Regulations for the Conduct of Reviews and Appeals

Introduction

- These Regulations should be read in conjunction with the RCGP Regulations: ‘MRCGP: Regulations for Doctors Training for a CCT in General Practice’, which may be viewed or downloaded from the RCGP website [here](#). The RCGP will only accept requests for reviews or appeals in respect of the AKT and CSA components of the MRCGP. Appeals in respect of Workplace Based Assessment should be directed to the appropriate deanery.

- Candidates may request an office review if they have reason to believe that there may have been an error in their result for an assessment. There is a fee for an office review (currently £60.00), which will be refunded if the candidate’s result is changed.

- Candidates who are not satisfied with the outcome of a review have the right to request an appeal. The fee for an appeal is £800 which the appeal panel may decide to refund in total, or partially, if the appeal is upheld. An appeal will always involve a meeting of the appeals panel if there is judged to be a prima facie case.

Office Reviews

- A candidate wishing to request an office review must complete a Request for Review of a Result form (downloadable from the RCGP website [here](#)) and send it to the Head of Examinations and Assessment within ten working days of publication of the result of the assessment to which the request relates. A separate request must be made for each component. Each request must be accompanied by the appropriate fee, currently £60.00.

- Office reviews will be carried out by the Head of Examinations and Assessment and will involve a clerical check for errors in the assessment process, particularly in the calculation or collation of marks or grades.

- The outcome of the review will be reported to the candidate within 28 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 review, he/she may proceed to request an appeal.

Complaints

A complaint relates to the administration or conduct of an assessment where there is no intention, as part of the complaint, to query the result of the assessment. The process for complaints can be found in the Examination Regulations (section 17).

Appeals

- An appeal will normally be preceded by an office review of a candidate’s result. The candidate should complete an Appeal Against a Result form (downloadable from the RCGP website [here](#)), and send it to the Head of Examinations and Assessment to be received within 28 days of receipt of the result of the assessment or of the outcome of the office review. Appeals will only be accepted from the candidate and not from a third party. Receipt of the request for an appeal will be acknowledged within ten working days.

- Appeals can only be made in the following circumstances:
  
  - there was an error in the calculation/collation of marks
  - there was an irregularity in any part of the assessment
  - there was evidence of prejudice or bias on the part of the examiner(s)
No appeal will be considered solely on the grounds that the candidate wishes to challenge the academic judgment of the examiners or where the candidate did not understand or was unaware of the Examination Regulations.

In the first instance the request for an appeal will be considered by the Chief Examiner or a nominated deputy, who will decide if there is a prima facie case for an appeal. If so, an Appeal Panel will be convened by the Head of Examinations and Assessment as soon as is reasonably practical. If there is no prima facie case for an appeal, this will be reported to the candidate within ten working days of the consideration.

Information relating to appeals is confidential. Appeal Panel members must not communicate, publish or otherwise disclose any detail, written material or evidence relating to an appeal to any unauthorised person.

**Composition of the Appeal Panel and other roles**

- The Appeal Panel will have three members constituted with one member from each of the following categories provided that none have been previously involved with any academic assessment of the candidate:
  - i. the Chair of the Postgraduate Training Board or nominated deputy who will act as Chair
  - ii. A member of the RCGP’s panel of examiners
  - iii. A lay representative not employed by the RCGP but who may already serve on other RCGP committees and who has experience of assessment in another field

- The Head of Examinations (or nominee) will act as Secretary to the Appeal Panel and in that role will record the proceedings of the appeal and deliberations of the Appeal Panel. He/she may also advise on procedural or regulatory matters but may not influence the decisions of the Panel in any way.

- The RCGP will nominate a designated officer, normally the Chief Examiner, to report on the appeal from the RCGP perspective and give evidence about the conduct of the examination when questioned by the panel or the appellant.

**Preparation for the appeal**

- The appellant will have already submitted an appeal and supporting evidence using the RCGP’s Appeal Form but the Head of Examinations may require further information to be submitted.

- Appeals will normally be considered on the basis of paper evidence only and oral hearings will not be held. However, the RCGP may, or shall if so required by the appellant, hold an oral hearing. Appellants will have the right to be accompanied at the hearing by a friend, colleague or a member of their professional body. Appellants should not be accompanied by a family member or legal representative. An appellant seeking to be accompanied should identify the person accompanying him or her and inform the RCGP at least five days in advance of the hearing.

