

DRS PROCEDURES

RICS Dispute Resolution Service Appeals/Review Procedures for Examinations and Panel Interviews

September 2020



RICS Dispute Resolution Service

Appeals/Review Procedures for Examinations and Panel Interviews

These are the procedures that apply where a candidate in

- a DRS training or continued professional development examination, or
- a DRS panel interview

has been unsuccessful and wishes to appeal or review the result.

The procedures set out in this document apply where no other mechanism for appeal or review is specified by DRS. Where such other mechanism exists, the candidate is obliged to use that mechanism and the decision given by it will be final.

Examinations

Explanatory notes

- 1.1 An examination includes the submission of essays, videoed role-play or other assessments, draft decisions or awards, or other pieces of work assessed for the purpose of passing or advancing toward a DRS qualification.
- 1.2 Candidates may:
 - Request a clerical check of their result
 - Request a reassessment of their examination
 - Appeal against their result on extraordinary grounds
- 1.3 All such requests/appeals must be made on the form provided in Annexure 1 below and must be submitted to the DRS Quality Assurance & Panel Manager or their nominee by email within 28 days of the declaration of the result.
- 1.4 An administration fee will be charged as set out in Annexure 2. In the event that a request/appeal causes the result to be amended upwards, the fee will be refunded. If the result is confirmed or downgraded, the fee will not be refunded.

- 1.5 A candidate may withdraw their request/appeal at any stage. In such circumstances DRS will not refund the administration fee.
- 1.6 DRS will not accept applications for more than one request/appeal at a time in respect of the same matter.
- 1.7 If, following the receipt of the results of their request/appeal, a candidate wishes to make a further request/appeal concerning the same matter, they must do so on the form below within 28 days of the provision by DRS of the result of the earlier process.
- 1.8 DRS will not allow the same category of request/appeal to be made more than once in respect of any matter.
- 1.9 RICS will not provide the candidate with the results of any other person or engage in discussions with the candidate about the performance or results of any other person.
- 1.10 DRS will not release the results of a request/appeal to any person other than the candidate.
- 1.11 The outcome of these processes is final, and no further avenues of appeal or review exist.
- 1.12 These processes may result in the candidate's initial result being downgraded. DRS will record and report the result of the request/appeal. In the event that a candidate's initial result is downgraded, the candidate will not be allowed to make use of the earlier result.

Request for Clerical Check of Result

- 2.1 Candidates should use this service where:
 - i. They have been assessed by way of an examination in which marks are allocated to answers. (Where results are awarded on an impression basis, this process cannot be used.)
 - and
 - ii. They wish to check that their marks have been correctly totalled and recorded.
- 2.2 DRS will endeavour to report the outcome to the candidate within 28 days of the receipt of the request.
- 2.3 Clerical checks will be conducted by a single examiner appointed at the sole discretion of DRS.

- 2.4 The outcome of a clerical check will be that the candidate's original result:
- i. is confirmed
 - ii. is modified upwards
 - iii. is downgraded

Request for Reassessment of Examination

- 3.1 Candidates should use this process when they wish to have their examination reassessed.
- 3.2 Candidates may not submit any further work/material to influence the outcome of the examination.
- 3.3 DRS will not release assessed examination scripts or marks breakdowns to candidates, nor will it reveal assessors' annotations to or notes concerning examination scripts. Candidates will be provided with their total mark, and/or, where this is part of the examination process, the assessors' report containing their observations and/or suggestions for improvement.
- 3.4 DRS will manage the reassessment and will endeavour to report the outcome to the candidate within six weeks of the receipt of the request.
- 3.5 All reassessments will be conducted by a single examiner appointed at the sole discretion of DRS.
- 3.6 The examiner conducting a reassessment will not have sight of the original assessment marks and/or notes but will be aware that the process is a reassessment.
- 3.7 The outcome of a reassessment will be the candidate's original result is:
- i. confirmed
 - ii. modified upwards
 - iii. downgraded

Appeal Against Results on the Basis of Extraordinary Grounds

- 4.1 Candidates may:
- i. appeal against their result on the grounds that at the time when the candidate was assessed there were factors unknown to DRS which adversely affected the candidate's performance;

