



## **The Handling of Irregularities and Appeals**

An irregularity is an action or omission contrary to the rules in the Conduct of Amateur Radio Examinations, booklet EX500, by candidates, invigilators and exam centres; or administrative error, flawed paperwork or other circumstance which may render an examination unsafe, unfair or considered to be unsafe or unfair\*.

An irregularity may be reported by a Candidate, Invigilator or other exam centre official, visiting inspector, examination department official or any other person having reason to believe an examination may be unsafe or unfair in some way.

All reports of irregularities are to be passed directly to the Examination Department at RSGB for passing to the appropriate persons for investigation.

*\* An examination may be declared unsafe or unfair if there is reasonable concern that the result may have been compromised, such that it cannot be relied upon as a true test that the candidate possesses the skills and knowledge required to hold an amateur radio licence.*

### **1. Examination Irregularities by Candidates**

- 1.1 Irregularities by an individual candidate are dealt with locally in accordance with section 11 of the booklet: Conduct of Amateur Radio Examinations EX500. Normally the candidate will be permitted to complete the paper (unless disruptive), the paper returned, unmarked, with a report of the irregularity. The optical mark sheet will not be marked unless and until a decision in the candidate's favour is reached.
- 1.2 The candidate will be informed, in writing, that a report of irregular conduct has been made, setting out the nature of the reported irregularity and giving 14 days to reply. Further reports may also be requested from other persons present. The Examination Quality Assurance Manager (EQAM) will then reach a decision using the information provided in all of the received reports.
- 1.3 Candidates will not be permitted to sit further Radio Communication Examinations (RCE) whilst an irregularity is being investigated. The EQAM will treat such investigations as a priority.
- 1.4 Where possible collusion is suspected the investigation will include all parties potentially involved. This may delay the issue of results of candidates subsequently found to be uninvolved.
- 1.5 The EQAM may reach the following decisions:
  - a. To dismiss the reported irregularity, accept and mark the examination papers of that candidate. In such cases the result will be deemed to have been issued at the same time as the other results for that examination.
  - b. To formally warn the candidate about his or her future conduct in Radio Communication examinations (RCE) but accept and mark the examination papers of that candidate. The result will be dated on the day it is marked.

- c. To invalidate the examination papers of that candidate. No result will be issued. The candidate is permitted to re-sit in the normal way.
  - d. To invalidate the examination papers and bar the candidate from sitting RCE for a period of 6 months. The period of suspension may be increased to a maximum of 12 months if this is a second or subsequent incident as defined in paragraph 1.5.
  - e. To invalidate the examination papers of any candidate reasonably suspected of being involved in collusion where there is clear evidence of collusion but it is not possible to show beyond reasonable doubt who has individual responsibility for that collusion. Such candidates will be offered a re-sit of the examination.
- 1.6 In reaching this determination as to the conduct of a candidate, the EQAM may take into account, at his/her discretion, any previous incident resulting in decisions b, c and d above, occurring in the previous 12 months. This 12 month period may be extended to 24 months from the date of the offence following a suspension of greater than 6 months.
- See Section 6 on the procedure for EQAM deliberations into the reported irregularities.*
- 1.7 If the report of an irregularity is made after the examination and after certificates of result have been issued then it may be necessary for the RSGB to inform Ofcom of the circumstances and any uncertainty as to the examination integrity and validity of the pass certificates. The issue (or revocation) of a licence is then a matter for Ofcom. Ofcom will be advised of the outcome of the ensuing investigation and the validity of the certificates confirmed (or denied) as quickly as circumstances permit.

## **2. Irregularities by Examination Centre or others**

- 2.1 The Examination Secretary will be informed, in writing, that a report of an irregularity is being investigated and invited to reply within 14 days. Replies may be made by the Examination Centre and/or by the Examination Officers present at the examination. Further reports may be requested from any other persons attending, including candidates.
- 2.2 If the irregularity is raised before or during the examination, then the procedures of section 18 of the Conduct of Amateur Radio Examinations booklet, EX500, shall apply and the centre may be formally advised that an irregularity report will be submitted. Clause 2.1 will still apply and the 14 day timescale will date from the posting of the letter.
- 2.3 If an irregularity cannot be remedied at the time the marking of papers and issue of results will depend on the outcome of the investigation. No timescale can be set but the matter will be treated as a priority.
- 2.4 Where the Examination Centre officers are suspected of being involved in collusion then it may be necessary to suspend processing of examination results of all candidates.
- 2.5 Irregularities by the Examination Centre Officers may render the exam unsafe for any or all of the candidates. Under those circumstances the examination of those affected will be invalidated and the candidates treated as if that exam had not been sat. The RSGB will not levy an exam fee for such a re-sit provided it is within 12 months of this decision.

