

The Royal College of Anaesthetists

**Fellowship of the Faculty of Pain Medicine
(FFPMRCA)
(Representations, Reviews and Appeals)**

REGULATIONS

September 2008

Board of the Faculty of Pain Medicine
THE ROYAL COLLEGE OF ANAESTHETISTS
35 Red Lion Square
London WC1R 4SG

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Review date September 2010

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Commencement

1. These Regulations for reviews, representations and appeals against declined applications for the award of the Fellowship of the Faculty of Pain Medicine (FFPMRCA) shall be known as the Royal College of Anaesthetists Fellowship of the Faculty of Pain Medicine (FFPMRCA) (Representations and Appeals) Regulations and these Regulations shall come into force on 1 September 2008.

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 Regulation 11 of these Regulations
Panel	An appeal panel set up in accordance with Regulation 12
Representation	Has the meaning assigned to it in Regulation 3
Review	Has the meaning attached to it in Regulation 5
Reviews Clerk	A member of the Faculty of Pain Medicine staff with responsibility for administering Fellowship of the Faculty of Pain Medicine appeals

Representations

3. Representations in writing may be made to the Board to seek information about the assessment of an applicant. Such representations may be made within 6 months of the applicant having received the decision of the Board regarding their assessment. In exceptional circumstances as decided by the Board from time to time later representations may be considered. Representations may be made:
 - a. by a successful applicant, on payment of the fee authorised by the Data Protection Act, to obtain such fuller information about that applicant's assessment as is recorded by the Faculty of Pain Medicine at the Royal College of Anaesthetists; or
 - b. by an unsuccessful applicant or by some person authorised on that applicant's behalf, to obtain such fuller information about the applicant's assessment as will, in the opinion of the Board of the Faculty of Pain Medicine, provide guidance for the purpose of improving the applicant's performance at a subsequent attempt.
4. On the receipt of a representation, the Faculty of Pain Medicine Board shall forthwith acknowledge it and, in the case of an unsuccessful applicant, may consult the Board of

the Faculty of Pain Medicine to determine what reply shall be sent. In the light of any consultation, the Dean shall write in reply to the representation. Except as may be indicated in such reply, no further correspondence will be entertained by the College or the Board of the Faculty of Pain Medicine with regard to information provided in that reply.

Reviews

5. Subject to the following Regulations, an unsuccessful applicant can ask the Dean to review the conduct or the result of their assessment.
6. Reviews will be entertained which allege bias or impropriety of some kind in the organization, content, conduct or determination of the result of the assessment.
7. No review, however, may be made of matters that relate solely to academic assessment in the absence of reason to believe that there were procedural failings.
8. Any request for a review must be:
 - a. submitted by the applicant to whom the review relates setting out in full the matter on which the request is based;
 - b. addressed to the Dean and submitted within 6 months of completing the relevant assessment.
9. On receipt of a request for a review, the Dean will send the applicant a letter of acknowledgement and will consider the admissibility of the request. If the Dean concludes that a review is inadmissible the candidate will be informed in writing forthwith and given reasons for the inadmissibility of the request for a review.
10. If the Dean:
 - a. is of the opinion that the request for a review is in the nature of a request for guidance rather than a challenge of the assessment procedure or result, the request may be treated as a representation and proceed in accordance with Regulation 4;
 - b. finds that the matter on which the review is based contains any error of fact, the applicant shall be so informed without delay and shall be invited to indicate whether he or she wishes to pursue the matter. If he or she does not, then the review shall be deemed to have been dismissed;
 - c. concludes that a review is justified, whether in whole or in part, the Dean shall take such action as is appropriate to rectify the defect identified;
 - d. concludes that the review is unjustified, the candidate shall be so informed without delay.

Appeals

11. If an applicant who has received a reply under Regulation 10.d remains dissatisfied he/she may submit an Appeal to the Board of the Faculty of Pain Medicine in accordance with Regulation 6. This should set out the grounds of his/her dissatisfaction in the format contained in Annex A to these Regulations. The appeal must be accompanied by such fee as the Board from time to time determines and the appeal and fee must be received within two months of the Dean's decision letter.
12. The Dean shall appoint a panel consisting of two assessors who have not previously been involved in the assessment of the appellant or his/her review and a chairman who shall not be medically qualified but who shall have had substantial experience of assessment in the fields of higher and postgraduate education. The Dean shall notify the appellant of the names of the members of the panel (and the person who will be present to record notes at the meeting) and shall at the same time re-affirm to the appellant the reasons for the Dean's review decision.
13. 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 both 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 Dean may make. The documents to be considered by the panel will be made available to the appellant who will be given the opportunity to make further representations in writing after having had the opportunity to consider these documents.
14. 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 and the reasons for this decision will be communicated to the appellant;
 - c. that the appeal is justified and either that:
 - (1) the decision made shall be appropriately corrected and, if the consequence of such correction so requires, that the appellant shall be declared successful in their application or
 - (2) the result of the appellant's application shall be declared void and that he/she shall be allowed to re-submit their application without payment of any fee.
15. The Chairman shall have the power to decide whether all, part of or none of the appeal fee will be returned.