- ii. appeal against their result on one of the other grounds listed in Section B of the form provided in Annexure 1 below.
- 4.2 Appeals do not normally involve a reassessment of candidate's work. The Appeal Board will normally, if it upholds the appeal, prescribe a mechanism for re-examining the candidate. The Appeal Board may, however, at its sole discretion, instead direct that the candidate's result be amended. The Appeal Board will also determine the fees, if any, to be charged by DRS for the re-examination process.
- 4.3 In the case of 4.1(i), the candidate will be required to present the facts relevant to the consideration of their performance that were not available to DRS at the time that the result was determined. **The candidate must also provide an explanation as to why this information was not available earlier.**
- 4.4 In the case of 4.1 (ii), where relevant, the candidate will be required to produce written evidence to justify their belief that an error or irregularity in the assessment process affected their result. This evidence must be verifiable and relevant.
- 4.5 Appeals will be conducted by an Appeal Board comprising a single member or a panel of three, appointed at the sole discretion of DRS.
- 4.6 DRS will endeavour to ensure that the Appeal Board considers the submission within six weeks of receipt of the appeal.
- 4.7 The candidate is not entitled to appear before the Appeal Board nor to make oral representations to it. A candidate may be required to attend the appeal in person or via electronic media if the Appeal Board decides this is necessary. Candidates are not entitled to be represented at any such appeal proceedings.
- 4.8 The decision of the Appeal Board will be:
 - i. the appeal is dismissed
 - ii. the appeal is allowed, and directions are given:
 - a. for the re-examination of the candidate; or
 - b. that the candidate's result is amended accordingly, and
 - c. in respect of the fees, if any, to be charged by DRS for the re-examination process.

Panel Interviews

Explanatory notes

- 5.1 Panel interviews include any interview conducted to determine the suitability of a candidate to be admitted to the RICS President's Panel of Dispute Resolvers and Expert Witnesses and/or any other panel, board, register or list associated with the work of DRS.
- 5.2 Panel interviews are a 'one-off' process with the decision as to the candidate's suitability being made by the interviewer/s on the basis of their impressions gathered during the interview. This decision is final. There is no general right of appeal or review against the correctness or otherwise of the interviewer/s' decision.

Grounds

- 6.1 An appeal can be brought only on one or more of the following limited grounds:
 - i. There was a significant and relevant procedural fault (including administrative error) or other irregularity in the process of the interview, such as to cause doubt as to whether the result might have been different had there not been such an irregularity
 - ii. There existed undisclosed extenuating circumstances affecting the candidate's performance of which the interviewer/s were not aware when their decision was taken
 - iii. There exists evidence of prejudice or bias on the part of one or more of the interviewer/s
- 6.2 Please note, an appeal cannot be made because a candidate is unhappy with their performance or result, or disagrees with the interviewer/s' decision. An Appeal Board will not inquire into the merits of the interviewer/s' decision or personal judgement. Appeals can only be considered when one, or more, of these narrow grounds are met.

What is meant by procedural fault in the process?

- 7.1 An appeal may be brought where a candidate believes that the outcome of an assessment/interview is incorrect because RICS and/or the interviewer/s have made a significant and relevant procedural error. It is not enough to show that an error has taken place - it will be necessary for a candidate to show that the error is relevant and resulted in an incorrect decision being made.
- 7.2 'Relevance' indicates that a procedural fault is directly pertinent to the case the candidate is making. For example, the interviewer/s were not provided with complete and accurate information, or questions were posed by the interviewer/s which concentrated too much on matters outside of skills and expertise detailed on a candidate's skills form.
- 7.3 'Significance' means that a procedural fault is likely to have impacted on the outcome of a candidate's assessment. For example, an error in the information sent to a candidate resulting in them arriving late for an assessment would be significant, whereas a typographical error, which did not alter the meaning of information sent to a candidate, would not.

What are undisclosed extenuating circumstances?

- 8.1 An example of an extenuating circumstance might be where there is evidence that the candidate was in hospital or was suffering from health difficulties which meant they were unable to prepare adequately for the interview.
- 8.2 Prior to an interview, DRS will usually ask a candidate to submit details of any extenuating circumstances that should be taken into account during an interview. **Where a candidate has failed to disclose such extenuating circumstances at this juncture, they will need specifically to explain their failure to do so to the Appeal Board when advancing their appeal.**

What is meant by prejudice or bias on the part of the examiner?

- 9.1 A candidate may submit that an interviewer/s, through actions or words, demonstrated actual bias against the candidate.
- 9.2 A candidate may submit that an interviewer could be perceived to have been biased as a result of professional or personal interests that gives rise to reasonable doubts as to their ability to remain impartial as regards the candidate as an individual.

