



Exceptional Circumstance, Special Consideration and Reconsideration Policy and Procedure

Purpose and scope

The College seeks to provide appropriate support to trainees, members and applicants while also affording natural justice/procedural fairness in situations where an individual has specific circumstances that need to be considered in the making of a decision and/or is dissatisfied with a College decision.

Specifically, this policy outlines the criteria and processes by which individuals subject to RANZCOG regulations and/or policies may apply for special consideration on the grounds of *exceptional circumstances* and/or seek reconsideration of a College decision. In summary,

- **Special consideration** is available to individuals who consider that there are *exceptional circumstances* that may have impacted their performance in an assessment, completion of a College assessment requirement by the stipulated deadline and/or ability to comply with College regulations/policies, and which ought to be considered by the relevant College body when making its decision. In particular, this includes matters that may have affected an individual's performance in an examination or interview, as well as those that may have precluded/affected their ability to complete a training or assessment requirement in the required timeframe, such as completion of the research project, or submission of training documentation.
- **Reconsideration** is available to individuals who are dissatisfied with a College decision following initial notification of that decision, and consider that College regulations/policies were not followed, and/or that additional relevant information should be taken into account by the original decision making body. Requests for reasons of a decision may also be sought under this Policy.

The above processes are conducted confidentially and in accordance with the principles of natural justice/procedural fairness. The College recognises that some individuals may nevertheless be reluctant to apply for special consideration and/or to seek reconsideration of a College decision, fearing adverse consequences for their training or standing with the College. The College commits to fairness and impartiality in respect of any matter raised under this Policy and/or the RANZCOG Appeals Procedures. These policies serve to provide a mechanism by which any individual who is dissatisfied with a College decision can seek redress without fear of reprisal.

The application of this policy includes, but is not restricted to, the following groups:

- Applicants for a position on a RANZCOG training program;
- Trainees undertaking Core or Advanced Training within the FRANZCOG Training Program;
- Trainees undertaking a RANZCOG subspecialty training program;
- Trainees undertaking the Certificate of Women's Health, DRANZCOG and/or the DRANZCOG Advanced;
- Specialist International Medical Graduates being assessed for comparability to a RANZCOG-trained specialist in obstetrics and gynaecology or suitability for an Area of Need position, or undertaking training/assessment/supervision requirements as part of a pathway to obtain RANZCOG Fellowship;
- International Subspecialists being assessed for comparability to a RANZCOG-trained subspecialist or undertaking training/assessment requirements as part of a pathway to obtain certification by RANZCOG as a subspecialist;

- Fellows and other College members required to undertake a Continuing Professional Development program for the purposes of recertification/renewal of College membership.

Where circumstances exist that an individual feels should have been taken into consideration in the making of a decision but which were not considered prior to the making of that decision due to the circumstances not being known by the College, the circumstances may be considered under the policy and procedures relating to Reconsideration, described in Section 2 of this policy.

Where circumstances known by the College have been considered in the making of a decision, but where an individual is not satisfied with the decision made, the individual may request reasons for a decision pursuant to Section 2.2 of this policy.

Information relating to the College's review and appeal mechanisms is set out in Regulation A4 and is available on the College website at: <https://www.ranzcog.edu.au/Our-College/Governance/Policies-Procedures/Appeals-Procedures>

The processes described herein should be followed before initiating any request for review and/or appeal of a decision pursuant to the RANZCOG Appeals Procedures.

1. Special consideration policy and procedure

1.1 Provision for special consideration

The College recognises that, on occasion, an individual's circumstances may be such as to warrant granting a variation to the application of College regulations and/or policies.

Where an individual, subject to College requirements relating to training and assessment, is precluded from meeting specific requirements, *exceptional circumstances* may give rise to College bodies responsible for the training or assessment requirement in question forming the view that the individual concerned be given special consideration in regard to the usual requirements of the regulation(s), policy(ies) and/or assessment in question. Such consideration may take the form of variation from the usual requirements, including modification to or exception from those requirements.

