

Joint Surgical Colleges Fellowship Examination

APPEALS POLICY

A clear distinction is drawn between:

- Appeals
- Complaints (relating to adverse incidents in an examination contrary to regulations or standards which did not affect a candidate's result)
- Requests for considerations of extenuating circumstances beyond a candidate's control (family illness, transport issues etc)
- Requests for reasonable adjustments

JSCFE has a separate mechanism for each of these. Invocation of any of the above will trigger an equality and diversity impact assessment. Collated reports indicating number, theme, out-come and E&D impact are discussed as a standing item at the JSCFE Internal Quality Assurance Committee, which meets twice a year.

The principles of the appeals process are:

1. To determine what happened.
2. To determine what should have happened (as laid out in the exam regulations and other relevant standards).
3. To determine if any gap between 1) and 2) is sufficiently wide as to be maladministration.
4. To determine if the candidate suffered an injustice as a result of this maladministration (i.e. if the pass/fail result would have been different for the appellant).

If maladministration is demonstrated and the appellant failed but should have passed then the appeal will be upheld. The appeals panel will attempt to remedy any such injustice by returning the appellant to the position they were in before the injustice occurred. The appellant's marks/result will not be altered. The appeal fee will be returned and the candidate will be allowed to retake the exam without further fee and without the retake counting towards the total number of attempts possible at the examination.

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, as these should have been requested prior to the examination. Exam regulations stress the importance of presenting to the exam fit and prepared.²
4. Appeals relating to candidates whose exam performance was adversely affected by extenuating circumstances outside of their control (but not relating to a breach of regulations or standards by JSCFE) will not be investigated. Any such appeal will be redirected to the relevant Board Chair for resolution outside of the appeals process under the exceptional / mitigating circumstances policy.
5. Multiple appeals 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 Head of Operations will acknowledge receipt of the appeal by e mail within 5 working days.

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

² Requests for reasonable adjustments can only be made prospectively. Retrospective requests relating to acquired illness/conditions current at the time of the examination but undiagnosed until after the examination will not routinely be accepted but will be considered on a case by case basis.

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.

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 appeals panel (Stage 2) and the appeal is subsequently rejected, the entire fee will be retained by JSCFE.

Stage 1 (fee £250) Review.

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

1. No basis for appeal, rejected
2. Appeal upheld
3. Evidence that the appellant may have suffered an injustice but insufficient evidence exists from the office review to make a determination without a full appeals panel.

The JSCFE Chair, the JSCFE IQA Chair and the relevant Board Chair will inform the appellant of the determination.

Stage 2 (fee £1000) Full Appeals Panel

A panel is convened comprising a Lay Chair, JSCFE Chair, Board Chair of an unrelated specialty and the JSCFE IQA Chair. The Lay Chair will be independent (not a member of JSCFE) and will be drawn from existing pool of lay experts affiliated to Royal Colleges, Universities or NHS Trusts. 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 Stage 1 process. The relevant Board Chair of the specialty examination in question will be asked to prepare a report on the issue from a JSCFE 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, 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 Appeals Process**, ie. what happened, what should have happened, is there a gap, if so did the appellant suffer an injustice?.

The decision of the Appeals Process is final and further appeals will not be accepted for investigation.

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

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 JSCFE.