

Appeals Rules

Faculty of Occupational Medicine

January 2010

Sections contained within this document:

Section A: General Appeals Rules and Procedures

Section B: Guidance on Appeals relating to examinations of the Faculty of Occupational Medicine

Section C: Extenuating Circumstances and Illness

SECTION A

GENERAL APPEALS RULES

These rules were approved by the Board of the Faculty of Occupational Medicine on 6th October 2009 and are effective from 29 January, 2010. They should be read in conjunction with the associated procedures (which form part of this document) and relate to General Faculty Examination Regulations (<http://www.facocmed.ac.uk/library/docs/examregs2010.pdf>) F17, F18, F19, F20, F21 and F22.

- 1) The Faculty of Occupational Medicine (the FOM) shall secure that a person falling within paragraph (2) has the right of appeal against a decision, act or omission specified in that paragraph. Evidence supporting the formal appeal shall be presented, in writing, to the FOM addressed to the Academic Dean. The evidence will be assessed against the criteria set out in paragraph 3 as to whether a prima facie case has been established. The Academic Dean shall have absolute discretion to decide to convene a panel (an Appeal Panel) if the criteria in paragraph 2 and paragraph 3 are met and the formal appeal has been made within the specified time period. The conduct of the formal appeal will be in accordance with the appeals procedure.
- 2) Paragraph (1) applies to:
 - a) situations where the FOM has:
 - i) informed an individual that s/he has failed a Faculty examination or assessment;
 - ii) declared an individual ineligible to sit a Faculty examination;
 - iii) declared an individual ineligible to commence specialist training;
 - iv) expressed an opinion in relation to the requirements of article 14(4) or 14(5) of The General Medical Practice and Specialist Medical Education, Training and Qualifications Order 2003.
 - b) situations where the FOM has:
 - i) refused to approve a training post or course in occupational medicine;
 - ii) withdrawn approval for such training or a course;
 - c) any hospital, company, institution or other person who satisfies the Training Dean or a suitable deputy that it (or s/he) has a substantial interest in a decision relating to the approval of education and training relating to specialist or non-specialist training in occupational medicine or health, or to the assessment of training in occupational medicine or health.

Appeals relating to an examination of the Faculty can only be pursued by the individual who wishes to, or who has sat, the examination in question.

- 3) A formal appeal against a ruling under paragraph 2 will be taken forward by the FOM on the basis that the appellant has provided sufficient evidence to support a case that is acceptable to the Academic Dean. Grounds for appeal will be:
 - a) An examination result, assessment, or determination under paragraph 2 which is manifestly incorrect;
 - b) Evidence of administrative irregularity or procedural failure under paragraph 2, with reasonable grounds to indicate that the examination result, assessment, or determination was affected.

A formal appeal may not be brought solely on the grounds that there is disagreement with a decision or assessment result, or based on an academic or professional challenge, unless 3. (a), or 3 (b) is clearly satisfied¹.

- 4) The Appeal Panel may:
 - a) dismiss the appeal;

¹ Separate rules apply to candidates who **withdraw** from an examination by reason of personal circumstances beyond their control, including personal health matters, and then seek 'special consideration' – See Section C

- b) allow the appeal and quash the decision/result appealed against;
 - c) substitute for the decision/result appealed against any other decision that the Faculty could have made; or
 - d) remit the case to the Faculty Board to be disposed of in accordance with the directions of the Appeal Panel.
- 5) The Faculty Board shall approve the appeal procedure to be followed and the rules of evidence to be observed by an Appeal Panel.
- 6) The appeals procedure shall:
- a) specify the period within which a person is permitted to appeal;
 - b) specify that the Appeals Panel, if convened, will consist of a minimum of three members and a Chair;
 - c) specify that the Chair is a lay member, who does not hold any qualification that is registerable under the Medical Act;
 - d) specify that, as a minimum, one member of the Appeals Panel shall be a Fellow of the Faculty;
 - e) specify that no member of the Appeals Panel shall have been involved in the decision or result being appealed against;
 - f) require the appeal to be heard in private;
 - g) specify allowable representation for the FOM and the appellant;
 - h) specify fees and allowable costs for the appellant;
 - i) require the Appeal Panel to give reasons for its decision.
- 7) An Appeals Panel will not be constituted unless the appropriate fee, as determined by the Faculty Executive Committee and approved by the Faculty Board, has been paid.
- 8) Details of fees are set out in an annex to the Faculty's appeals procedure.