For the purposes of this policy, the College views 'exceptional' circumstances as those not ordinarily encountered or anticipated and which are beyond the control of the individual concerned.

Where an individual fails to meet the requirements of a particular College regulation(s) and/or policy(ies), it is incumbent upon the individual concerned to demonstrate to the satisfaction of the relevant College body that the circumstances involved are, in fact, such that they may be deemed to be 'exceptional' and that grounds exist for that individual to be afforded special consideration due to these circumstances.

Where some form of special consideration is granted on the basis of the existence of *exceptional circumstances*, it must be recognised that this will not excuse an individual from meeting a requirement or standard for performance or qualifications which have been objectively set for reasons of public interest or patient safety. For example, the granting of special consideration in relation to an examination attempt will not preclude the individual concerned from the requirement of passing that examination at a future attempt.

1.2 Exceptional circumstances

1.2.1 Existence of exceptional circumstances

For the purposes of this policy, the existence of *exceptional circumstances* that may give rise to the granting of special consideration will be known prior to a decision being made by the College in relation to a particular event or assessment requirement; for example, illness or other grounds defined in below that are experienced immediately prior to or on the day of a College examination or interview, or, in the case of an assessment requirement, a matter that may have

precluded/affected an individual's ability to complete an assessment requirement within the required timeframe. As such, these circumstances should be advised to the College in a timely manner (see Section 1.3 below) in order for these circumstances to be taken into account **prior to** the decision being made in relation to the College event or assessment requirement in question.

1.2.2 Grounds for exceptional circumstances

The College will consider the following as grounds for *exceptional circumstances* that may lead to the granting of some form of special consideration on the basis that the circumstances specified could reasonably be seen as having, to a substantial degree, hampered the applicant's ability to meet the requirements of a specific regulation, policy or requirement, or to perform optimally in relation to a specific assessment task:

- Serious illness or injury (physical and/or psychological), including physical impairment or incapacity and complications of pregnancy;
- Death of an immediate family member, partner or close relative;
- Acute and substantive illness or injury of a partner, immediate family member or close relative;
- Severe stress resulting from extreme hardship or trauma (e.g. victim of violent crime);
- An event which is caused solely by the effect of nature or natural causes and without any interference by humans whatsoever.

Notwithstanding Section 1.2.3 below, the College accepts that the list above may not be exhaustive and that other specific individual circumstances may give rise to grounds for special consideration under this and any related policies.

1.2.3 Circumstances not regarded as adequate grounds for exceptional circumstances

The following would normally not be regarded by the College as *exceptional circumstances* for the purposes of applying for special consideration:

- Stress or anxiety which would ordinarily be associated with preparation for or performance in examinations or other forms of assessment, including where the application refers to the result of travel arrangements made by the individual submitting the application;
- Knowingly attempting an assessment with inadequate preparation, in the absence of factors that may be considered exceptional by their nature;
- Stress or anxiety resulting from relationship difficulties other than that associated with the complete breakdown of a marriage, de facto relationship or equivalent;
- Minor illnesses or medical conditions;
- Pre-existing illness or medical condition affecting the applicant, immediate family member, partner or close relative which is not regarded as acute and substantive;
- Excessive work commitments, including specific rostering arrangements;
- Work related anxiety and stress that may be met in the course of normal medical practice including adverse outcomes, medico-legal issues;
- The inability of an individual to organise their time effectively in order to meet administrative requirements/deadlines;
- Ignorance of relevant published (including online) regulation(s) and/or policy(ies);
- Computer-related or other similar technological failure;
- Loss or theft of books or notes or similar materials;

- Decisions to undertake optional commitments of a personal nature;
- Personal or lifestyle choices where appropriate allowance or consideration has already been made;
- Circumstances where alternative arrangements were available (eg deferral, extension of time, or other special arrangements, etc.) and application was not made for such arrangements.