16. In announcing its finding the panel shall give reasons for its decision in writing.

17. The decision of the panel is final and concludes the appeals process.



The Royal College of Anaesthetists

Fellowship of the Faculty of Pain Medicine Appeal Application Form

FOR OFFICIAL USE ONLY

Appeal fee paid:	£ <input type="text"/>
Signature of College official:	<input type="text"/>
Date received:	<input type="text"/>
A/C Reference No:	<input type="text" value="1101"/> / <input type="text" value="22"/> / <input type="text"/> <input type="text"/>

Please complete this form 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

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

.....
.....
.....
.....
.....

Appeals will be entertained which allege bias or impropriety of some kind in the organization, content, conduct or determination of the result of the assessment. *No appeal may be made which relates solely to matters of academic assessment.* Please indicate on what basis your appeal is made:

- | | |
|--|--|
| <input type="checkbox"/> Organizational issues | <input type="checkbox"/> Content of the assessment |
| <input type="checkbox"/> Conduct of the assessment | <input type="checkbox"/> Determination of the result |

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

- 12.b No further action
- 12.c. (i) Upgrading of an assessment, and to be declared successful if this change so affects your overall assessment
- 12.c.(ii) Your assessment to be declared void and that you resubmit
- 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:

**The Administrator
Faculty of Pain Medicine
The Royal College of Anaesthetists
35 Red Lion Square
London WC1R 4SG**

SECTION 2: to be completed by the Chairman of the Assessment Panel

Full Name:

In 50 words, please summarize the grounds on which the earlier review was rejected (please give a full account on separate pages if desired):

.....

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Please return this form to:

**The Administrator
Faculty of Pain Medicine
The Royal College of Anaesthetists
35 Red Lion Square
London WC1R 4SG**

NOTES:

Section 1 to be completed by the Appellant and returned to the Reviews Clerk; the Reviews Clerk is to forward a copy to the Dean of the Faculty of Pain Medicine.

Section 2 to be completed by the Chairman of the Assessment Panel and returned to the Reviews Clerk.

Completed form to be copied to the Appellant, the Dean and the members of the Appeal Panel.

Notes For Chairman

1. Appeals will be entertained that allege bias or impropriety of some kind in the organization, content, conduct or determination of the result of the assessment for example: e.g. wrong or missing documentation, instructions or artifacts.
2. No appeal may be made that relates solely to matters of academic assessment.
3. No recording equipment is allowed in the hearing; the Reviews 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.
4. The Appellant's Representative can be medically qualified but should not be a legal representative and they may be:
 - an anaesthetist/pain medicine specialist (e.g. College Tutor)
 - a friend
5. If the Appellant chooses their Representative to present their case, then the Appellant can only contribute as a witness.
6. **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 College or Board will be reimbursed for expenses reasonably incurred (normally) within the UK. The Appellant's witnesses will not be reimbursed by the College but the Chairman has the power to reimburse those expenses of a successful applicant that are reasonably incurred in attending the appeal hearing.
7. 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 as an application for fellowship if at any future time the number of attempts is limited.

8. Steps 4 to 10 of the Appeal Hearing Procedure should only be repeated if new material is introduced in Step 10.
9. The Chairman shall have the power to decide whether all, part or none of the appeal fee will be returned.

Procedures For Appeal Hearings

To be present

Appeal Panel: Chairman
Two nominated assessors not previously involved in the examination or appeal of the appellant

Appellant
Appellant's Representative (if desired by the Appellant)
Representative of the Board of the Faculty of Pain Medicine
Reviews 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 Dean may approach the Appellant's College Tutor/Regional Advisor, Regional Advisor in Pain 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, Dean or his or her representative 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 College will be reimbursed for expenses reasonably incurred and normally within the UK.
- e. The Appellant's witnesses will not be reimbursed by the College except at the discretion of the Chairman of the Appeals Panel.

5. Presentation of Evidence

a. Appellant

- (1) The Appellant/Appellant's Representative presents the grounds of the appeal with reference to, and contributions from, any witnesses permitted by the Chairman.
- (2) The Dean [or his or her representative] may question the Appellant/Appellant's Representative and witnesses.
- (3) The Appellant or Appellant's Representative will have the right to re-examine, after which there may be further cross-examination and re-examination.
- (4) 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. Dean or Representative of the Board of the Faculty of Pain Medicine

- (1) The Dean or his or her representative states why the review was rejected, with reference to, and contributions from, any witnesses.
- (2) Procedures 5.a.(2)-(4) are followed on behalf of the Dean or the Board of the Faculty of Pain Medicine Representative and his 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 Dean or his or her Representative leave the room.

7. The Appeal Panel reaches its findings that 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 will be confirmed in writing to the appellant and is final.