GENERAL APPEALS PROCEDURE

These procedures were approved by the Board of the Faculty of Occupational Medicine on 6th October 2009 and are effective from 29 January, 2010. They should be read in conjunction with the associated Appeal Rules (which form part of this document) and relate to General Faculty Examination Regulations (<http://www.facocmed.ac.uk/library/docs/examregs2010.pdf>) F17, F18, F19, F20, F21 and F22.

1. PREAMBLE

These procedures set out in detail how a formal appeal, which is deemed eligible under the FOM's Appeals Rules, shall be heard. The procedures define terms used, fees and remuneration, composition of the appeals panel, timetables and outcomes. The purpose is to ensure a rapid and fair disposal of any appeal.

In the context of an appeal relating to an examination of the Faculty, these procedures govern the final appeal. The rules that apply to the compulsory first stage of initial inquiry are given in the General Examination Regulations.

2. DEFINITIONS

2.1. In the following appeals procedure:

- "appeal" means an appeal against a decision, act or omission of the Faculty, specified in paragraph 2 of the FOM Appeals Rules, brought by an Appellant
- "Appeal Panel" means a panel of persons specified by the Faculty to hear an appeal
- "appellant" means a person who is bringing the appeal
- "appeals assessors" are such persons as may be appointed from time to time by the Faculty to report on the grounds of the appeal and/or the appellant's fitness to be awarded the qualification for which he has applied (in cases of examination appeals)
- "chairman" means the chairman of the appeal panel
- "Director of Assessment" means the Director of Assessment of the Faculty, who is appointed by the Board to assist the Dean with his duties
- "Academic Dean" means the Academic Dean who is the Academic Vice President and the senior executive officer responsible for the academic arrangements on behalf of the Faculty
- "Diploma" means any Diplomas in Occupational Medicine which are awarded by the
- Faculty
- "examiner" means a person who determines the grades or marks of candidates taking examination[s] set by the Faculty (in the context of the assessed MFOM dissertation, this includes protocol reviewers and dissertation assessors)
- "Faculty" means the Faculty of Occupational Medicine of the Royal College of Physicians
- "Membership" means Membership of the Faculty of Occupational Medicine
- "hearing" means assessment of a written appeal or an oral hearing
- "notices" means any notice or document served by the Faculty on the appellant
- "party to the appeal" means either the Appellant or the Faculty
- "qualification" means Diplomas or the Associateship or Membership of the Faculty of Occupational Medicine
- "written appeal" means an appeal assessed by the Faculty's consideration of written evidence only
- "issued" refers, in relation to a formal written decision letter of the Faculty under the appeal rules, to the date on which such a letter is franked.

- 2.2. The word "he" shall be taken to include "she" and all references to the masculine shall be taken to include the feminine and vice versa.
- 2.3. Notices will be deemed to have been served at the date of franking of first-class post to the appellant's registered address or such other address as the appellant may have specified for delivery of notices or documents.

3. REMUNERATION

- 3.1. The Faculty shall pay such remuneration as it shall determine to be appropriate to the Chairman, members of appeal panels and appeals assessors.

4. THE APPEAL PANEL

- 4.1. The Appeal Panel shall be nominated by the Academic Dean of the Faculty with reference to 4.2.
- 4.2. The Appeal Panel shall consist of, as a minimum, a Chairman and three other members, including a Fellow of the Faculty.
 - 4.2.1. The Panel shall be chaired by a lay person who does not hold any qualification that is registerable under the Medical Act, and who may be either a lay member of the Faculty Board or a lay assessor selected from a panel established as recommended by the General Medical Council.
 - 4.2.2. The appeals panel shall include in addition a Fellow of the Faculty who is a member of the Faculty Board.
 - 4.2.3. In appeals relating to examinations or assessments concerned with specialist training, additional members shall be:
 - 4.2.3.1. a Fellow of the Faculty who is not a member of the Faculty Board;
 - 4.2.3.2. a Fellow of the Royal College of Physicians who is not a member of the Faculty.
- 4.3. A person shall not be appointed to, and if he is appointed shall not serve on, the Appeal Panel if he:
 - 4.3.1. is acquainted with the appellant personally or professionally; or
 - 4.3.2. has participated in previous decision-making related to the appeal.
- 4.4. At any time before the commencement of an appeal hearing, the Academic Dean may change the appointments to the Appeal Panel.
- 4.5. If, after an appeal hearing has commenced, it becomes apparent that one or more members of the panel are unable to hear the totality of the appeal, the hearing shall reconvene and start afresh with a full panel which will not include the member who was unable to complete the first attempt at a hearing.
- 4.6. The Examinations Coordinator or a suitable deputy will act as Appeals Secretary to the panel. The secretary will attend the appeals panel as an observer and will keep a record of the hearing. Communication with the appellant shall be by the Appeals Secretary on behalf of the Academic Dean.