1.3 Special consideration application process

Applications for special consideration must be made on the prescribed form and be accompanied by relevant supporting documentation (see Section 1.4 below). Applications are to be addressed for the attention of the Chairperson of the College body (e.g. Training Accreditation Committee) that has responsibility for the matter that is the subject of the application, and may be submitted by e-mail or regular mail.

The application should indicate the nature of the circumstances and specify in what way(s) they are considered to be 'exceptional' in that they hampered the individual's performance in an assessment/interview and/or capacity to meet the requirements to which the application relates.

Individuals should advise the College of circumstances that they feel may warrant special consideration as soon as they are aware that such circumstances exist and communication with the College is possible. Special consideration may be refused where prompt notification or application as outlined below has not been made. Initial notification may be verbal or written; however, formal notification to the College in writing on the prescribed College form **MUST** be submitted and received by the College within the timeframe stipulated below.

Applications should be submitted by the individual claiming to be affected by *exceptional circumstances* and requesting special consideration or, if this is not possible due to the nature of the event(s) in question, by the individual's nominee.

1.3.1 Application relating to performance in an assessment / interview

Where a candidate feels that there are *exceptional circumstances* that may warrant special consideration in relation to their performance in an assessment, such as an examination or interview, formal notification to the College on the prescribed form **MUST** be submitted and received by the College **within 72 hours** of:

- the occurrence of the event(s) considered to give rise to the exceptional circumstances; or
- the date on which the assessment(s) in question (i.e. examination or interview) was conducted (see Section 1.7 for further information relating specifically to special consideration for RANZCOG examinations).

1.3.2 Application relating to completion of an assessment requirement

Where an individual feels that there are *exceptional circumstances* that may have precluded/affected their ability to complete an assessment requirement in the required timeframe, such as completion of the research project or submission of a three-monthly formative appraisal or six-monthly summative assessment, formal notification to the College on the prescribed form should be submitted and received by the College **on or before** the due date of the relevant assessment or other requirement.

1.3.3 Application relating to failure to meet College regulation(s) / policy(ies)

Where an individual feels that there are *exceptional circumstances* that may have precluded/affected their ability to meet the requirements of a particular College regulation(s) / policy(ies), such as successful completion of an examination within the permitted number of attempts, successful completion of training requirements within the training time permitted or submission of a prospective approval form or

training documentation by the stipulated deadline, formal notification to the College on the prescribed form should be submitted and received by the College **within 72 hours** of the individual(s) concerned being notified by the College that a breach of a regulation or regulations has occurred.

For the purposes of this policy all notification of breaches of College regulations will be taken to have been made at the time at which an email is sent by the College to the email address used by the College for communication with the individual concerned, or 5:00pm on the business day following that on which correspondence pertaining to the matter is mailed from the College.

1.4 Supporting documentation

Where relevant and possible, applications seeking recognition of *exceptional circumstances* for the purpose of obtaining special consideration must be supported by documentation from appropriate professionals; e.g. medical practitioners, psychologists, lawyers, police, etc.

- Such documentation includes:
- In the case of applications based on medical/psychological grounds, a medical certificate or formal letter from the treating practitioner indicating the nature and severity of the physical or psychological condition and the date(s) on which the applicant was examined/treated and the duration of the illness/condition.
- In the case of applications based on compassionate grounds due to the death or serious illness/incapacity of an immediate family member, partner or close relative, a bereavement notice and statutory declaration stating the individual's relationship to that person or a notice from that person's treating practitioner (as applicable).
- In the case of violent crime or similar incident, a copy of the police incident report.

Applicants may be required to provide further information or documentation, as requested by the College.

