

# Appeals Procedure

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## Procedure Regulations for Appeals against Assessment Decisions FRCOphth, Refraction Certificate examinations and the Certificate in Laser and Refractive Surgery

Candidates must also read the accompanying Notes of Guidance [Appeals Procedure – Annex B – updated November 2021](#) before deciding whether to make an appeal.

### 1.0 Introduction

1.1 A candidate who has attempted Examinations or Assessments of the Royal College of Ophthalmologists may only, in the circumstances set out below, have the right of appeal against the result. The sole grounds for appeal are that:

- There is evidence of a procedural irregularity in the conduct or content of the Examination or Assessment (including administrative error) which has adversely affected the candidate's performance.

Please note that examples of a procedural irregularity include the invigilator not allowing the full allotted time for the examination (i.e. starting late but finishing on time), evidence of bias or obvious mistakes in the exam paper.

Examples of issues that are NOT a procedural irregularity include:

- Failing the exam by just one or two marks
- A candidate feels that they did better than their marks or the examiner feedback indicates
- A candidate disagrees with their marks or examiner feedback or questions examiner judgement
- The removal of questions from the exam paper after the examination (this is a normal adjudication procedure)
- Poor Wi-Fi or internet connection when taking an online proctored exam. Such an occurrence will only be a procedural irregularity if the connection fault lies with the proctor and in this case the problem would affect all candidates sitting the exam. The instability of a candidate's own internet connection does not constitute a procedural irregularity.
- An online invigilator (proctor) communicating with a candidate during an exam relating to mandatory exam security
- Personal circumstances or ill health

For online written exams, please note that that College retains full transcripts and recorded footage of every candidate's examination, so any appeal claim can be quickly corroborated against this evidence.

1.2 With regard to exceptional circumstances which adversely affect the candidate's performance in the Examination or Assessment, the College adopts the '**Fit to Sit**' policy. This means that if you sit an exam, you are declaring yourself fit to do so. Being 'fit' generally means that you are feeling well and functioning effectively.

Therefore, if you are feeling unwell because of medical or personal difficulties, you should not sit an exam. If you take an exam knowing that you are unwell, you will not normally be able to successfully claim exceptional circumstances as these cannot be reported retrospectively.

There are very limited circumstances in which a candidate can make a successful claim of exceptional circumstances, retrospectively, after having gone ahead and sat an exam knowing they were unwell. This would normally be limited to situations where a student was so unwell that they were unable to recognise or determine their own ill health, and medical documentation would need to be provided to confirm this. Therefore, if you do sit an exam in the above circumstances, you must notify the College and submit a claim for exceptional circumstances. You will need formal documentation to submit with your exceptional circumstances claim so you might need to, for example, see a doctor urgently.

1.3 Appeals will not be accepted on the grounds that a candidate:

1. considers his or her efforts were under-marked;
2. did not understand or was unaware of the Examination or Assessment Regulations;
3. seeks to question professional or academic judgement.

1.4 The outcomes of an appeal which may be requested by a candidate are:

1. The examination attempt is discounted from the candidate's examination history;
  2. A full or partial refund of the examination fee;
- Only in cases where there is evidence of a procedural irregularity and where the candidate is deemed a borderline fail (that being within one standard error of measurement of the final pass mark) the appeals panel can recommend to council that the examination result is amended from a fail to a pass. The final decision is with council.

1.5 The College will endeavour to deal with exceptional circumstances fairly and consistently. Please note that candidates presenting for an examination are thereby deemed to be fit and healthy to do so under the Fit to Sit policy.

1.6 Candidates unable to attend for an Examination or Assessment due to exceptional circumstances are required to submit details to the Head of the Examinations Department of the College before taking the Examination or Assessment.

1.7 Candidates who become unwell during an examination should notify the Head of the Examinations Department or Senior Invigilator immediately and subsequently provide medical certification within 10 working days.

1.8 Only an appeal made under procedural irregularity can be submitted retrospectively. No appeal under exceptional circumstances will be accepted if the candidate has sat the examination, as per the Fit to Sit policy, subject to Regulation 1.2 above.

## **2.0 The Preliminary Procedure**

2.1 A candidate wishing to appeal must submit a written representation to the Head of the Examinations Department **to arrive within two months of the date of dispatch of results**. Under no circumstances will any appeal be accepted after the two month window has elapsed. The written representation must include the full and detailed grounds of appeal and all of the documentary evidence that the candidate wishes to be considered, together with the requested outcome as per Regulation 1.4 above.

