



Intercollegiate Board for Training in
INTENSIVE CARE MEDICINE

**INTERCOLLEGIATE DIPLOMA
IN
INTENSIVE CARE MEDICINE**

**REPRESENTATIONS
AND
APPEALS
REGULATIONS**

February 2002

CONTENTS

	<i>Page</i>
Commencement and Revocation	3
Definitions	3
Representations	3
Appeals	4
Resubmission	5
Appeal Hearings	5

Annexes

A Appeal Hearing Application Form	6
B Notes for Chairman	9
C Procedures for Appeals Hearings	11

COMMENCEMENT AND REVOCATION

1. These Regulations shall be known as the Intercollegiate Board for Training In Intensive Care Medicine's Diploma of Intensive Care Medicine (Representations and Appeals) Regulations and shall come into force on 1 February 2002.

DEFINITIONS

2. The words and phrases in the left hand column below shall have the meanings assigned to them in the right hand column.

Appeal	Has the meaning assigned to it in Paragraph 5 of these Regulations.
Appeals Clerk	An officer of the Intercollegiate Board with responsibility for administering all appeals.
Board	The Intercollegiate Board for Training in Intensive Care Medicine.
Administrator	The Administrative Officer of the Intercollegiate Board for Training in Intensive Care Medicine.
Examiners	The Board of Examiners for the Diploma of Intensive Care Medicine, or the Chairman of that Board of Examiners or any member of that Board of Examiners designated by the Chairman.
Panel	An appeal panel set up in accordance with Paragraph 10 of these Regulations.
Representation	Has the meaning assigned to it in Paragraph 3 of these Regulations.

REPRESENTATIONS

3. Representations may be made to the Examinations Directorate to seek information about the performance of a candidate. Such representations may be made:
 - a. By a successful candidate, on payment of the fee authorised by the Data Protection Act, to obtain such fuller information about that candidate's marks as is recorded electronically by the Directorate; or
 - b. By an unsuccessful candidate, or by some person authorised on that candidate's behalf, to obtain such fuller information about the candidate's performance as will, in the opinion of the Chairman of the Examiners, provide guidance for the purpose of improving the candidate's performance at a subsequent attempt.

4. On the receipt of a representation, the Examinations Directorate shall forthwith acknowledge it and, in the case of an unsuccessful candidate, may consult the Chairman of the Examiners to determine what reply shall be sent. In the light of any consultation, the Administrator shall write in reply to the representation. Except as may be indicated in such reply, no further correspondence will be entertained by the Examiners or the Board with regard to information provided in that reply.

APPEALS

5. Subject to the following Regulations, appeals may be made to the administrator in respect of the conduct or the result of the examination of any candidate.
 - a. Appeals will be entertained which allege bias or impropriety of some kind in the organisation, content, conduct or determination of the result of the examination. Any appeal must be:
 - i). Submitted by the candidate to whom the appeal relates, setting out in full the matter on which the appeal is based.
 - ii). Addressed to the Administrator, and submitted within two months of completing the examination.
 - b. No appeal may be made which relates solely to matters of academic assessment.
6. On receipt of an appeal, the Administrator will send the appellant a letter of acknowledgement and will consider the admissibility of the appeal. If the Administrator concludes that the appeal is inadmissible, whether on the ground of Regulations, Paragraph 5.b or for any other reason, the Administrator will so inform the appellant in writing forthwith.
7. If the Administrator:
 - a. Is of the opinion that the appeal is in the nature of a request for guidance rather than a challenge of the examination procedure or result, the appeal may be treated as a representation and proceeds in accordance with Regulations, Paragraph 4.
 - b. Finds that the matter on which the appeal is based contains any error of fact, the appellant shall be so informed without delay and shall be invited to indicate whether he or she wishes to pursue the appeal. If he or she does not, the appeal shall be deemed to have been dismissed.
 - c. Concludes that the appeal is justified, whether in whole or in part, the Administrator shall take such action as is appropriate to rectify the defect identified.
 - d. Concludes that the appeal is unjustified, the appellant shall be so informed without delay.

8. In considering the appeal in accordance with Regulations, Paragraph 7, the Administrator shall consult the Chairman of the Examiners.

RESUBMISSION

9. If an appellant who has received a reply under Regulations, Paragraph 7.d remains dissatisfied he/she may resubmit his/her appeal to the Appeals Clerk of the Board, in the format contained in Annex A to these Regulations, setting out the grounds of his/her dissatisfaction, and request a hearing. Such fee must accompany the resubmitted appeal as Council from time to time determine.