5. FORMAL APPEAL PROCEDURES AND TIME LIMITS

- 5.1. Any formal appeal shall be brought in writing, stating the grounds of the appeal, to the Academic Dean of the Faculty within 21 days of the Faculty issuing the decision against which the appeal is brought.

- 5.2. In the context of an examination of the Faculty, the date of decision refers to the date on which the relevant Chief Examiner's response to the candidate's compulsory initial letter (under General Examination Regulation 2) was issued.
- 5.3. The time limit of 21 days may not be extended in any circumstances. Given the strict deadline, it is advisable to send the notice of formal appeal by secure means and obtain a signature as proof of receipt. Proof of postage will not be accepted as proof of delivery.
- 5.4. The notice of formal appeal shall contain a completed pro-forma (Annex 2) describing the:
 - 5.4.1. name and address of appellant;
 - 5.4.2. address for service of documents if different;
 - 5.4.3. appellant's election as to whether the appeal is to be in writing or by an oral hearing;
 - 5.4.4. a copy of the decision against which the appeal is brought;
 - 5.4.5. the grounds of appeal under the heading(s) of the criteria in Appeals Rule 3;
 - 5.4.6. a paginated bundle of documents on which the appellant will rely at the hearing;
 - 5.4.7. evidence of exceptional circumstances (where relevant);
 - 5.4.8. the appeal fee.
- 5.5. The Academic Dean will consider the notice of formal appeal together with any papers or examination material relating to the decision against which the appeal is brought and any other documents of relevance to the appeal. The Academic Dean will make any directions which are necessary for the furtherance of the appeal. The Academic Dean may request information to be provided by statements from the examiners, trainers or any person(s) involved in the training or assessment of the appellant.
- 5.6. On receipt of the documents described in 5.4 and 5.5 the Academic Dean will consider whether prima facie grounds for appeal have been established according to the criteria in Appeal Rule 3, and will write notifying the appellant of his decision. The Academic Dean shall have absolute discretion to decide on this issue (Appeal Rule 1). If he decides that the grounds are insufficient, the appeal will be rejected. Alternatively, if the requisite criteria have been satisfied he will convene an appeal panel to hear the appeal – either as written evidence or in an oral hearing.
- 5.7. Where possible a written appeal will be heard within 30 working days of the Academic Dean's letter of appeal response under 5.6. A written appeal will be decided upon the appellant's written statement of the facts and matters on which he relies in relation to the appeal, any evidence submitted by the Faculty and its examiners, and exploration of the grounds for earlier decisions issued in relation to the appeal.
- 5.8. Where possible an oral appeal will be heard within 40 working days of the Academic Dean's letter of appeal response under 5.6. An oral appeal will be decided upon the basis of appellant's written statement of the facts and matters on which he relies in relation to the appeal, questions put to the appellant by the appeal panel, any evidence submitted by the Faculty and its examiners, and exploration of the grounds for earlier decisions issued in relation to the appeal.
- 5.9. The appeal may be adjourned on the order of the Academic Dean or the chairman of the appeal panel in the interests of justice at any time before or during the appeal, including an adjournment for completion of hearing the appeal if the appeal cannot be concluded on the date appointed for the hearing. The appellant will be informed as soon as is reasonably practicable of the need for an adjournment and the date that the adjourned hearing will be resumed.
- 5.10. The decision on the appeal hearing will be issued to the appellant within 7 days from the date of conclusion of deliberations on the written appeal or from the date of conclusion of deliberations after an oral appeal.

6. ELECTION OF TYPE OF HEARING

- 6.1. The appellant shall elect whether to have an appeal based on written submissions or an oral appeal at which he will be present personally.
- 6.2. The appellant may not change the mode of appeal once the election in paragraph 6.1 has been made.

7. APPEAL FEES

- 7.1. The appellant will lodge with the Faculty a fee on a sliding scale, depending on the form of hearing, and as defined in Annex 1.
- 7.2. A portion of the fee (defined in Annex 1) will be non-refundable should the appeal fail at the stage outlined in 5.6.
- 7.3. Successful appellants will have their appeal fee refunded in full by the Faculty within three months, together with any reasonable costs incurred which exceed the lodged amount. Reasonable costs may include travel, subsistence and administrative costs, but will not include the costs of legal representation or advice, or a claim of lost earnings by the appellant.