- 2.6 If the report of an irregularity is made after the examination and after certificates of result have been issued then it may be necessary for the RSGB to inform Ofcom of the circumstances and any uncertainty as to the examination integrity and validity of the pass certificates. The issue of a licence is then a matter for Ofcom. Ofcom will be advised of the outcome of the ensuing investigation and the validity of the certificates confirmed (or denied) as quickly as circumstances permit.
- 2.7 Unless actions by candidates are also called into question, candidates are free to sit another examination elsewhere if they so wish. Where candidates' actions are in question, clauses 1.1 to 1.5 will apply to candidates on an individual basis.
- 2.8 The EQAM will investigate the reported irregularity by correspondence wherever possible, but the centre or any named individuals may request that their part in the matter be discussed directly with the EQAM.
- 2.9 If it appears that the Irregularity involves deliberate deception or fraud, which may constitute a criminal offence, then the EQAM may suspend investigation and pass the matter to the police. Further action will then remain suspended until those investigations and actions are completed.
- 2.10 The EQAM may reach any or several of the following decisions:
- a. To dismiss the reported irregularity, accept and mark the examination. In such cases the result will be deemed to have been issued at the time it would normally have been issued.
  - b. To formally warn the centre about their future conduct in RCE examinations, but accept and mark the examination. The result will be dated on the day they are marked.
  - c. To invalidate the examination of affected candidates. Their results will not be issued and no adverse records will be made against their names.
  - d. To invalidate the whole examination. No result will be issued and no adverse records will be made against any candidates.
  - e. To suspend the examination centre for a specified period of time up to 12 months.
  - f. To remove RSGB Examination recognition of an Examination Centre, Examination Officer or named individuals.
  - g. To require, for a specified period, the use of an external invigilator nominated by the EQAM. Any costs incurred are to be borne by the examination centre concerned.
  - h. Where a named Exam Centre Official is also a Registered Assessor, to remove that individual's RCE recognition as a Registered Assessor.

*Note: If any candidates are also found to be involved in any irregularity then they will be dealt with as set out in section 1.*

- 2.11 In reaching his/her determination the EQAM may take into account, at his/her discretion, any previous incidents involving the Examination Centre or the individuals involved.

*See Section 6 on the procedure for EQAM deliberations into alleged irregularities.*

- 2.12 Normally, an Examination Centre will not be permitted to run examinations whilst an investigation is in progress. In the case of existing booked and imminent examinations, the Examination Centre MUST seek advice from the RSGB Examination Department.

### 3. Practical Assessments

- 3.1 Irregularities occurring in relation to Practical Assessments may result in ineligibility to sit the written examination.
- 3.2 The candidate and Registered Assessor will be informed, in writing, that a report of irregular conduct has been made, setting out the nature of the reported irregularity and giving 14 days to reply. Further reports may also be requested from other persons present.
- If the examination has been sat by the time the report is made, processing of the results will be suspended pending resolution of the reported irregularity.
- If the report of an irregularity is made after the examination and after certificates of result have been issued, then it may be necessary for the RSGB to inform Ofcom of the circumstances and any uncertainty as to the examination integrity and validity of the pass certificates. The issue (or revocation) of a licence is then a matter for Ofcom. Ofcom will be advised of the outcome of the ensuing investigation and the validity of the certificates confirmed (or denied) as quickly as circumstances permit.
- 3.3 If the candidate completed his/her practical assessments at another Centre then both may need to be informed and asked to comment.
- 3.4 The EQAM may reach any or several of the following decisions:
- To dismiss the reported irregularity and accept the Practical Assessments as valid for entry to the examination.
  - To formally warn the Registered Assessor about their future conduct in carrying out Practical Assessments.
  - To invalidate the Practical Assessments of affected candidates. Their examination results will not be issued and no adverse records will be made against their names.
  - To suspend the Registered Assessor for a specified period of time up to 12 months.
  - Where a Registered Assessor is also a named Exam Centre Official, to remove that individual's RCE recognition as an Exam Centre official.