- The appellant and the members of the Appeal Panel will be supplied with all the papers to be considered by the Panel, and may comment in advance to the Chair of the Panel on their factual accuracy. Any papers to be considered by the Panel must therefore be with RCGP at least ten working days before the meeting.

- The Chair of the Appeal Panel will have the right to reject any of the papers submitted by either party on the basis that they are not relevant to the appeal or that they are so poorly presented that others involved in the appeal will have difficulty understanding them.
Where an appellant has requested an oral hearing but does not appear and is not represented, the Panel Chair may decide either not to hold the hearing or to proceed with the hearing in the absence of the appellant. In either case, reasons for the decision will be supplied to the appellant.

Both the appellant and the RCGP may call witnesses, normally up to a maximum of two each. The names and status of witnesses must be submitted to the Examinations and Assessment Department of the RCGP at least five working days before the hearing. The Chair of the Appeal Panel will exercise discretion in relation to the admissibility of witnesses and may ask for a written statement to be submitted if a witness is not to be asked to appear in person.

The final set of papers for the appeal will be sent out to all participants at least five working days before the appeal takes place and should include details of all the participants and a copy of these Regulations.

Withdrawal of the appeal

The RCGP may accept the withdrawal of an appeal at any time before a decision on the appeal is made, on receipt of written confirmation from the appellant.

The RCGP may treat an appeal as having been withdrawn if

(a) the Panel has not reached a decision on the appeal; and

(b) in spite of making all reasonable efforts the RCGP has been unable to contact the appellant; and

(c) it has sent notice to the appellant’s last known address that the appeal will be treated as withdrawn after 28 days if the appellant has not by then confirmed that s/he wishes the appeal to proceed

Conduct of the hearing (written and oral)

Hearings will be minuted by the Secretary

At the discretion of the Chair, hearings may be adjourned at the request of the appellant, the RCGP or Appeal Panel members whilst fresh evidence or legal advice is sought and considered.

In reaching a decision on whether to uphold or dismiss an appeal the Panel will act reasonably and objectively, observing the principles of natural justice. The panel will make its decision on the balance of probabilities.

The decision of the Appeal Panel shall be the decision of a majority.

Conduct of the hearing (oral only)

There shall be no discussion of the appeal, except in relation to its administration, prior to the appearance of the appellant.

Neither party should submit substantial new information during the hearing. At the discretion of the Chair small amounts of new information may be considered.

Witnesses will be present only to give evidence and be examined on it.

The appeal hearing will normally proceed as follows:
The Chair will introduce all those present; set out the grounds of the appeal, the procedure to be followed at the hearing and the possible outcomes; and remind all present of their duty to speak only the truth.

The appellant or his/her representative will present their case.

The panel will have the opportunity to question the appellant’s witnesses and the appellant.

The designated officer will present his/her case.

The appellant will have the opportunity to question the panel and any witnesses called by the RCGP. Both parties will be invited to make final statements.

Both parties will be informed of the timing and method of notification of the panel’s decision and then be asked to withdraw.

The Panel will meet in private to reach its decision.

Outcome of the appeal

It should be noted that these Regulations do not allow for the amendment of marks or pass/fail decisions, unless it has been determined that there was an error in the results as originally communicated to the appellant. Examiners cannot accurately or numerically determine the affects of any procedural irregularity or extenuating circumstance on an individual’s performance, and so the Panel will not revise the appellant’s result even if an appeal is upheld and the likely effects of the circumstances on their performance are judged to have been severe. Instead the Panel may declare the result void and expunge that attempt from the appellant’s record, or offer some other redress so that they can demonstrably achieve a passing score at a subsequent attempt.

- The Appeal Panel may reach one of the following conclusions:
  - That the appeal should be dismissed.
  - That the appeal should be upheld and either that:
    1. any mark originally awarded to the appellant should be corrected and, if the consequence of the correction requires it, the appellant be declared successful in the component;
    2. the result of the component should be declared void and the appellant be allowed to re-sit without payment of a fee and/or
    3. some other form of redress be offered at the discretion of the Panel
- The Panel will be authorised to decide whether all, part of, or none of the appeal fee should be refunded.
- The Panel will give reasons for its decision in full, in writing and will reserve the right to inform the appellant’s deanery of its deliberations.
- Decisions will normally be communicated to the appellant within one month of the date of the Appeal Panel meeting. Once the Appeal Panel has communicated its decision to the appellant the Examinations and Assessment Department will not normally enter into any communication with the appellant regarding the outcome of he appeal.