8. INITIAL ASSESSMENT

- 8.1. The General Examination Regulations require candidates of a Faculty examination to make an initial written inquiry to the relevant Chief Examiner before invoking the formal procedures specified in these Appeal Rules and Procedures. Certain time scales apply, as defined in the General Examination Regulations; 8.2 and 8.3 shall **not** apply to appeals relating to Faculty examinations.
- 8.2. For appeals that arise other than in the context of an examination result, a preliminary assessment of the appeal will be carried out by an Executive Officer nominated by the Academic Dean, usually either the Director of Assessment or the Director of Training, who will review the appeal documents, provided that notice of appeal is received within the requisite timetable.
- 8.3. If an appeal under 8.2 is considered to be unsubstantiated or otherwise obviously without merit, the appeal will be referred to the Faculty Executive Committee via the Academic Dean. The Academic Dean, on behalf of the Executive Committee, will carry out an investigation, the outcome of which will be either that:
 - 8.3.1. the appeal cannot proceed as it is without merit; or
 - 8.3.2. the appeal should proceed to a full hearing. If the outcome is (a) the investigation and its outcome will be reported to the Faculty Board.

9. APPEALS ASSESSORS

- 9.1. The Academic Dean may direct that, in dealing with the matters before the appeal panel, the appeal panel shall have the assistance of one or more appeals assessors, who appear to the Academic Dean to have knowledge or experience which would be relevant in assisting the appeal panel to determine the appeal.
- 9.2. The appeal assessor or assessors shall not form part of the appeal panel and it shall be for the appeal panel to determine the issues in the appeal.
- 9.3. The appointment of appeal assessors shall be in the sole disposition of the Academic Dean.

10. WRITTEN APPEALS

- 10.1. Written appeals shall be held in private and without the presence of the appellant.
- 10.2. The appeal panel may request further information from the appellant, the Faculty or the appeal assessor[s] if appointed.
- 10.3. The Academic Dean will appoint a Presenting Officer, who is not a member of the appeal panel and who was not a trainer or examiner of the appellant to present the Faculty's case by way of a written statement.
- 10.4. Not less than 14 days before the appeal hearing, the appellant shall receive copies of all relevant written material on which the appeal panel will rely. The appellant may provide further written submissions in relation to the relevant written material within 7 days of issue thereof.
- 10.5. All information, including statements, on which the appeal panel will rely will be contained in a paginated bundle of documents.

11. ORAL HEARINGS

- 11.1. Oral hearings will take place at premises notified by the Appeals Secretary or his/her deputy, normally in London.
- 11.2. The appellant will be entitled to be accompanied by a friend. The friend may advise and counsel the appellant but will not be allowed to make statements or take any part in the proceedings. (The Appeal Procedure is an internal administrative process and not a legal hearing. If the accompanying person is a lawyer, then the appellant must obtain the Faculty's prior agreement).
- 11.3. The oral hearing shall be in private save for the presence of any person who accompanies the appellant or any other person who, with the consent of the appellant, is authorised by the chairman to be present.
- 11.4. The Academic Dean will appoint a Presenting Officer, who is not a member of the appeal panel and who was not a trainer or examiner of the appellant to present the Faculty's case by way of a written statement.
- 11.5. Provided that evidence is limited to the appeal, the chairman may:
 - 11.5.1. admit oral evidence, whether direct or hearsay;
 - 11.5.2. give directions to ensure there is a fair hearing of the appeal.
- 11.6. The appellant will present his case himself. He may give or call evidence by way of a written statement made by himself or any witness he calls. He will answer questions put to him by the appeal panel.
- 11.7. Representations from third parties on which an appellant may rely will be made in writing only.
- 11.8. The appellant will not be permitted to cross-examine the appeal panel.
- 11.9. All information, including statements, on which the appeal panel will rely will be contained in a paginated bundle of documents.

12. WITHDRAWAL OF APPEALS

- 12.1. An appellant may withdraw his appeal at any time prior to the determination of the appeal by giving notice in writing to the Appeals Secretary.
- 12.2. Where an appellant withdraws the appeal less than 14 days before the date of the hearing, whether written or oral, there will be no refund of the appeal fee.
- 12.3. Where an appellant withdraws the appeal more than 14 days before the date of the hearing, whether written or oral, the Faculty may refund a proportion of the appeal fee at its discretion, taking into account costs incurred prior to the withdrawal.
- 12.4. Where an appellant fails to comply with any direction of the Faculty in relation to the appeal, including a request to confirm receipt of documents, the Faculty may deem the appellant to have discontinued the appeal. The appeal will be struck out and the appellant will remain liable for the cost of the appeal.

