



RCSI

Appeals Regulations Professional Examinations

RCSI DEVELOPING HEALTHCARE LEADERS WHO MAKE A DIFFERENCE WORLDWIDE



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The Royal College of Surgeons in Ireland takes very seriously its responsibility to have a mechanism in place to allow candidates to appeal results or decisions affecting the candidates. The procedures laid out in this document apply to all Professional Examinations conducted by RCSI in Ireland or in any overseas centre.

The College reserves the right to amend this Policy where the interests of fair procedures and natural justice so require.

1 Committee Structure

Membership of the Appeals Committee (the “Committee”) for a particular case will be selected as deemed appropriate by the Chair and the Associate Director for Student, Academic & Regulatory Affairs (SARA) depending on the nature of the individual case, the examination being undertaken by the candidate and the particular stage to which the candidate has progressed. In all cases it shall be appropriate to have a public representative included in the membership of the Committee.

The Secretary for the Committee will be the Associate Director for Student, Academic & Regulatory Affairs (SARA) or nominee.

Chair: The Chair of each Appeals Committee will be appointed by the Dean, CEO or Head of the relevant Faculty/Department.

2 Power of Decision / Voting

A minimum of three individuals, including a public representative, will serve on the Committee. The Secretary will be in attendance to ensure the accurate recording and compliance with rules and regulations. There shall be only one decision of the Committee.

3 Matters for Appeal

- 3.1 Appeals are permitted on the following grounds:
 - 3.1.1 Procedural defects or irregularities in the conduct of the examination, including administrative error, which could have adversely affected a candidate’s performance or the outcome of the examination.
 - 3.1.2 Exceptional personal circumstances should be communicated to the College in writing at the time of application or 14 days before the commencement of the examination date if appropriate. A candidate may appeal on the grounds of a failure of the College to take account of any exceptional circumstances intimated in advance, as appropriate.
- 3.2 A candidate may appeal a decision if they possess evidence of exceptional circumstances relevant to any decision taken above, which was not available to the original decision makers when its decision was reached.



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- 3.3 The candidate must have a valid reason for not having provided this evidence previously e.g. through the Exceptional Circumstances process. Failure to disclose known illness or other factors likely to have adversely affected a candidate's performance prior to the original decision will normally rule out their consideration, unless the candidate can provide a valid reason within the terms above to explain why such information was not previously disclosed.
- 3.4 It is a candidate's responsibility to describe and provide prima facie evidence of any / all relevant circumstances. Each candidate must submit original supporting evidence (in English) with each application.
- 3.5 Candidates should note that information previously disclosed e.g. through Exceptional Circumstances, about factors which may have adversely affected their performance cannot be re-submitted.
- 3.6 These appeal procedures do not encompass or cover complaints to the extent that they relate, distinctly and manifestly, to matters of **Academic Judgment**; in short, the procedures cannot interfere with the ordinary and conventional operation of academic judgment.
 - 3.6.1 For clarity, Academic Judgment is a term used in Part 2 of the UK Higher Education Act 2004. It has been defined as 'the professional and scholarly knowledge and expertise which members of University staff and external examiners draw upon in reaching an academic decision'. It therefore includes, but is not restricted to, decisions about academic standards attained, marks and grades to be assigned, and degrees/degree classifications to be awarded, etc. Complaints about academic judgment are ineligible for consideration under these formal appeal procedures.
- 3.7 Specifically this means that an appeal against marks awarded cannot be accepted just because a candidate is unhappy, disappointed or disagrees with the mark awarded. Candidates should note that all decisions relating to academic judgement are final.
- 3.8 A candidate does not have the right of appeal against the outcome of the examination due to the lack of understanding or awareness of the Examination Regulations.

4 Submitting an Appeal

- 4.1 A candidate who wishes to appeal should submit their appeal in writing to within 30 days of the formal notification of the decision or communication of the examination result.
- 4.2 There is a fee of €150.00 for an appeal, refundable if an appeal is successful.
- 4.3 The Appeals Secretary will inform the relevant Dean, CEO or Head of Faculty/Department that such an appeal has been lodged.

5 Grounds to Proceed

- 5.1 The procedural grounds (or basis) upon which an appeal is considered suitable to proceed to a formal hearing before an Appeal Committee is a decision which will be made by the



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Grounds to Proceed Committee, consisting of the Secretary and two senior members of College staff.

- 5.2 The decision will be based on whether the appeal satisfies the criteria e.g. it relates to procedures rather than the questioning of academic judgment and *prima facie* evidence has been provided; or that *prima facie* evidence has been supplied to substantiate claims for exceptional circumstance.
- 5.3 The Secretary will ensure the candidate is informed if an application to appeal an examination result has been granted or refused to proceed.

6 Procedures of Appeals Committee

- 6.1 Following the formation of the Appeals Committee, the Secretary will gather the relevant papers and documentation and may confer confidentially with any third party who may be of assistance to the appeal.
- 6.2 A copy of the candidates written appeal, including any documentary evidence will be provided to the Committee.
- 6.3 All documentation provided to the Committee will also be provided to the candidate.
- 6.4 A committee meeting will be convened and the candidate informed of the date of the meeting.

