

Joint Surgical Colleges Fellowship Examination

APPEALS POLICY

A clear distinction is drawn between:

- Appeals (this is pertaining to a single diet of the examination when the outcome is disputed)
- Complaints (relating to adverse incidents in an examination contrary to regulations or standards)
- Requests for consideration of Mitigating Circumstances beyond a candidate's control (serious, unforeseen and unpredictable that significantly affects a candidate's performance)
- Requests for Reasonable Adjustments

The appellant's marks/result will not be altered.

The JCIE has a separate mechanism for each of these. Material alterations to any of the above Policies will trigger an equality and diversity impact assessment. Collated reports indicating number, theme, outcome and E&D impact are discussed as a standing item at the biannual JCIE Internal Quality Assurance Committee.

Principles of the Appeals Policy

1. To determine what happened.
2. To determine what should have happened (as laid out in the examination regulations and other relevant standards).
3. To determine if any gap between 1. and 2. is sufficiently wide as to be maladministration.
To determine if the candidate suffered an injustice as a result of this maladministration.

If it is determined that the appellant suffered an injustice as a result of maladministration the Appeal will be upheld. The Appeal panel will attempt to remedy any such injustice by returning the appellant to the position they were in before the injustice occurred. The Appeal fee will be returned and the candidate will be allowed to retake the examination without further fee and without the retake counting towards the total number of attempts possible at the examination. Costs incurred for travel and reasonable expenses supported by receipts for attendance to a diet to which the appeal refers will be reimbursed. Such claims must be lodged within 10 working days of receipt of the letter advising the outcome of the Appeal.

In all other cases the Appeal will not be upheld.

1. Appeals will only be investigated if there is a reasonable chance of resolution. ¹
2. Appeals relating to the academic judgment of the examiners will not be investigated.
3. Appeals requesting Reasonable Adjustments to be made retrospectively will not be investigated.
4. Appeals relating to candidates whose examination performance was adversely affected by extenuating circumstances outside of their control (but not relating to a breach of regulations or standards by the JCIE) will not be investigated. Any such concerns will be redirected to the relevant Board Chair for resolution outside of the Appeals Policy under the Mitigating Circumstances Policy.
5. Multiple Appeal applications regarding the same examination diet will not be investigated and appellants are asked to confirm that their Appeal contains the totality of their grievance from the outset.

Appeals must be submitted within 20 working days of the result of the examination becoming available. Appeals must be submitted using the JSCFE Appeals Submission Form and submitted as an attachment by email (enquiries@jscfe.co.uk). On receipt of the form the JCIE will acknowledge receipt of the Appeal by email within 5 working days.

Appeals will be considered on the basis of document evidence only. There are two possible stages to the Appeals process; Stage 1 - Internal Review and Stage 2 - Full Appeal Panel.

¹ Where allegations are made which relate to different perceptions between examiner and candidate about events which are uncorroborated, it is unlikely that such a dispute could ever be resolved.

Appellants will be required to submit the fee for both stages (£1250) as a single payment in advance at the time of submission of the Appeal. This fee is returned in full (£1250) if the Appeal is upheld at any stage. If the Appeal is rejected at Stage 1, the fee for Stage 2 (£1000) will be returned. If the determination at Stage 1 is that it is necessary to convene a Full Appeal Panel for Stage 2 and the Appeal is subsequently rejected, the entire fee will be retained by the JCIE.

Stage 1 – Internal Review (fee £250)

This will be the initial stage of an Appeal process. It will be conducted by the Head of Operations or nominated deputy. Evidence may be sought from the JCIE Psychometrician and the relevant Specialty Manager in response to the Appeal. The relevant Board Chair and JCIE IQA Chair will review the evidence. Stage 1 Internal Review will be initiated within 5 working days and completed within 30 working days of receipt of the Appeal. Possible outcomes are:

1. No basis for Appeal. Appeal is rejected.
2. Appeal upheld.
3. Evidence that the appellant may have suffered an injustice but insufficient evidence exists from the Stage 1 Internal Review to make a determination without a Full Appeal Panel.

The appellant will be informed in writing by letter signed by the JCIE Chair, the JCIE IQA Chair and the relevant Board Chair of the determination.

Stage 2 - Full Appeal Panel (fee £1000)

A Panel is convened comprising a Lay Chair, JCIE Chair, Board Chair of an unrelated specialty and the JCIE IQA Chair. The Lay Chair will be independent (not a member of the JCIE) and will be drawn from an existing pool of lay experts affiliated to Royal Colleges, Universities or NHS Trusts/Health Boards. The Head of Operations or a nominated deputy will be present to minute the meeting but will not participate in the decision.

The appellant will be asked if they wish to supply any additional supporting evidence within 20 working days of the outcome of the Stage 1 Internal Review. The relevant Board Chair of the specialty examination in question will be asked to prepare a report on the issue from a JCIE perspective. Any named examiner or administrator cited by the appellant will also be asked to respond.

At the hearing the Panel will review all the resulting documentation and make a determination. Possible outcomes are:

1. No basis for Appeal. Appeal is rejected.
2. Appeal upheld.

In both Stage 1 and Stage 2 the basis for any determination will be that laid out above under **Principles of the Appeals Policy**, i.e. what happened, what should have happened, is there a gap, if so did the appellant suffer an injustice?

The decision from the Appeal process is final and further Appeals will not be accepted for investigation.

A Full Appeal Panel will be convened within 60 working days of the outcome of the Stage 1 Internal Review and the outcome will be made available within 10 working days of the Appeal Panel hearing.

Confidentiality

All information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

Responsibility

Overall responsibility for this policy and its implementation lies with the JCIE.