the Head of Surgical Examinations or Head of Dental Examinations re-stating the complaint and the reasons for the continued dissatisfaction. This re-statement will be reviewed by the Director of the Careers Department who will either deal with the re-statement personally or refer it to the Examinations Convener or Dental Examinations Convener for consideration.
9. A formal response to the letter of dissatisfaction will be sent to the complainant within 28 days of the receipt of the complainant's letter in the College. Should the complaint be upheld, the College will make appropriate redress to the candidate and follow internal procedures to address any matters requiring further attention.
10. Privacy and confidentiality will be maintained in the handling of complaints except where disclosure is necessary to progress the complaint. It is the Royal College of Surgeons of Edinburgh's expectation that the confidentiality of any documentation generated by a complaint will be respected by all parties. Disclosure of information provided by a candidate in the course of a complaint or appeal will be restricted to those individual examination staff members and college representatives directly involved in their consideration,
11. The Royal College of Surgeons of Edinburgh's Examination Section will be responsible for making an annual report thus providing a qualitative and quantitative record of the number of formal written complaints received, actions taken and/or proposals for future improvements to services or changes to policies or procedures

## **Appeals procedure**

12. A candidate who is dissatisfied with the conduct of the examination may appeal for reconsideration of the decision in accordance with these Regulations.
13. The request for reconsideration should be based on the following factors:
- a. That there was bias or unfairness in the determination of the decision, and/or
  - b. That there was an administrative irregularity or procedural failure giving rise to a reasonable possibility that, had it not occurred, the decision would have materially altered. This factor includes any appeal that may be based on the failure of the College administration to take into account any medical or adverse personal circumstances that had been notified to the College in accordance with normal procedures.

**NOTE:** Disagreement with the academic judgement of the examiners is not acceptable grounds for appeal.

### **Outline of the procedure for appeal for reconsideration of result**

14. The candidate should make a formal written appeal to the Head of Surgical Examinations or Head of Dental Examinations, stating:
- a. The candidate's name and address for correspondence and, if available, telephone number and e-mail address.
  - b. The nature of the appeal.
  - c. The full and specific grounds on which the application is based, including the names of the examiners if known.
15. The candidate should also enclose:
- a. Any supporting documentation.
  - b. An administrative fee of £50 for the appeal. If the appeal is upheld the fee will be refunded.
16. The formal written appeal must be received no later than the later of either four weeks after the date on which the examination was conducted, or two weeks after the date on which the result of the examination was announced on the College website. Failure to meet this deadline will result in the appeal being denied.
17. The Head of Surgical Examinations or Head of Dental Examinations will submit the material to the Examinations Convener or Dental Examinations Convener, as appropriate, for consideration.
18. The appeal will be processed entirely on paper; the Examinations Convener or Dental Examinations Convener will investigate the complaint and appropriate reports and statements will be requested as required, including from the examiner(s) concerned.
19. Should the situation arise whereby either the Examinations Convener or Dental Examinations Convener was directly involved in the events stated

within the complaint, then an alternative member of the Examinations Committee or Dental Examinations Committee will be appointed to consider the appeal.

20. The outcome of the appeal may be as follows:
  - a. That the appeal is rejected and no further action taken.
  - b. That the appeal is upheld and the result of the examination be declared void. In this case the candidate will be entitled to a full refund of both the examination fee and the appeal fees.
21. Any candidate whose appeal is upheld shall not be disadvantaged with respect to the number of maximum attempts permitted or any time constraint placed on the candidate for successful completion of the examination. The examination that has been declared void will not count towards the number of examination attempts that the candidate has undertaken. Similarly, if the candidate is subsequently "time-expired" before he or she has passed the examination, an extension of time of one diet only will be given to the candidate; if the candidate fails to sit the examination at the next available diet after the initial time-expiry, or does not pass the examination at the next available diet after the initial time-expiry, he or she will then be declared time expired. The decision will be final and the matter regarded as closed.

**Note: The examination result cannot be changed – if the candidate was originally given a fail or a low mark, it will not be changed to be a pass or a higher mark.**

22. The complainant will receive a response in writing within 30 days of completion of the investigation of the appeal. A copy of the response will be submitted to the Director of Standards of the College and to the next meeting of the Examinations Committee or Dental Examinations Committee.

#### **Candidate dissatisfaction with appeal decision**

23. If the candidate is dissatisfied with the decision he or she may lodge a notice of appeal against this decision.
24. The notice of appeal must be received in writing within 28 days of the date on which the decision was sent to the candidate. The notice of appeal must include the basis upon which the appeal is made,
  - a. That there was bias or unfairness in the determination of the decision and/or
  - b. That there was an administrative irregularity or procedural failure giving rise to a reasonable possibility that had it not occurred, the decision would have materially altered.
  - c. Grounds for appealing against the decision of the Examinations Convener or Dental Examinations Convener.

**NOTE:** Disagreement with the academic judgement of the examiners is not acceptable grounds for appeal.

25. The candidate should also include:

- a. Any additional supporting documentation, over and above that supplied in the first appeal.
- b. A further administrative fee of £50 for this appeal. If the appeal is upheld both fees will be refunded.

### **Process of Appeal**

26. The appeal will be processed entirely on paper. An appeal board will be nominated, consisting of two senior members of the examinations committee or dental examinations committee. The board may make one of several decisions:

- a. That the appeal is rejected and no further action taken.
- b. That the appeal is upheld and the result of the examination be declared void. In this case the candidate will be entitled to a full refund of both the examination fee and the appeal fees.

27. Any candidate whose appeal is upheld shall not be disadvantaged with respect to the number of maximum attempts permitted or any time constraint placed on the candidate for successful completion of the examination. The examination that has been declared void will not count towards the number of examination attempts that the candidate has undertaken. Similarly, if the candidate is subsequently "time-expired" before he or she has passed the examination, an extension of time of one diet only will be given to the candidate; if the candidate fails to sit the examination at the next available diet after the initial time-expiry, or does not pass the examination at the next available diet after the initial time-expiry, he or she will then be declared time expired. The decision will be final and the matter regarded as closed.

**Note: The examination result cannot be changed – if the candidate was originally given a fail or a low mark, it will not be changed to be a pass or a higher mark**

28. The complainant will receive a response in writing within 28 days of the formal appeal being received at the College. A copy of the response will be submitted to the Director of Standards and a report submitted to the next meeting of the Examinations Committee or Dental Examinations Committee.

### **Convener of the Dental Examinations Committee**

### **Co - Conveners of the Examinations Committee**

9 October 2007

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