7 Formal Committee Hearing

The Chair of the Appeals Committee will attend to the following:

- 7.1 Conduct introductions and explain the functions of the Committee;
- 7.2 Explain the possible outcomes from the decisions of the Committee;
- 7.3 Chair and facilitate discussion of the case and ask for a decision to be made.
- 7.4 Formally notify the Dean/CEO of the relevant Faculty (at the next convened hearing) of the outcome.

8 Powers of the Appeals Committee

The Appeals Committee may:

- 8.1 Uphold the appeal. This may result in:
 - 8.1.1 The candidate being re-examined at the next available examination diet. The examination fee may be waived or reduced.
 - 8.1.2 In the case of a disability assessment, the candidate may be reassessed.
 - 8.1.3 In the case of a disciplinary/malpractice matter, a new committee may be convened or a variation in the nature or severity of a penalty may be applied;
- 8.2 Seek further information and reconvene
- 8.3 Reject the appeal
 - 8.3.1 As considered to be unsubstantiated or outside the permitted grounds.
 - 8.3.2 As out of time or incomplete.
- 8.4 Candidates should note that an appeal cannot lead to a fail result being changed to a pass result, unless it has been established that there an error in the collation, recording or

reporting of the marks meaning that had the procedural defect or irregularity not occurred, the candidate would have passed the examination concerned.

9 Communication of Decision

- 9.1 The formal determination of the Appeals Committee will be given to the candidate in writing.
- 9.2 Should the candidate not be prepared to accept the decision of the Appeal's Committee, the candidate has a right to:
- 9.3 make an appeal to the Appeals Commissioner on the grounds as set out in the Byelaws of The Royal College of Surgeons in Ireland (Charters Amendment Act, 2003), approved by the Minister for Education and Science, 12th October 2010. Such a complaint must be made in accordance with these Byelaws within 6 months from the date of the Appeals Committee's decision and be submitted together with the appropriate fee to the RCSI Legal Counsel. Please refer to the RCSI Independent Appeals Commissioner Policy for further information.
- 9.4 For appeals in relation to the Membership of the Royal College of Surgeons (MRCS) examinations (MRCS Part A, MRCS Part B OSCE, DOHNS Part 1, DOHNS Part 2 OSCE). The candidate may contact the Professional & Postgraduate Examination Manager within 10 working days of the date of the notification letter to request that their case be reconsidered by the Chair of ICBSE (Intercollegiate Committee for Basic Surgical Examinations). The candidate may provide additional information at this stage. All such requests will be reviewed in the first instance by the Chair of ICBSE, who will determine whether sufficient evidence exists for consideration by an Appeal Panel.

10 Confidentiality and Data Protection

- 10.1 A record of all decisions made under this Policy will be kept for eight (8) years following the decision.

11 Timescale for Appeals

A candidate must submit any appeal in writing within thirty (30) days of the date of notification of the relevant results or relevant decision.

RCSI aims to deal with appeals as quickly as possible. However, candidates should be aware that it may take some time before an appeal is resolved. A candidate may be asked to provide further information before his/her appeal can be considered by the Appeals Committee.

If a candidate elects to submit his/her appeal by post, such appeal and all supporting documentation should be sent to:

Professional & Postgraduate Examinations Manager
Student, Academic & Regulatory Affairs (SARA)
Royal College of Surgeons in Ireland
123 St Stephen's Green
Dublin 2



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If a candidate elects to submit his/her appeal by email, it should be sent (with any necessary supporting documentation attached) to: pgexams@rcsi.ie.

The administration fee (€150) can be paid by posting a bank draft made payable to 'The Royal College of Surgeons in Ireland' to the address shown above. An appeal will not be processed until the administration fee has been received.



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12 RCSI: Professional Examinations Appeal Application Form

Your Personal Details

Family Name	
First Name	
Personal Identification Number	
Date of Birth	
Full Address for Correspondence	
Contact Phone Number	
e-mail Address	

Appeal Details

Examination Name	
Please indicate the reason for your appeal by ticking one of the boxes below.	
Examinations Appeals against the decision of a Board of Examiners	<input type="checkbox"/>
Appealing a Reasonable Accommodation decision	<input type="checkbox"/>
Appealing a decision applied through disciplinary/malpractice regulations	<input type="checkbox"/>

Grounds for Appeal

For an appeal to be considered, you must meet one of the following criteria below. Please tick the relevant box(es). RCSI Appeal Regulations allow an application for review to be submitted on the following grounds:

In keeping with RCSI Regulations, you possess prima facie evidence of apparent procedural irregularity in the conduct of the process (i.e. evidence that RCSI appears to have failed to have followed its own conventions or regulations properly);	<input type="checkbox"/>
In keeping with RCSI Regulations, you possess prima facie evidence of exceptional circumstances relevant to the decision which was not available to the Board when its decision was reached and you can provide good reason for not having made the Board aware of this evidence previously;	<input type="checkbox"/>

If your issue does not fall within the grounds stated above then your appeal will not have grounds to proceed.



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Please provide comprehensive information to support your appeal. Please continue on to separate page(s) as required.

Large empty area for providing comprehensive information to support the appeal.

Check list of relevant documentation

Medical evidence enclosed	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Supporting evidence enclosed	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Any other relevant documentation enclosed	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Appeal Fee Enclosed (€150.00)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Signature	<input type="text"/>			
Date	<input type="text"/>			