



Faculty of Public Health

of the Royal Colleges of Physicians of the United Kingdom

Working to improve the public's health

FACULTY OF PUBLIC HEALTH

EXAMINATIONS APPEALS POLICY & PROCEDURE

Introduction | Office Reviews | Grounds for appeal | Preliminary procedure | MFPH Appeals Panel | Appeal Hearing Procedure | Guidance for appeal submissions

1 INTRODUCTION

- 1.1 This policy applies to all candidates for examinations of the Faculty of Public Health (FPH) of the Royal Colleges of Physicians of the United Kingdom.
- 1.2 Candidates should note that by virtue of entering to sit an examination they are deemed to have understood and agreed to respect and abide by all relevant regulations including, but not restricted to, this Appeals Policy and documentation sent to candidates on the conduct of individual parts and components of the examination.
- 1.3 Any dispute as to the interpretation of this policy shall be referred to the Academic Registrar, whose decision in the matter shall be final.
- 1.4 This policy is to be used to investigate all examination appeals.
- 1.5 An 'appeal' is defined as a request for a review of a decision made by or on behalf of an Examining Board about the performance in an examination of a candidate or group of candidates.

2 OFFICE REVIEWS

- 2.1 Candidates may request an office review if they have reason to believe that there may have been an administrative error in their result for an examination. There is a fee for an office review, which will be refunded if the candidate's result is changed.
- 2.2 A candidate wishing to request an office review must complete a *Request for an Office Review* form (downloadable from the FPH website) and send it to the Head of Education and Training to arrive within ten working days of publication of the result of the examination to which the request relates. Each request must be accompanied by the appropriate fee.
- 2.3 Office reviews will be carried out by the Head of Education and Training and will involve a clerical check for errors in the examination process, particularly in the calculation or collation of marks or grades.
- 2.4 The outcome of the office review will be reported to the candidate within 21 days of receipt of the request. If the outcome is a change of result the fee for the review will be refunded. If the candidate is not satisfied with the outcome of a office review, he/she may proceed to an appeal.

3 GROUNDS FOR APPEAL

3.1 A candidate who has attempted either the Part A or Part B MFPH examination may appeal, in certain circumstances, against the result when:

- There is clear evidence of procedural irregularity in the conduct or content of the Examination (including administrative error) which has adversely affected a candidate's performance.
- There were exceptional circumstances, such as illness or some other extenuating circumstance (for which clear documentary evidence must be provided), which adversely affected a candidate's performance in the examination. Candidates are advised to submit details of any such circumstances as soon as possible (ie. within three working days) of the examination and not wait until after they receive their results. *(Candidates should note that there is a right of withdrawal from any examination due to exceptional circumstances, and candidates appealing on these grounds must provide a valid reason explaining why they were not able to do this.)*

3.2 FPH intends to deal with extenuating circumstances fairly and consistently. Candidates are provided with an **extenuating circumstances form** (http://www.fph.org.uk/exams/timetable_fees.asp#circumstances). Candidates are advised that it is their responsibility to submit details of any extenuating circumstances to the FPH Education and Training department (address below) in writing before taking the examination or immediately (within three working days) afterwards. Failure to do so will be noted should an appeal be submitted.

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

- Considers his or her efforts were under-marked.
- Did not understand or was unaware of the Examination Regulations.
- Seeks to question professional or academic judgment.

3.4 All candidates should note that this policy does not facilitate the changing of any result or pass/fail decision, *unless* it has been determined that there was an error in the results as originally communicated to the candidate. Examiners cannot accurately or numerically determine the effects of any procedural irregularity or extenuating circumstance on a candidate's performance, and so will not revise a candidate's result *even* if an appeal is upheld and the likely effects of the circumstances on a candidate's performance are judged to be severe. Instead Examiners may expunge the attempt from a candidate's record or offer some other remedy.

3.5 Any expression of a specific concern about the provision or quality of a service by FPH, including issues such as staff conduct, disputes about the regulations, other procedures or the application thereof is defined as a 'complaint' and as such will not be considered under this policy (but may instead be handled in accordance with the FPH Complaints Procedures - http://www.fph.org.uk/about_faculty/feedback/default.asp).