*Note 1: If the failure to complete part of the assessment was due to exceptional circumstances the exam results can be processed on successful completion of the Practical Assessments. No sanctions will be applied.*

*Note 2: If the failure to complete part of the practical assessment was due to the conduct of the Candidate the irregularity will be handled in accordance with Section 1.*

*Note 3: Invigilators are responsible for checking that candidates are in possession of a valid CPAR. A candidate being allowed entry into an examination without a valid CPAR would therefore be an irregularity by the Exam Centre and will be handled in accordance with Section 2.*

*Note 4: If the failure to complete part of the assessment was due to the conduct by the Registered Assessor candidates will not be disadvantaged and their exam results can be processed on successful completion of the Practical Assessments.*

*Note 5: If an exam sitting was cancelled solely due to an investigation into irregularities relating to Practical Assessments then the RSGB will not levy a fee for the examination when it does take place, provided it is within 6 months of this decision. (Note that a completed CPAR has a maximum validity of 12 months from the date of signing by the Registered Assessor)*

## **4. Challenges to Examination Items**

- 4.1 Challenges pertaining to an examination item (question) by a candidate should be recorded on the irregularity page of The Examination Report Document (EX306). Such challenges will be passed to the Examination Group Chair, (EG Chair), for investigation and copied to the EQAM and Examination Standards Manager. A challenge to an examination item is not an appeal and there is no fee for a challenge.
- 4.2 Each challenged item is considered individually: the outcome may be :
- a. to change the Marking Key (the answer regarded as correct) if wrongly stated and the papers remarked accordingly
  - b. to regard more than one answer as correct and remark accordingly
  - c. to invalidate the item and re-calculate the pass mark
  - d. to reject the challenge.
- 4.3 The Examination Group (EG) will normally deal with the matter by correspondence (e-mail) and advise the Examination Department at RSGB of their decision. This will be regarded as a priority and a target of 5 working days should be met for 95% of challenges with the remainder in a further 5 working days. The Chief Examiner may, in simple cases, rule summarily but if the decision is not in the candidate's favour the candidate may appeal.
- 4.4 If a mark is awarded for an item (or the pass mark recalculated following invalidation) then all candidates at that examination session now attaining sufficient marks will be awarded a Pass result.
- The candidate and challenger will be informed of the outcome.
- 4.5 The decision of the Examination Group following a challenge to an item may be appealed as set out in section 5.

## **5. Appeals against a EQAM/EG decision following an investigation of irregularity or a challenged examination item.**

- 5.1 If it is believed that a decision of the EQAM/EG is incorrect or unjust, it may be possible to submit an appeal against the decision. The grounds for an appeal are:
- That the EQAM/EG failed to consider all the pertinent facts.
  - That the EQAM/EG created or performed a procedural irregularity.
  - That the decision of the EQAM/EG was so perverse and unreasonable that it cannot be allowed to stand.
  - That the decision of the EG following a challenge to an examination item (question) is still disputed on technical grounds.

- 5.2 The Exam Department will charge a fee for an appeal against a EQAM/EG decision. The Exam department will refund the fee if the appeal is successful. Valid appeals must be submitted, to the RSGB Examination Department, within 14 days of notification of the EQAM/EG decision regarding the matter to be appealed.
- 5.3 The appeal will be conducted by the Examinations Standards Manager (ESM), supported by an independent person nominated by the Chair of the Examinations Standards Committee (ESC)
- 5.4 The ESM will investigate whether the EQAM/EG had fully obtained and considered all the evidence and reached their decision by applying the principles set out in Section 6
- 5.5 Where the initial investigation is found not to have been performed in a satisfactory manner or new facts have emerged the decision will be set aside and the matter re-considered by the EQAM/EG augmented by the Examination Standards Committee nominee. It should be noted that this procedure does not prevent the same conclusion being reached.
- 5.6 The Examination Standards Committee nominee must be a person who has not, in the last three years, been a member of the Examination Standards Committee (ESC), Examinations Group (EG) or an employee<sup>1</sup> of the RSGB. The choice of nominee will be ratified by the Independent Examinations Audit Committee
- 5.7 The ESM will advise the appellant of the decision to accept the appeal and the outcome of any re-consideration of the original matter. That may be to uphold the original decision even if the appeal is accepted for re-consideration.
- 5.8 Annex 1 gives guidance on making a challenge or appeal.

## **6. Procedures for EQAM deliberations into alleged irregularities**

- 6.1 Each allegation must be made against a person or entity (such as an Examination Centre) and must allege that a Rule of Conduct has been breached and that the integrity, reliability or result of an examination is in doubt as a consequence.
- 6.2 All the evidence from the various officers and candidates will be set out against each of the allegations made dealing separately with each person and each allegation.
- 6.3 Wherever possible and appropriate everybody involved or present at an alleged incident will be invited to submit evidence and the EQAM shall proceed on the basis of the evidence then available. Exceptionally, if a view cannot be made on a significant issue that will materially and substantially affect the outcome; then deliberations may be suspended pending renewed attempts to collect evidence. If none is forthcoming, the EQAM shall proceed on what is available.