13. DETERMINATION OF THE APPEAL

- 13.1. The decision of the appeal panel is final.
- 13.2. The panel shall determine the outcome by taking a vote from the members. In the event of a tied decision, the chair will have an additional casting vote.
- 13.3. The appellant shall be informed if the decision is by a majority or unanimous.
- 13.4. The determination shall:
 - 13.4.1. be stated verbally to the appellant at the outcome of an oral hearing;
 - 13.4.2. be recorded in writing by the chairman and signed by him and each member of the appeal panel;
 - 13.4.3. include a statement of the reasons for the determination including findings on all questions of fact material to the determination;
 - 13.4.4. state the outcome of the appeal.
- 13.5. The outcome of the appeal may be that:
 - 13.5.1. the appeal succeeds in full²;
 - 13.5.2. the appeal succeeds in part. (Examples include the appellant being required to undertake a reduced amount of further training or re-sit all or part of the examination in question without charge to the appellant);
 - 13.5.3. the appeal fails.
- 13.6. If an appeal against the result of an examination or assessment succeeds and requires that the result be changed, then the outcome will be referred to the President of the Faculty, who alone will have the authority to vary the result.

² It will be exceptional for an examination result to be overturned in full.

SECTION B

GUIDANCE ON APPEALS RELATED TO EXAMINATIONS OF THE FACULTY OF OCCUPATIONAL MEDICINE

This guidance should be read in conjunction with:

- General Faculty Examination Regulations (<http://www.facoccmmed.ac.uk/library/docs/examregs2010.pdf>) F17, F18, F19, F20, F21 and F22; and
- the associated Board-approved Appeal Rules (see Section A)

As well as providing guidance to exam candidates contemplating an appeal, this information sheet defines the meaning of terms used in regulations F17-F22 and documents the procedures that appellants must follow.

Grounds

The Board-approved Appeals Rules set out the grounds for appeal. In brief, there must be genuine evidence that a) an examination result is manifestly incorrect, or that b) an administrative irregularity or procedural failure has occurred, with reasonable grounds to believe that the examination result was affected.

An appeal cannot be sustained solely because the candidate disagrees with the examiners' assessment of their performance; nor on the basis that the candidate suffered special factors unknown to his/her assessors at the time*.

The Faculty's response will be considered under the headings of Rule 3 of these Appeal Rules, and the appellant must set out his or her case in relation to these criteria.

Stages of the process

All correspondence must proceed **through the Faculty office**. Appellants should **not** attempt to contact the Chief Examiner or Academic Dean directly. They should apply by post and not by e-mail.

Appeals are considered in three stages:

- **Stage 1** (initial inquiry) entails correspondence between the candidate and the Chief Examiner (regulations F17 and F18). The Chief Examiner, at his or her own discretion, may seek further clarification from the appellant; but he/she cannot enter into extended communication, and will offer only **one** "letter of response".

In the event that the candidate remains dissatisfied, and serves notice of a formal appeal (under regulation F19):

- At **Stage 2** the Academic Dean will consider whether there are prima facie grounds under Appeals Rule 3 for a formal appeal hearing to be held. The Academic Dean, at his or her own discretion, may seek further clarification from the appellant; but he/she cannot enter into extended communication, and will offer only **one** "letter of response" at Stage 2.
- If prima facie grounds are established under Appeals Rule 3, then at **Stage 3**, the evidence will be considered in a written or oral review by a formally constituted Appeal Panel, with a lay chair and including a Fellow of the Royal College of Physicians who is not a member of the Faculty. Details are set out in the Appeal Rules and Procedures.

Appeals relating to Faculty examinations must proceed in order through these stages: an initial letter must be submitted to the Chief Examiner before a formal appeal can be considered by the Academic

* 'Special consideration', may be given to those who **withdraw** from an examination, but not to those who complete and **fail** it. The rules on Special Consideration are separately described - see Section C

Dean. A candidate who fails to submit an initial letter within the advertised timescale forfeits the right to make a formal appeal.

Possible outcomes

An initial inquiry may be upheld or fail at Stage 1.