3.6 It is recognised that on occasion it may be initially unclear whether a case constitutes an appeal or a complaint, hence FPH reserves the right to reclassify appeals to complaints or vice-versa at any stage in proceedings, in consultation with the person(s) appealing or complaining. Such reclassification will always be done so that the matter can be considered in the most appropriate and fair way, and candidates will not be required to resubmit their cases following any reclassification.

4 PRELIMINARY PROCEDURE

- 4.1 Any appeal shall be made in writing, together with the required fee, to the FPH Chief Executive to arrive within one calendar month of the date of dispatch of the results ("the time limit"), or within 14 days of the result of a office review, and include supporting documentary evidence.
- 4.2 Any appeal submitted after this period must include an explanation and evidence (such as medical certification) as to why it could not be submitted sooner, and will only be accepted at the sole discretion of the FPH Chief Executive.
- 4.3 On receipt of an appeal the FPH Chief Executive will investigate and collate all relevant information, before referring it to the Chair of the Board of Examiners of the relevant Examination for initial consideration. The Chair may discuss the case or direct the FPH Chief Executive to undertake further investigations, as he/she deems necessary.
- 4.4 If it is considered by the Chair and the FPH Chief Executive that there is no *prima facie* case, i.e. that the appeal request is outside the permitted grounds, frivolous or unsubstantiated, the candidate will be notified of this and informed that the appeal will not be heard and that the appeals procedure is at an end. If it is considered vexatious or malicious, or that the appellant has used false information, the appeal procedure will also be at an end but in this instance the appellant may be liable for action under the FPH Examinations Misconduct Policy.
- 4.5 If it is considered by the Chair and the FPH Chief Executive that there is a *prima facie* case in support of the appeal, he/she may:
 - 4.5.1 arrange for an immediate remedy to be offered to the candidate;
 - 4.5.2 refer the appeal to the FPH Academic Registrar.
- 4.6 The decision of the Chair and FPH Chief Executive will be communicated to the appellant within 10 working days of receipt of the appeal. In some cases, extra time may be needed to undertake further investigations, in which case the appellant will be informed within 10 working days of the receipt of the appeal.
- 4.7 If the candidate is not satisfied with the outcome of any appeal considered under paragraph 4.5.1, they must contact the FPH Chief Executive within 10 working days of being notified of it to request that their case be reconsidered by an MFPH Appeals Panel. All such requests will be reviewed by the FPH Academic Registrar, who will determine whether sufficient evidence remains for consideration by an Appeals Panel, following the decision of the Chair and FPH Chief Executive.

5 MFPH APPEALS PANEL

- 5.1 An MFPH Appeals Panel shall be convened at the discretion of the FPH Academic Registrar, and established by the FPH Chief Executive.
- 5.2 The Panel will meet as soon as practicable ("the hearing"), within a reasonable time after the date on which the appeal was received, and constituted with one member from each of the following categories, or their nominee, provided that none have previously examined the candidate:
 - a. The FPH Academic Registrar (or deputy), who shall be Chair of the Appeals Panel.
 - b. The Chair of the Board of Examiners of the relevant Examination.