- 9.3 An appeal brought on this ground should clearly identify the particular interviewer/s considered to have shown actual or perceived prejudice or bias against the candidate and should be supported by evidence.
- 9.4 A general submission that RICS or the surveying profession is inadequately representative of a demographic or minority group that the candidate belongs to does not fall within the ambit of this ground of appeal.

Procedure

- 10.1 Appeals will be conducted by an Appeal Board consisting of a single member or a panel of three members appointed at the sole discretion of DRS.
- 10.2 The Appeal Board will have no connection with the candidate and no previous knowledge of their interview.
- 10.3 An Appeal Board has no powers to pass the candidate. If an appeal is approved, the original interview is disregarded, and the candidate will be offered a fresh interview.
- 10.4 The Appeal Board will also determine the fees, if any, to be charged by DRS for the re-interview process, and whether the administrative fee should be refunded. As a general rule, where the candidate has succeeded on the grounds of procedural fault or bias, the administrative fee will be refunded, and the re-interview conducted free of charge. In cases where the candidate failed fully to disclose extenuating circumstances prior to the interview, whether known to him or her at the time or not, the administrative fee will not be refunded, and DRS will charge the usual fee for the re-interview.
- 10.5 Any appeal must be lodged with DRS within **28 days** from the date of the letter informing the candidate of the result of the original interview. An appeal submitted after the deadline will not be entertained.
- 10.6 Where relevant, the candidate will be required to produce written evidence to support their grounds for appeal. This evidence must be verifiable and relevant.
- 10.7 Written reasons and grounds relied on in making the appeal and any supporting documents must be submitted in Word or PDF format to the DRS Quality Assurance & Panel Manager at drspanels@rics.org.
- 10.8 An administration fee will be charged as set out in Annexure 2 and must be paid before DRS processes the appeal further.

- 10.9 Panel interviews may or may not be video recorded at the sole discretion of DRS. Different considerations apply to the conduct of appeals in each situation.

Where interviews are video recorded

- 10.10 Candidates may request access to the video recording of the appeal and will be allowed to view, but not download, it in deciding whether to appeal and in preparation for their appeal.
- 10.11 In both processes, candidates may seek advice from a third party who may also view the video for this purpose.
- 10.12 This is subject to candidates and such third party advisors providing a written undertaking that the video will be used for the purpose of the appeal only and will be treated as strictly confidential throughout, and that the privacy rights of RICS and of the interviewer/s will not be undermined by the candidate in the process.
- 10.13 The Appeal Board will consider the candidate's submission and the video recording in reaching their decision.

Where interviews are not recorded

- 10.14 The interviewer/s will be invited to respond to the candidate's submission within 28 days of its submission and the candidate will be given an opportunity to reply to any new issues raised in their response within 28 days of being provided with it.
- 10.15 The Appeal Board will consider the candidate's submission, the interviewer/s' response and the candidate's reply in reaching their decision.
- 10.16 DRS will endeavour to ensure that the Appeal Board considers the appeal within six weeks of receipt of the relevant documents.
- 10.17 The candidate is not entitled to appear before the Appeal Board nor to make oral representations to it. A candidate may be required to attend the appeal in person or via electronic media if the Appeal Board decides this is necessary. Candidates are not entitled to be represented at any such appeal proceedings.
- 10.18 A candidate may withdraw the appeal at any stage. In such circumstances DRS will not refund the administration fee.

The outcome of an appeal

- 11.1 The role of the Appeal Board is to decide whether on the balance of probabilities, the candidate has succeeded in advancing one of the three grounds of appeal.

11.2 There are two possible outcomes of an appeal:

- i. Upheld
- ii. Not upheld

Where the appeal is upheld

- 11.1 The Appeal Board decides to allow the appeal. RICS will write to the candidate explaining that the appeal has been allowed, and that the original interview result is now void.
- 11.2 The candidate will be invited to attend a fresh interview with new interviewer/s using the original submission documents (new or additional submissions will not be allowed). The new panel will be provided with the original submission documents but will not be provided with the documents relating to the outcome of previous interview or to the appeal.
- 11.3 The Administration Fee will be dealt with in accordance with the directions of the Appeal Board.
- 11.4 **The decision of the second interviewer/s will be final. There is no further right of appeal or review following this decision.**