A formal appeal may be upheld or fail at either Stage 2 or Stage 3. (In particular, at Stage 2 the Academic Dean has absolute discretion to determine whether there are sufficient grounds to convene a formal Appeal Panel.)

Should an appeal be upheld at Stage 1 or Stage 2 there will be no requirement to convene an appeal panel hearing.

Timetable

Strict timelines apply, as set out in regulations F17, F18 and F19 of the General Faculty Examination Regulations (<http://www.facocmed.ac.uk/library/docs/examregs2010.pdf>) and in the Appeal Procedures. The date on which a decision (regulation F17) or response (regulation F18/F19) is “issued” means the date on which the decision or response letter of the Faculty was **franked, not** the date of receipt by the candidate. Decision and response letters will be posted to the address the candidate gives on their application form; at the same time the Faculty will endeavour to send a copy of its decision by e-mail, provided that a valid e-mail address has been given, to maximise the time available for the candidate to respond. The Faculty cannot accept any responsibility for errors in the information supplied that result in delayed receipt.

The date of response by the candidate means **the date on which the Faculty receives the candidate’s response**, not the date of posting by the appellant. The time limits must be observed or the appeal will be rejected. Moreover, the appellant’s case must be set out **in toto** by the required date; only evidence submitted within advertised timescales will be admissible.

Given the strict deadlines, it is advisable to send any written inquiry or notice of appeal by secure means and obtain a signature as proof of receipt. Proof of postage will not be accepted as proof of delivery.

The Faculty, for its part, will endeavour to acknowledge receipt of a written inquiry under regulation F17 and/or a formal appeal under regulation F19 within 14 days of receipt.

Appeal fee

No fee will be charged for the initial inquiry. However, a candidate who decides to serve notice of a formal appeal under regulation F19 must lodge an appeal fee with the Faculty within the advertised timescale.

If the appeal fails at Stage 2, then a portion of the appeal fee will be non-refundable. If the appeal fails at Stage 3, then all of the fee will be non-refundable.

Successful appellants will have their fee refunded in full by the Faculty within three months, together with reasonable costs. (Reasonable costs may include travel, subsistence and administrative costs, but will not include the costs of legal representation or advice, or a claim of lost earnings by the appellant.)

The scale of fees relating to formal appeals appears in an annex to the Appeal Procedures, which is reviewed and updated annually.

SECTION C

ILLNESS OR EXTENUATING CIRCUMSTANCES RELATED TO YOUR EXAMINATION

Candidates who fall ill or suffer extenuating circumstances around the time of a Faculty examination may apply to have these factors taken into account.

1. What are extenuating circumstances?

'Extenuating circumstances' are defined as a situation outside of the control of the candidate and which is accepted by the Faculty as liable to have a material impact on the candidate's capacity to undertake his/her examination. Significant personal illness, bereavement, major domestic events and the illness of a close family member are examples of extenuating circumstances that may be accepted with suitable supporting evidence.

2. Eligibility

Consideration will only be given to illness or extenuating circumstances that occur:

- after your application to sit an examination has been submitted, and
- before or on the day(s) of your examination.

These rules and potential concession apply only to candidates who have entered but then withdraw from their examination.

By "withdraw" we mean electing not to sit the examination or withdrawing before it is completed. Special consideration cannot be applied after the event (e.g. after the question paper is handed in or the viva or OSCE completed).

If you attempt and complete an examination while ill or subject to extenuating circumstances, then you do so at your own risk and no special allowance can be made. In particular, the Faculty cannot lower the pass standard to allow you to pass an examination that you have otherwise failed.

3. What should I do? Withdrawing from a Faculty examination

If, having submitted your application and examination fee, and prior to your examination, you feel unable to make a reasonable attempt at the assessment, **you should consider deferring your attempt.**

Similarly, if you feel unwell or incur an extenuating circumstance when part way through your examinations, you should consider **withdrawing** from the examination as whole.

If you wish to defer your attempt you should normally let us know before the examination in question, although the Faculty may recognise later notice under exceptional circumstances (e.g. if admitted to hospital). If you withdraw from an examination (e.g. because you feel unwell on the day), you should notify us of the circumstances as soon as possible.

Applications for special consideration must confirm your intention to **withdraw from the examination as a whole.**

The Faculty's response will depend on the circumstances of your case and whether there is reasonable supporting evidence (see below).

4. How do I apply?

Further details appear in the table below. Applications must be submitted in **writing**, even if you have reported an incident or illness to the Chief Invigilator orally at the examination session. All correspondence must proceed through the Faculty office. Appellants should not attempt to contact the Chief Examiner or Academic Dean directly.