- c. A current MFPH Examiner who has not previously examined the appellant.
 - d. A member of the FPH Education Committee who has not previously examined the appellant and who has no involvement in examination procedure.
- 5.3 The FPH Chief Executive will inform the appellant that the appeal has been referred to the Appeals Panel, and the scheduled date of the hearing, at least fifteen working days in advance of the hearing.
- 5.4 The FPH Chief Executive will arrange for a copy of each document that is to be presented to the Panel to be sent to the candidate not less than 10 working days before the date set for the hearing. Such documents shall include any statement(s) provided by the candidate, whose responsibility it is to ensure any such documents and list of witnesses they intend to call in support of their appeal are received by the Chief Executive at least 12 working days before the date set for the hearing. No documents or witnesses may be presented to or referred to by the Panel, unless details have been circulated in this manner, except with the consent of both the Panel and the candidate. All documents will also be circulated in advance to members of the Panel so that they may familiarise themselves with the details of the case before the date of the hearing.
- 5.5 The FPH Chief Executive will attend the hearing as an observer, to record the proceedings and deliberations of the Panel, and to advise on procedural or regulatory matters. He or she may not influence the decisions of the Panel in any way.
- 5.6 The MFPH Appeals Panel will consider the appeal in the light of written evidence presented and will afford the appellant the opportunity of addressing the Panel at the hearing. No member of the Appeals Panel will have been involved in assessing the appellant in the Examination although the examiner(s) may be asked to provide information for the Appeals Panel to consider.
- 5.7 The appellant shall have the right to be present at all proceedings and deliberations of the Panel subject to the procedures detailed below in paragraphs 5.1, 5.5 and 5.6.
- 5.8 The appellant shall have the right to present oral evidence to the Appeals Panel at the hearing. Proceedings of the Panel shall not be invalidated by reason of the absence of the appellant, provided that the procedure detailed below has been observed.
- 5.9 The appellant shall be entitled to be accompanied by a Next Friend. The Next Friend may advise and counsel the appellant but will not be allowed to make statements to, or cross examine, the MFPH Appeals Panel or otherwise to take part in the proceedings, except with the permission of the Chair. The procedure to be adopted at the hearing shall be at the absolute discretion of the Chair. If the appellant wishes to be accompanied by a Next Friend they must provide the FPH Chief Executive with the name, address and roles of the nominated person not less than five working days before the hearing.

6 APPEAL HEARING PROCEDURE

- 6.1 The MFPH Appeals Panel may, at its discretion, meet before the scheduled start of the hearing for preliminary discussions. The FPH Chief Executive shall be present and keep a record of proceedings.
- 6.2 At the start of the hearing all present shall introduce themselves. The Chair shall then invite the appellant to present their appeal, documentary evidence and call any witnesses in support of their case. The Panel may then question the appellant and his/her witnesses.

- 6.3 The Panel may, at its discretion and at any time, interrupt proceedings to ask questions.
- 6.4 Before the appellant is dismissed, the Chair shall give them the opportunity to make a closing statement. Before leaving, the appellant shall be reminded that he/she will be notified of the outcome within ten working days.
- 6.5 The Panel shall then consider the matter, whether there are sufficient grounds and evidence for the appeal to be upheld, and what, if any, remedy should be offered to the candidate. The comments and decisions of individual Panel members shall always be treated as confidential. The MFPH Appeals Panel decision shall be made on a majority basis.
- 6.6 Following the meeting the FPH Chief Executive shall prepare a written response summarising the decisions of the Panel. This shall be sent to the candidate within ten working days of the hearing, and a copy presented to the next meeting of the relevant Board of Examiners for its information and action, if appropriate. The candidate shall be reminded that the decision of the MFPH Appeals Panel is final, and that the appeals procedure is at an end.

END OF POLICY

Guidance for candidates submitting an Appeal

Candidates are advised to read this guidance, as well as the appeal policy itself, before deciding to proceed with an appeal.

1. Personal details required

1.1 When submitting the appeal please provide the following personal details:

1. Name.
2. Examination (Part A/ B MFPH)
3. Candidate number.
4. Address for correspondence.

1.2 Failure to provide these details accurately (or failure to inform the FPH Education and Training department of any amendments punctiliously) may result in delays in processing your appeal.

2. Grounds for appeal

2.1 The following information regarding grounds for appeal is required:

1. The Examination result that is being appealed against (e.g. Part A MFPH Examination).
2. Date of the Examination (e.g. June 2007 sitting).
3. Circumstances that you consider affected your performance or the consideration of your results.
4. Where relevant, details of why you did not disclose these circumstances at an earlier stage.
5. Documentary evidence to substantiate your claims (you should note that Medical Certificates alone are NOT accepted to support claims of illness - you will be expected to provide a letter from a medical practitioner outlining the circumstances).

2.2 Should any of these relevant details be missing in the submission of the appeal, it is likely that your case will be dismissed at the preliminary stage (you should always provide an explanation for the absence of evidence).