1.5 Consideration of applications

Applications will be considered by the Chairperson of the relevant College body or the full body, either as dictated by relevant College policy or as deemed necessary by the relevant Chairperson. This may be by the committee or Chair of the committee as deemed appropriate. In making a decision in relation to the application for special consideration, factors such as the following will be taken into account:

- the extent to which the circumstances cited in the application are considered to be exceptional in that they could reasonably be seen as preventing the applicant from meeting the requirement(s) described by the relevant regulation(s) or policy(ies), or performing at an acceptable level in an assessment and they are not circumstances in which a medical practitioner might be expected to continue to practice;
- the extent to which the circumstances cited are considered to have been foreseeable and/or avoidable by the applicant;
- the degree to which the *exceptional circumstances* claimed in the application are supported by the documentation provided;

As far as is possible, applications for special consideration will be regarded in the strictest confidence and the College will strive to maintain anonymity of applicants. Where necessary, the Chairperson of the body considering the application may inform other members of that body of details of the circumstances relating to the application in order to enable a decision to be made in relation to the application.

1.6 Late applications

Late applications made after the required date, or where the original application was not made on the prescribed form, may still be submitted, addressed for the attention of the Chairperson of the relevant College body. Such applications will only be accepted if the Chairperson is satisfied that it was not possible for the application to have been made by the required date or on the prescribed form.

Late applications **MUST** include an outline of the reason(s) why the application was not submitted by the required date, as well as all other documentation and information stipulated in this policy and any other relevant regulations/policies.

Applicants are advised that any application for special consideration in a RANZCOG examination made after the publication of results in that examination will not be accepted.

1.7 Specific information in relation to RANZCOG examinations

Special consideration on the grounds of *exceptional circumstances* is available to all candidates undertaking RANZCOG examinations (including the in-hospital clinical assessments/examinations for the Maternal Fetal Medicine and Obstetrical and Gynaecological Ultrasound subspecialties), who believe their examination preparation and/or performance has been hampered to such a substantial degree that it is likely to have adversely affected their performance and, consequently, their result.

Applications for special consideration on the grounds of *exceptional circumstances* in relation to RANZCOG examinations will only be considered where a candidate has submitted an application in accordance with this policy, and where the candidate has not gained a grade of 'Pass' in the examination in question under the normal College procedures.

The RANZCOG Education and Assessment Committee will consider applications for special consideration relating to FRANZCOG and Certificate of Women's Health/DRANZCOG examinations. Applications for special consideration relating to subspecialty examinations will be considered by the relevant subspecialty Board of Examiners, who will make recommendations to the RANZCOG Education and Assessment Committee.

In cases where candidates feel their examination preparation has been significantly impaired through illness, the College should be contacted prior to the examination and advice requested. In some such instances it may be that the most appropriate course of action is for a candidate to defer an examination attempt.

Please note that applications for special consideration on the grounds of *exceptional circumstances* relating to examination results where the circumstances cited are due to longstanding conditions or circumstances may not be looked upon favourably by the Education and Assessment Committee or relevant Subspecialty Board of Examiners (as applicable), since the expectation is that, under such circumstances, the candidate should, where possible, withdraw from the examination and sit when fully prepared.

1.8 Possible outcomes

1.8.1 Examination matters

The outcome of an application for special consideration in a RANZCOG examination may be any of the following:

- The candidate may be allowed a further attempt at the examination without affecting the number of attempts available to them under relevant College regulations.
- Other consideration given as deemed appropriate.
- The application may be declined / no action may be taken.

The remarking of an examination paper is not an option available under special consideration provisions, unless the candidate can demonstrate that an error in process or natural justice has occurred that warrants such action.

Where the decision relating to an application for special consideration results in an individual being granted additional or supplementary attempt(s) at an examination, the decision will include a recommendation relating to the charging of fees or otherwise to the individual for presenting at that attempt(s). Where additional attempt(s) at an examination are granted, the time limits available to complete part or all of the training requirements for which successful completion of the examination is a component may, upon separate application at an appropriate time, be extended to enable all allowable attempts at the examination in question to be made.

1.8.2 Other assessment matters

The outcome of an application for special consideration in relation to an assessment other than a RANZCOG examination may be any of the following:

- The individual may be deemed to have completed the assessment requirement.
- The training requirement deadline may be extended.
- The application to the FRANZCOG Training program may not be counted as one of the capped attempts.
- Other consideration given as deemed appropriate.
- The application may be declined / no action may be taken.