APPEAL HEARINGS

10. In the event of a request for an appeal hearing, the Appeals Clerk shall appoint a panel consisting of two Examiners who have not previously been involved in the examination of the appellant or his/her appeal and a Chairman who shall not be medically qualified but who shall have had substantial experience of examining in the fields of higher and postgraduate education. The Appeals Clerk shall notify the appellant of the names of the members of the panel and shall at the same time reaffirm to the appellant the Director's reasons for rejecting the appeal.
11. The panel shall proceed to hear the appeal in accordance with Notes for the Chairman at Annex B and Procedures for Appeal Hearings at Annex C to these Regulations. It shall allow adequate periods of notice to parties, an opportunity for the appellant to be present in person and to be represented, and an opportunity for the appellant, or his/her representative, to present the appeal and to respond to any answer the Administrator may make.
12. At the conclusion of the proceedings the panel shall reach its findings. The findings a panel may make shall be as follows:
 - a. That the appeal is dismissed; no further appeal may be considered.
 - b. That the appeal is justified in whole or in part but that the matter does not justify further action.
 - c. That the appeal is justified and either that:
 - i). Any mark originally awarded to the appellant shall be appropriately corrected and, if the consequence of such correction so requires, that the appellant shall be declared successful in the examination; or
 - ii). The result of the appellant's examination shall be declared void and that he/she shall be allowed to re-sit without payment of any fee.
13. The Chairman shall have the power to decide whether all, part of or none of the appeal fee will be returned.
14. In announcing its finding the panel shall give reasons for its decision in writing.

**INTERCOLLEGIATE BOARD FOR TRAINING IN
INTENSIVE CARE MEDICINE**

EXAMINATION APPEAL APPLICATION FORM

Please complete in BLOCK CAPITALS using BLACK INK

SECTION 1:

To be completed by the Appellant and returned with the fee

Full Name:

College: Reference No.:

Contact Address:

.....

..... Post Code:

Date:

Candidate No:

Please summarise in 50 words the grounds on which you base your appeal (If you wish to submit a more detailed account, please attach additional pages):

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For official use only

Appeals will be entertained which allege bias or impropriety of some kind in the organisation, content, conduct or determination of the result of the examination. Please indicate on what basis your appeal is made:

- | | |
|---|---|
| <input type="checkbox"/> Organisational issues | <input type="checkbox"/> Content of the examination questions |
| <input type="checkbox"/> Conduct of the examination | <input type="checkbox"/> Determination of the result |

If your appeal is successful, please indicate what outcome you are seeking:

- No further action (Representations and Appeals Regulations, paragraph 12b)
- Upgrading of a previously allocated section mark, and to be declared successful if this change so affects your overall examination result (Representations and Appeals Regulations, paragraph 12c(i))
- Your examination result to be declared void and that you re-sit the examination without payment of any fee (Representations and Appeals Regulations, paragraph 12c(ii))

Some other result (please specify).....
.....
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.....
.....

Signed: Date:

Please attach a cheque for the appeals fee made payable to "The Royal College of Anaesthetists" and return to:

Appeals Clerk
Intercollegiate Board for Training in Intensive Care Medicine
The Royal College of Anaesthetists
Churchill House, 35 Red Lion Square
London WC1R 4SG

SECTION 2:

To be completed by the Administrator

Full Name:

In 50 words, please summarise the grounds on which the appeal has so far been rejected (please give a full account on separate pages if desired):

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Please return this form to:

**Appeals Clerk
Intercollegiate Board for Training in Intensive Care Medicine
The Royal College of Anaesthetists
Churchill House, 35 Red Lion Square
London WC1R 4SG**

NOTES:

1. Section 1 to be completed by the Appellant and returned to the Appeals Clerk; the Appeals Clerk is to forward a copy to the Administrator.
2. Section 2 to be completed by the Administrator and returned to the Appeals Clerk.
3. Completed form to be copied to the Appellant, Administrator and members of the Appeal Panel.

NOTES FOR CHAIRMAN OF THE APPEALS COMMITTEE

1. Appeals will be entertained which allege bias or impropriety of some kind in the organisation, content, conduct or determination of the result of the Examination, for example:
 - a. Organisation e.g. wrong or missing documentation, instructions or artefacts, poor seating/lighting.
 - b. Content e.g. questions not relevant to the Examination, questions on a topic not included in the competency based training programme.
 - c. Conduct e.g. personal questions about candidate's age, gender, origins, beliefs disabilities, workplace or experience.
 - d. Determination of the result e.g. the examiner(s) rejected a correct answer. *No appeal may be entertained that relates solely to matters of academic judgment.*
2. No recording equipment is allowed in the hearing; the Appeals Clerk will minute the proceedings (long or short-hand) as the only record. The minutes will reflect the bare facts of the event, i.e. not the intricate details.
3. The Appellant's Representative can be medically qualified but should not be his legal representative. The Representative may be:
 - a. Another doctor (e.g. Local Educational Supervisor)
 - b. A friend
 - c. A Trade Union representative
4. If the Appellant chooses the Representative to present their case, then the Appellant can only contribute as a witness.
5. **Witnesses**
 - a. Character witnesses may be requested to submit a written testimonial rather than appear in person at the hearing. Witnesses of fact should appear in person.
 - b. The decision to call witnesses will rest with the Chairman whose permission shall not be unreasonably withheld. Normally not more than two witnesses would attend.
 - c. In the case of multiple witnesses, the Chairman may require witnesses to present written statements rather than to appear in person. All those to be present at the appeal hearing will be notified of the witnesses.