- A fee of £1000.00 must be received which will only be refunded should the appeal be successful. The £1000 fee will **not** be refunded if the appeal is either dismissed outright or dismissed at panel.

2.3 The Head of the Examinations Department will collate the relevant documentary information and present it anonymously to the Chair of the Examinations Committee.

2.4 The appeal will be considered initially by the Chair of the Examinations Committee.

2.5 If it is considered that the appeal request falls out of the permitted grounds, the Head of the Examinations Department will inform the appellant that the appeal has been rejected and the £1000 fee will not be refunded. This will be the end of the appeal process regardless of whether there are further circumstances subsequently cited by the appellant.

## **3.0 Consideration of the Appeal by the Appeal Panel**

3.1 If it is agreed that there is a *prima facie* case in support of the appeal, the Chair of the Examinations Committee will convene an Appeal Panel within 8 weeks of the candidate's written representation being received if reasonably practicable. The Appeal Panel will comprise of the following:

1. the Chair of the Examinations Committee, who will act as Chairman of the Appeal Panel
2. a College Office bearer or Standing Committee Chair (see Annex A)

- 3.a member of the College Panel of Examiners and Assessors
- 4.a member of the College Lay Advisory Group or a Lay Trustee

3.2 The Head of the Examinations Department will act as Secretary to the Appeal Panel and will attend the Panel as an observer.

3.3 The Panel will consider the appeal in the light of written evidence presented and will afford the appellant the opportunity of a hearing. The Head of the Examinations Department will agree the date of the hearing with the candidate.

3.4 No member of the Appeal Panel will have had any current or previous connection with the candidate or have been involved in assessing the candidate in the Examination or Assessment under appeal (or at least not the part of the Examination or Assessment which the appeal addresses).

3.5 In exceptional circumstances (for example, absence or illness), the Chair of the Examinations Committee may nominate a representative or Deputy to replace him/her on the Appeal Panel.

3.6 The candidate will be invited to present his or her case in person to the Appeal Panel. The candidate will be entitled to be accompanied by a friend. The friend may advise and counsel the candidate but will not be allowed to make statements or take any part in the proceedings.

3.7 The Appeal Panel may request from the candidate corroborative evidence not already supplied, such as previous examination performance, the candidate's portfolio and supporting evidence from trainers. This must be submitted to the Panel prior to the hearing. The Panel may also seek evidence from any other person, such as those concerned with the Examination or Assessment under appeal and may summon any person to give evidence at the hearing. Members of the Panel and the candidate may question any person before it.

3.8 If the appeal is rejected, the Secretary to the Appeal Panel will inform the candidate of the reasons for the Panel's decision and this will be the end of the appeal process regardless of whether there are further circumstances subsequently cited by the candidate.

3.9 If the Appeal Panel upholds an appeal for outcomes requested under Regulations 1.4i and 1.4ii the Appeal Panel's decision will be notified to the candidate by the Secretary to the Appeal Panel.

3.10 If the Appeal Panel upholds an appeal for a change in the result under Regulation 1.3 iii the case will be referred, with a report from the Appeal Panel, for a final decision by the College Council. In order to do so the Panel must be satisfied that, had the candidate been able to complete the examination or assessment in the normal way, he/she would have passed it.

3.11 The appellant will normally be informed of the decision regarding an appeal within 28 days of the hearing. The appellant will be informed if any delay is likely to occur.

3.12 There is no further right of appeal.

3.13 Any question arising in connection with the conduct of an appeal shall be determined fully and finally by the Chair of the Appeal Panel, who may take whatever steps he/she considers necessary to ensure that the appeal is handled fairly and efficiently.

#### **4.0 Referral to the College Council**

4.1 The authority to change any Examination or Assessment result rests entirely with the College Council.

4.2 Where the Appeal Panel recommends that a candidate's result be altered (under Regulation 1.4 iii above) the College Council will consider the report of the Appeal Panel and agree by a majority whether it should be accepted on the grounds that, had the candidate been able to complete the Examination or Assessment in the normal way, he/she would have passed it. The details of the appeal will be presented to the College Council anonymously, excluding the details of the candidate involved.

4.3 The decision of the College Council shall be final and will be communicated to the candidate by the Secretary to the Appeal Panel. This will be the end of the appeal process regardless of whether there are further circumstances cited subsequently by the candidate.

## **5.0 Complaints Procedure**

5.1 Candidates wishing to contest the administration of the appeals process should refer to the College Complaints Procedure published on the College website: [Complaints Procedure](#)