3. Points to consider in submitting an appeal

- 3.1** The MFPH Appeals Procedure is intended to be an open and fair process. However, it is recommended that candidates pay close attention to the following information.
- 3.2** The appeal is not a process for questioning academic or professional judgment.
- 3.3** The appeal is not a complaints procedure and only details that clearly demonstrate that circumstances affected your performance or the consideration and processing of your results will be considered.
- 3.4** The existence of mitigating circumstances or procedural defects are not regarded generally as a substitute for academic or professional performance. Therefore, candidates should not anticipate that the upholding of an appeal will automatically result in a fail result being converted to a pass.
- 3.5** Candidates are advised that should an appeal be rejected there are no further opportunities to submit additional details. Please ensure that you include everything you wish to be considered as part of the appeal in the first instance.
- 3.6** There are many opportunities for you to make examiners and invigilators aware of any extraneous factors before your results are considered. For example:
1. If you are ill or have a special need at the time of the Examination inform the examiners or invigilators as they may be able to take these circumstances into account and prevent a problem arising.
 2. Should there be an irregularity in the conduct of the Examination, inform the examiners or invigilators so they may be able to take these circumstances into account and prevent a problem arising.
 3. If at the end of an Examination you consider there are exceptional circumstances that should be taken into account, please inform the Faculty of Public Health Education and Training department immediately (within three working days).
- 3.7** Appeals may be rejected on the grounds that insufficient effort was made to disclose circumstances at an early stage or that the claims were not backed up with substantive evidence. While FPH cannot advise on how to go about making a case for appeal, we do advise you to discuss this matter with an advisory or representative body (e.g. the BMA). Please note that should there be a hearing you may attend and bring with you a Next Friend. The Next Friend may advise and counsel you but will not be allowed to make statements to or cross examine the MFPH Appeals Panel or to otherwise take part in the proceedings, except with the permission of the Chair. The Next Friend may be legally qualified or professionally engaged in advocacy or legal practice but may not represent you in a legal capacity.

4. The Hearing

- 4.1** There is no absolute right to have a hearing as part of the appeal unless and until the appeal has been referred to the Appeals Panel in accordance with paragraph 3.7 of the Appeals Procedure. FPH will strike out any claim that, in its opinion, is outside the permitted grounds, frivolous, vexatious, incomplete, or unsubstantiated at the preliminary stage.
- 4.2** Should the appeal proceed to a hearing this will be the opportunity for you to state your complaint and respond to requests for information. The hearing will not provide the forum for explaining the procedure to the appellant and any queries regarding the workings of the appeal should be put separately in writing to the FPH Chief Executive.

4.3 The MFPH Appeals Procedure is an internal administrative procedure for reviewing your performance in the MFPH Examination. It is not a forensic process.

4.4 We appreciate it may not be practicable for some candidates, particularly those based overseas, to attend a hearing. We will allow appeals to be processed by correspondence and the Appeals Panel will consider any written statements submitted. Before dealing with any appeal by correspondence, a candidate must confirm in writing that he/she will waive their right to a hearing. Candidates will be expected to pay all their own costs (travel etc) for attending any hearing.

5. Declaration

5.1 In your letter of appeal please clearly state that it is your intention to appeal against an MFPH Examination decision and state the grounds for your appeal. In submitting an appeal, we would expect you to understand that the details you provide are true and complete and that you would be prepared to answer further questions in relation to any claims you make.

5.2 All details will be treated in a confidential manner, disclosed only to those individuals involved in the appeals process, or cited by you as someone who can substantiate your claims. We will seek your permission should we need to disclose details to any other individual or party as part of the consideration of your appeal.

5.3 Furthermore, FPH regards the submission of any false details as part of an appeal to be an act of cheating (in seeking to gain unfair consideration or an unfair advantage).

6. Fees

A fee is required for every appeal. This fee will be the same as the current examination fee for the relevant MFPH examination.

The current fee for a office review is £70.

The appeal or office review fee will be refunded if the examination result is altered.

The address for all correspondence is:

**Chief Executive
Faculty of Public Health
4, St Andrew's Place
London NW1 4LB**