1.8.3 Regulation and policy matters

The outcome of an application for special consideration in relation to a failure to meet and/or breach in College regulation(s) and/or policy(ies), including failure to submit training documentation or meet training requirements by the stipulated deadline, may be any of the following:

- The individual may be given additional time to comply with the requirement, regulation(s) and/or policy(ies).
- The training requirement deadline may be extended.
- Other consideration given as deemed appropriate.
- The application may be declined / no action may be taken.

1.9 Notification of special consideration outcome

Applications will be considered in as timely a manner as possible and applicants will be notified in writing of the decision in relation to their application as soon as is practicable.

2. Reconsideration policy and procedure

2.1 Provision for reconsideration requests

Notwithstanding the provisions relating to consideration of *exceptional circumstances* for special consideration described previously in this policy, requests for reconsideration of decisions made by RANZCOG bodies may be made pursuant to the procedures described below, where that person considers that published College policy and/or procedure was not followed, or that there are relevant matters of fact that were not known and/or considered by the decision making body.

At the discretion of the Chairperson of the body in question, having regard to the circumstances of the matter at issue, requests for reconsideration of decisions may be considered by: a) the full body responsible for the original decision; b) a subgroup of the original decision-making body as deemed appropriate; or c) by the Chairperson and at least one other appropriate member of the original decision-making body.

Where the request is not considered by the full originating body, the matter and reconsideration outcome will be reported to the originating body at the next scheduled meeting of the body following the reconsideration.

Following consideration of the request, the outcome of the reconsideration decision shall be provided through the CEO's office to the RANZCOG Board.

2.2 Requests for reasons

Prior to requesting reconsideration of a College decision, requests for reasons relating to a decision (or, where reasons have been previously provided, further reasons), if available, may be made. Such request must be made **within 14 days** of the date of the decision in question.

Requests for reasons must be made in writing (including by email) to the Chairperson of the body responsible for the original decision, addressed via the College staff member who is responsible for the coordination of the activities of the relevant body.

The College will endeavour to provide such reasons, in writing, subject to any privacy and confidentiality considerations, within 14 days of receipt of the request. Note that such requests will not be considered where the decision in question is a 'Fail' or equivalent result in a College examination and feedback is provided pursuant to other College policy(ies).

2.3 Reconsideration application process

Requests for reconsideration must be made **within six weeks** of the communication of the original decision to the individual who is the subject of the decision. The application for reconsideration must be made on the prescribed College form and be accompanied by relevant supporting documentation.

Applications are to be addressed for the attention of the Chairperson of the College body (e.g. Training Accreditation Committee) who made the original decision and may be submitted by e-mail or regular mail. The application must state the reasons for the request, and, where applicable, include all information considered relevant to the request for reconsideration of the decision.

2.4 Reconsideration fee

The individual seeking reconsideration of a decision shall submit payment of the applicable fee (refer to <https://www.ranzcog.edu.au/members/membership-fees> for fee information) with the application.

Where the outcome of a reconsideration application finds in favour of the applicant the fee submitted with the reconsideration application will be refunded to the applicant.

2.5 Notification of reconsideration outcome

The College will endeavour to ensure that the matter is considered and a decision relating to the reconsideration communicated in writing to the individual who is the subject of the original decision within a period of four weeks of receipt of the request by the College. Subject to obligations of privacy and confidentiality that may apply, the outcome of the reconsideration will be accompanied by reasons for the decision and, where applicable, will advise the applicant of the opportunity for review and appeal of the decision pursuant to the College Appeals Procedures.

3. Review and appeal of College decisions

Following notification of the outcome of a request for reconsideration made pursuant to this policy, applicants may proceed to request a review and/or formal appeal of a decision under the College's established Appeals Procedures, which may be accessed via the College website at <https://www.ranzcog.edu.au/Our-College/Governance/Policies-Procedures/Appeals-Procedures>.

4. Related RANZCOG documents

- RANZCOG Appeals Procedures, Regulation A2
- Special Consideration Request Application Form
- Reconsideration Application Form

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