Where the appeal is not upheld

- 11.1 The Appeal Board decides to decline the appeal. RICS will write to the candidate explaining the reasons for the decision.
- 11.2 **DRS will not comment on and/or reconsider the decision. The decision of the Appeal Panel is final and there is no further right of appeal or review.**
- 11.3 If the Appeals Board decides not to uphold an appeal, it may recommend a time frame for reapplying to the panel and offer guidance on a candidate's areas of deficiency/improvement. In the absence of time specified by the Appeals Panel, a period of 12 months should normally lapse before a candidate can reapply. Applications will only be accepted if DRS is actively recruiting for the relevant panel or board at the time. If a candidate reappplies, they will be invited to submit new documentation. Please note, the full interview fee will be payable again.
- 11.4 It may be that, on reflection, there are areas of a candidate's knowledge or skills that could be improved by further training and/or experience. Candidates are encouraged to make further enquiries with DRS in this regard.

Complaints

- 12.1 Complaints about the way in which an appeal has been dealt with by RICS, for example failure to meet specified timescales, should be addressed to the DRS Quality Assurance & Panel Manager at drspanels@rics.org or DRS, 55 Colmore Row, Birmingham B3 2AA. If the Appellant remains dissatisfied, the complaint will be referred to the RICS Director of Dispute Resolution. **This complaints process will not include an investigation into the merits of the Appeal Panel's decision and will not change the outcome of the appeal in any way.**

Annexures

Annexure 1

You should read carefully the Explanatory Notes above before completing this form. Please complete all relevant sections below, and submit the form only (excluding the explanatory notes) to the DRS Quality Assurance & Panel Manager at presidentspanel@rics.org

Application form - Appeal/Review of Examination or Panel Interview

SECTION A

To be completed in all cases

Name of Candidate and membership number (if applicable)	
Candidate's email address	
Name of Assessment <i>e.g. Adjudication Diploma module 2</i>	
Date of Assessment	
Date of declaration of results by RICS	
<i>Please select:</i>	
1 I would like a clerical check into my result	<input type="checkbox"/>
2 I would like my examination to be reassessed	<input type="checkbox"/>
3 I would like to appeal against my result on the basis of extraordinary grounds <i>(please complete Section B below)</i>	<input type="checkbox"/>

SECTION B

This section should be completed only if you are appealing against a result on the basis of extraordinary grounds.

I am appealing on the following grounds (select those that apply and then provide full details below):

A	At the time of the assessment there were factors unknown to DRS that adversely affected my performance*	<input type="checkbox"/>
B	Elements of the assessment process did not relate to the syllabus	<input type="checkbox"/>
C	Elements of the assessment process were ambiguous or insufficiently clear	<input type="checkbox"/>
D	There was an irregularity in the conduct of the assessment	<input type="checkbox"/>
E	The standard set by the assessor was inappropriate for the qualification	<input type="checkbox"/>
F	The assessment procedures were inadequate	<input type="checkbox"/>
G	Other grounds in respect of which full details are provided below	<input type="checkbox"/>

* Appeals on the basis of 'A' must set out the facts that were not available to RICS at the time that the result was determined and an explanation as to why this information was not provided earlier.

Please provide full details of the grounds for the appeal. Note that all appeals must be supported by any verifiable and relevant evidence on which you seek to rely.

Please continue on a separate page/s if necessary.

SECTION C

To be completed in all cases by the candidate

By my signature below I confirm that the information provided in this document relating to me is correct. I understand that the fee for the process sought will be refunded by RICS only in the event that the request or appeal leads to a favourable change to my result. I accept that, in the event that this process causes my result to be downgraded, the new result will stand, and no use can thereafter be made of the earlier result. I accept that the outcome of this process is final and that no further avenues of appeal or review exist.

Name (print)	Signature	Date signed

Section D

To be completed by the DRS Quality Assurance & Panel Manager or their nominee in all cases

I confirm receipt of the request/appeal and accompanying information. I confirm that the fee for a candidate's request/appeal will be refunded by RICS in the event that the enquiry or appeal leads to a favourable change to that candidate's result.

Name (print)	Signature	Date signed

Annexure 2

Fees

1. Examination appeal or review procedure

- Request for clerical check of result £50 + VAT
- Request for reassessment of examination £250 + VAT
- Appeal against result on extraordinary grounds £250 + VAT

2. Interview appeal procedure

£250 + VAT