- d. Witnesses for the Board will be reimbursed for expenses reasonably incurred (normally) within the UK. The Board will not reimburse the Appellant's witnesses but the Chairman has the power to reimburse those expenses of a successful applicant, which are reasonably incurred in attending the appeal hearing.
6. Explain to the Appellant that Appeal Regulation 12(c)(ii), "that the result of the appellant's examination shall be declared void" means that their attempt will not be counted.
 7. Steps 4 to 10 of the Appeal Hearing Procedure (Annex C) should only be repeated if new material is introduced in Step 5 a (4).
 8. The Chairman shall have the power to decide whether all, part or none of the appeal fee will be returned.

INTERCOLLEGIATE BOARD FOR TRAINING IN INTENSIVE CARE MEDICINE

PROCEDURES FOR APPEAL HEARINGS

TO BE PRESENT

- Appeal Panel: Chairman; and
Two nominated Examiners, not previously involved in the relevant Diploma Examination, or the appeal of the Appellant
- Appellant
- Appellant's Representative (if desired by the Appellant)
- Administrator, on behalf of the Examiners
- Appeals Clerk to minute the proceedings
- Witnesses

PROCEDURES

1. Chairman to explain the procedure to the Appellant and Appellant's Representative, if present.
2. **Appellant's Representative**
 - a. The Appellant may appoint a Representative who may be medically but not legally qualified.
 - b. If an Appellant's Representative is present, the Chairman is to establish whether the Appellant or the Appellant's Representative is to present the Appellant's case and answer questions. If the Appellant's Representative is to present the case, then the Appellant may only contribute as a witness.
3. New evidence may be brought to the hearing by either side e.g. the Director may approach the Appellant's Local Educational Supervisor, or the Regional Advisor in Intensive Care Medicine, and any report from him/her may be presented at the hearing. Other than in exceptional circumstances, this new evidence should be made available to the Appellant or Director at least ten days before the date of the hearing.
4. **Witnesses**
 - a. Either party may request witnesses to be present, subject to notifying the Chairman of the Appeal Panel in writing not later than 21 days before the appeal hearing, with the reason why they have been invited.

- b. The decision to call witnesses will rest with the Chairman of the Appeal Panel whose permission will not be unreasonably withheld. Normally not more than two witnesses would attend.
- c. In the case of multiple witnesses, the Chairman may require witnesses to present written statements rather than to appear in person. All those to be present at the appeal hearing will be notified of the names of the witnesses.
- d. Witnesses for the Board will be reimbursed for expenses reasonably incurred (normally within the UK). The Board will not reimburse the Appellant's witnesses.

5. **Presentation of Evidence**

a. **Appellant**

- i). The Appellant/Appellant's Representative presents the grounds of the appeal with reference to, and contributions from, any witnesses permitted by the Chairman.
- ii). The Administrator may question the Appellant/Appellant's Representative and witnesses.
- iii). The Appellant or Appellant's Representative will have the right to re-examine, after which there may be further cross-examination and re-examination.
- iv). At the end of this process, members of the Panel may question a witness, after which the cycle of re-examination, cross-examination and re-examination may continue if requested.

b. **Administrator**

- i). The Administrator states why the appeal has so far been rejected, with reference to, and contributions from, any witnesses.
 - ii). Procedures 5.a. (2)-(4) are followed on behalf of the Administrator and his/her witnesses.
- c. When appropriate, the Chairman of the Panel will release witnesses.
 - d. The Appellant/Appellant's Representative makes a final summary statement of the Appellant's case - no new material may be introduced during the summary statement.

- 6. The Appellant, Appellant's Representative and the Administrator leave the room.
- 7. The Appeal Panel reaches its findings, which will normally be declared immediately.

8. The Chairman shall have the power to decide whether all, part or none of the appeal fee will be returned.
9. In announcing its finding, the panel shall give reasons for its decision.
10. The decision of the Appeal Panel is to be confirmed in writing to the Appellant and the Administrator.