5. Summary of the process and its possible outcomes

Format of submission	You must write to the relevant Chief Examiner and must: (1) Include details of the circumstances experienced during the assessment period. (2) State which specific assessments you withdrew from. (3) Explicitly state how you felt your assessment performance would have been affected. (4) Append appropriate evidence (see below). Applications without appropriate evidence will not be considered.
Time limits	Normally your application must be received before the examination from which you withdraw, although the Faculty may recognise later notice under exceptional circumstances (e.g. if admitted to hospital; if unwell on the day of the exam). In any event, you should apply as soon as possible; unreasonable delays may invalidate your application.
Possible outcomes*	If you have withdrawn without sitting any component of the examination, the Faculty may allow the whole examination fee you have submitted to count against a future attempt, rather than the examination you applied to sit. If you have withdrawn from a part of the examination, the Faculty may a) allow a part of the examination fee you have submitted (normally 50%) to count against a future attempt, and b) may – where relevant – allow any passes you have secured to be carried over and count towards your next attempt. These potential concessions will apply to the next two available sittings of the examination in question and will lapse thereafter.
Procedures	The Chief Examiner will discuss your evidence with the Academic Dean and write with an agreed decision that will be final. The Faculty and its agents will not enter into further discussion or accept any further evidence after this decision is issued.
Is there an Appeal Fee?	No

* Depending the circumstances of your case and whether there is reasonable supporting evidence

The steps are summarised in Annex 3.

6. What is appropriate evidence?

The evidence you supply must be:

- From an appropriate source (e.g. whether circumstances are medical, evidence must be provided from a GP or other medical practitioner).
- Independent (supporting letters from relatives or friends are not acceptable).

- Relevant and sufficiently detailed (e.g. sufficient to explain why you withdrew from the examination and why your examination result would have been adversely affected; and relating to illness or extenuating circumstances in the allowable time period).
- Submitted within the time limit.

The Faculty will not contact third parties for further information (even where permission has been granted) or make any other enquiries on your behalf. It is your responsibility to ensure that Faculty receives all the appropriate evidence in full at your first application, and as close in time as reasonably possible to the examination to which your application relates.

Notifying the Faculty of a disability

Candidates with special needs or disabilities should contact the Faculty office at least 10 weeks before their examination to discuss any specific requests to modify the conduct of the examination or make other reasonable adjustments (General Faculty Examination Regulation F3). Such requests must be in writing and supported by appropriate evidence.

Where such requests are received prospectively and with the required notice, the Faculty will consider whether and how the assessment method may be modified to take account of the disability. It should be noted that while some accommodation may be possible in terms of assessment methods, the pass standard will not be changed.

Applications relating to this information sheet must be sent to:

Head of Professional Standards
Faculty of Occupational Medicine
3rd Floor, New Derwent House
69-73 Theobalds Road
London
WC1X 8TA

ANNEX 1

SCHEDULE OF APPEAL FEES

Appellants who make a formal appeal to the Faculty under the Appeal Procedures (of which this schedule is an annex) must lodge with the Faculty an appeal fee (7.1). This may be forfeit in part or in whole, depending on the outcome of the appeal.

The scale of fee depends on the form of hearing the appellant elects to pursue: the Appeal Procedures provide definitions and other rules.

Fees from 1st April 2011 – 31st March 2012

Written appeal	£1747
Oral appeal	£2620

Cheques should be made payable to the Faculty of Occupational Medicine.

- If the appeal is rejected at the stage described in Appeal Procedures rule 5.6 (and before a formal written or oral hearing), then half the value of the written appeal fee will be forfeit.
- If the appeal fails following a written or oral hearing, then the whole fee will be forfeit
- If the appeal succeeds following a written or oral hearing, then the fee will be refunded in full.

A N N E X 2

NOTICE OF FORMAL APPEAL

Those who wish to make a formal appeal under the Faculty’s Appeal Procedures must complete and submit this form, together with such other items as are specified in Appeal Procedure 5.4.

PLEASE MAKE SURE THAT YOU HAVE READ THE APPEALS GUIDELINES.

Please note that **time limits** apply (Appeal Procedures 5.1 and 5.2); late applications will **not** be considered (Appeal Procedure 5.3). You **must** ensure this form is completed in full and that the required paperwork is attached; otherwise the appeal will fail.

