



# Faculty of Public Health

of the Royal Colleges of Physicians of the United Kingdom

Working to improve the public's health

## MFPH EXAMINATIONS - OFFICE REVIEWS,

### APPEALS POLICY AND PROCEDURE

#### 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.

An 'office review' is defined as a review carried out by the Director of Education and Professional Standards to ensure no administrative errors have occurred in the process of inputting data.

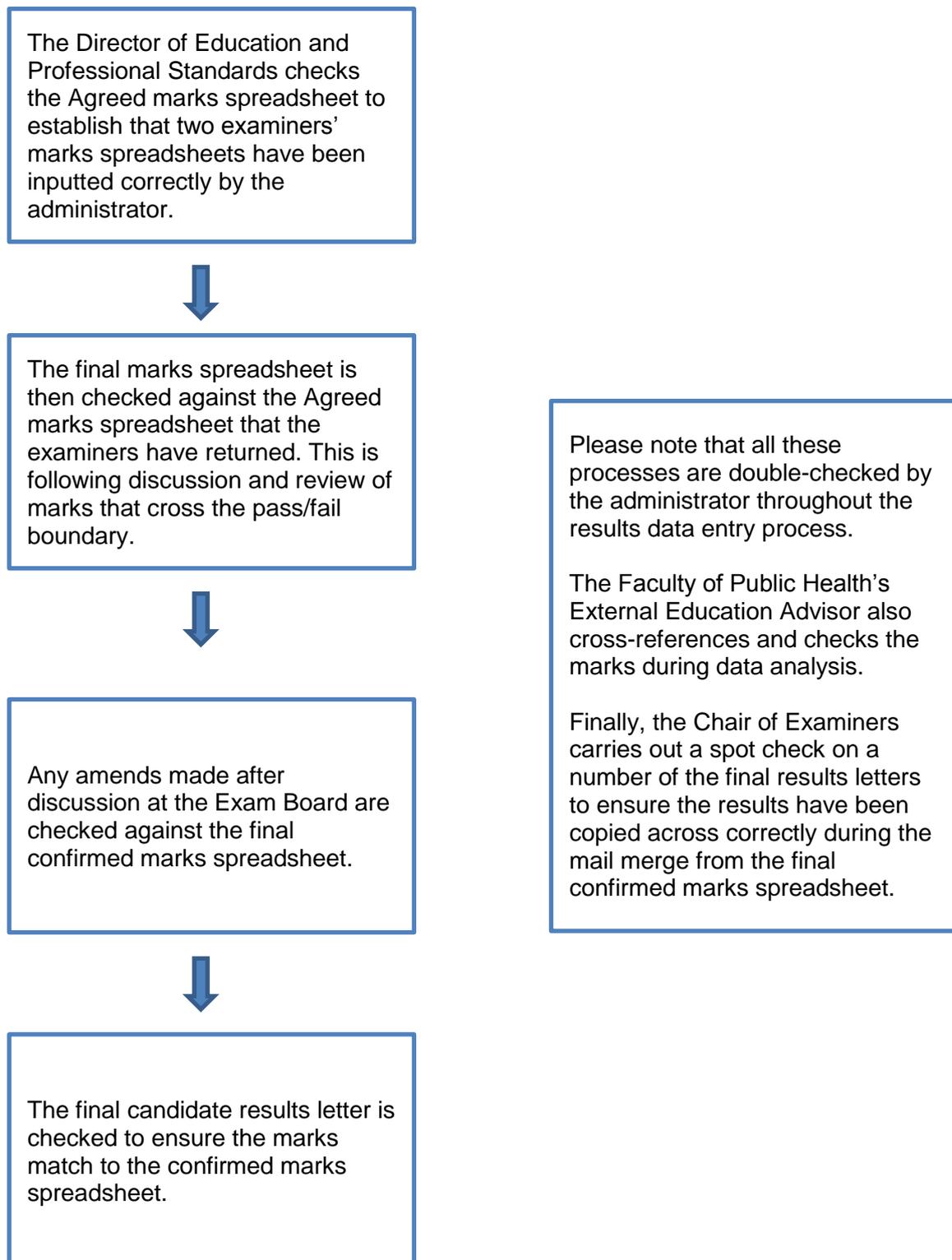
- 1.6 Please note that an appeal does not mean that a mark or result will be changed but it may lead to an attempt being discounted.

#### 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 the calculation of their result for an examination. There is a fee for an office review, which will be refunded if the calculation is found to be incorrect and is thus amended.
- 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 Director of Education and Professional Standards 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 Director of Education and Professional Standards and will involve a clerical check for errors in the examination process, including 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 identifies a clerical error then the fee for the review will be refunded. If the candidate is not satisfied with the outcome of an office review, he/she may proceed to an appeal.

2.5 Please see below for a flowchart of the office review process for the Part A Exam.

### The process of an office review



### 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 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 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 the grounds stated must provide a valid reason explaining why they were not able to do this.) More details about extenuating circumstances can be found [here](#).*
- 3.2 FPH intends to deal with extenuating circumstances fairly and consistently. Candidates are provided with an [extenuating circumstances form](#). Candidates are advised that it is their responsibility to submit details of any extenuating circumstances to the FPH Education and Professional Standards 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. The only circumstances in which a change in result will be given is if a calculation error has occurred.
- 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).
- 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 Director of Education and Professional Standards 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 an 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 Director of Education and Professional Standards.
- 4.3 On receipt of an appeal the FPH Director of Education and Professional Standards 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 Director of Education and Professional Standards to undertake further investigations, as he/she deems necessary.
- 4.4 If it is considered by the Chair and the FPH Director of Education and Professional Standards 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. This will stand irrespective of the appeal outcome.
- 4.5 If it is considered by the Chair and the FPH Director of Education and Professional Standards 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 Director of Education and Professional Standards 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 Director of Education and Professional Standards 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 Director of Education and Professional Standards.

## 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 Director of Education and Professional Standards.
- 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 Director of Education and Professional Standards 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 Director of Education and Professional Standards 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 Director of Education and Professional Standards 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 Director of Education and Professional Standards 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 representative. The representative 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 representative they must provide the FPH Director of Education and Professional Standards 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 Director of Education and Professional Standards 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 Director of Education and Professional Standards 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**

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