Name	Surname	Forename	Title
Address			
Address for correspondence over the appeal (if different)			
Preferred format of appeal (tick ONE)	In writing		or at an oral hearing

Grounds of appeal

Appeals can only be considered in relation to the criteria in Appeal Rule 3, the headings of which appear below. Please complete the box or boxes you believe to apply, setting out your case clearly and in full; continue on a separate sheet as necessary.

3.(a) An examination result, assessment, or determination which is manifestly incorrect

3 (b) Evidence of administrative irregularity or procedural failure, with reasonable grounds to indicate that the examination result, assessment, or determination was affected

Submission Checklist

Please take a moment to ensure this form is complete and use the checklist below to ensure that all the required items (under Appeal Procedure 5.4) are attached

- 1. Copy of the decision against which the appeal is being raised
- 2. Paginated bundle of documents, to be considered at the appeal hearing
- 3. Appeal fee (see Annex 1)

Note that items 1, 2 and 3 MUST be submitted with this form. It is YOUR responsibility to ensure all of the required items are included. Failure to do so within the advertised timescale may result in your appeal being refused.

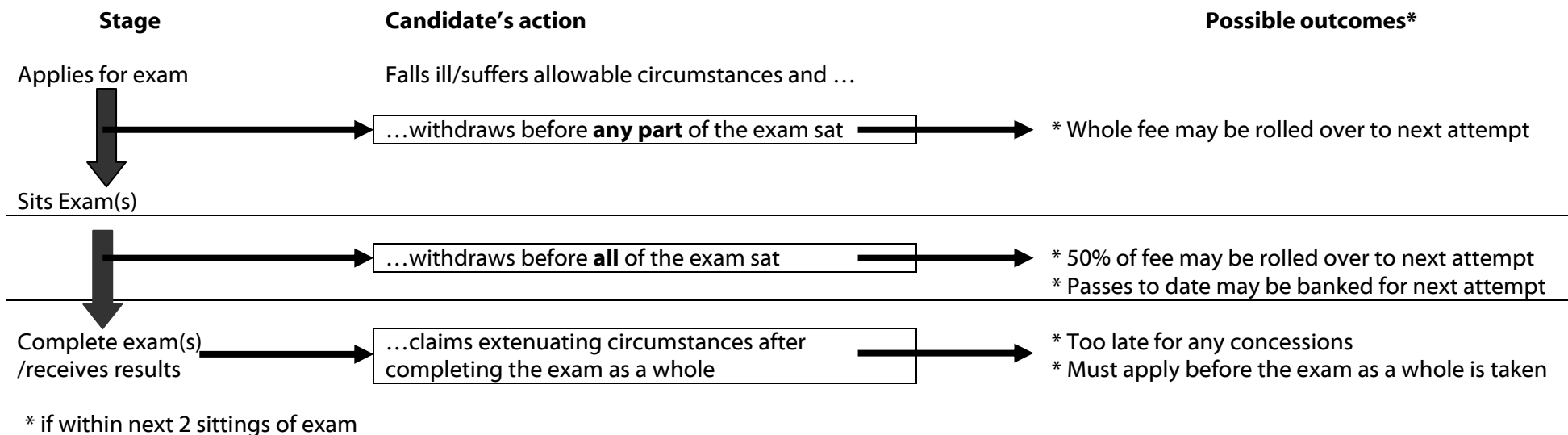
Address for submission:

Head of Professional Standards
Faculty of Occupational Medicine
3rd Floor, New Derwent House,
Theobalds Road
London, WC1X 8TA

NB This notice is available as a word document at
<http://www.facocmed.ac.uk/library/docs/appealsnotice2010.doc>

ANNEX 3

ILLNESS OR EXTENUATING CIRCUMSTANCES RELATED TO YOUR EXAMINATION – a flow diagram



Examples of extenuating circumstances that may be accepted, with suitable supporting evidence

- Major personal illness (e.g. admission to hospital; new fracture affecting your ability to write)
- Bereavement of a first-degree relative
- Major domestic upheaval that could not have been reasonably anticipated before applying to enter the exam

Some circumstances that are unlikely to be accepted

- Death of a pet
- The room was too noisy/hot/airless

NB

- A claim of extenuating circumstances can **only** be considered **before** the examination as a whole is completed. These rules apply to those with **withdraw** from an examination.
- The grounds for appeal against a **failed** result are different and separately described.
- **Unfortunately, the Faculty cannot lower the pass standard to change a 'fail' result to a 'pass' because you felt unwell or had a personal problem during the exam period.**