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<sup>1</sup> In this context 'employee' includes unpaid volunteers holding a recognised post.

- 6.4 Each allegation shall then be considered in turn and individually to ascertain whether the evidence supports or refutes the allegation. Findings against one person or allegation shall not influence the findings against another. Each separate allegation requires to be proved by the evidence, notwithstanding the possibility that all or part of a piece of evidence may or may not also be taken into account when considering a different allegation.
- 6.5 All the available evidence shall be considered for relevance against each allegation and shall properly be taken into account if found relevant, irrespective of whether it tends to support or refute that allegation.
- 6.6 Where a person or entity who is the subject of an allegation has been offered an opportunity, but fails (after 14 days) to give evidence, then the EQAM is free to draw such conclusions as are considered appropriate.
- 6.7 The EQAM may find that the evidence shows that rules not specifically cited in the initial allegations have also been breached. Such evidence shall also be recorded and considered.
- 6.8 A record of the findings and the original evidence shall be kept but the discussions, interim views and individual opinions expressed shall not be recorded. The findings shall be presented as the findings of the EQAM.
- 6.9 Having considered all the gathered evidence, the EQAM will make a decision on what action will be taken and what sanctions (if any) will be imposed. Due consideration will be given to:
- whether it is clear that an irregularity occurred
  - whether the irregularity affected, or could have affected, the result of the exam
  - whether the irregularity was known to be, or should have been known to be, inappropriate
  - whether any false outcome was intended, or not
  - whether the irregularity had occurred previously
- The decision making process set out in Annex 2 will be applied... Where it cannot be applied the EQAM will seek agreement from the Standards Committee Chair to deviate and the rationale for the decision will be recorded.

## **7 Description of Entities**

### **7.1 Overall Management Structure**

The key elements of the examinations management structure are:

- RSGB Board
- RSGB Examinations Standards Committee
- RSGB Examinations Group
- RSGB Examinations Department
- RSGB Examinations Standards Manager
- RSGB Examinations Quality Assurance Manager
- RSGB Examinations Audit Committee

## **7.2 RSGB Board**

The RSGB Board will appoint:

- an Examination Standards Committee Chair
- an Examinations Audit Committee Chair – Appointed in agreement with OFCOM

The RSGB Board will also provide, in accordance with RSGB Articles of Association and Bylaws, a route for examinations appeals and the resolution of disputes.

## **7.3 RSGB Examinations Standards Committee**

The Examination Standards Committee Chair will appoint the members of an Examinations Standards Committee (ESC) responsible for the oversight of the management of the examination system.

The ESC Chair will also appoint:

- an Examinations Group Chair (EG Chair / Chief Examiner)
- an Examinations Standards Manager
- an Examinations Quality Assurance Manager

## **7.4 RSGB Examinations Group**

The Examinations Group Chair (Chief Examiner) will appoint an Examinations Group (EG). The EG will report to the ESC and will be responsible for managing examination performance standards, the examination question bank and examination specifications.

## **7.5 RSGB Examinations Department**

The Examination Department (ED) is employed by and reports to the General Manager. The Examination Department is responsible for the day-to-day administration of the UK amateur radio examinations in accordance with the defined procedures.

## **7.6 RSGB Examinations Standards Manager**

The Examinations Standards Manager (ESM) is appointed by, and reports to, the ESC Chair. ESM is responsible for developing and documenting the internal and external procedures that govern the running of the UK amateur radio examinations.

## **7.7 RSGB Examinations Quality Assurance Manager**

The Examinations Quality Assurance Manager (EQAM) is appointed by and reports to the ESC Chair. EQAM is responsible for auditing the processes of the UK amateur radio examinations, for coordinating examination inspections and for investigating reports of non-compliance with the defined procedures.

## **7.8 RSGB Examinations Audit Committee**

In order to satisfy the RSGB Board, Ofcom and other stakeholders of the integrity of the examinations system, the Board and Ofcom will jointly commission an independent Examinations Audit Committee (EAC) to conduct reviews annually. The committee will be chaired by a suitably independent person, nominated by the RSGB and agreed by Ofcom.

## **7.9 Probity of the Examination System and Data Protection**

In order to ensure the probity of the examinations and data security, a separation of governance will exist between the Examination Department and the remainder of the RSGB to prevent information about individual candidates and exam questions leaking out, or improper interference on exam standards leaking in.

In order to ensure the exam system is not subject to undue interference from the rest of the RSGB the separation of duties is set out clearly in the RSGB Bylaws.

Anything that cannot be resolved at Committee level will be subject to Board level resolution, in consultation with Ofcom, as is appropriate.

## **7.10 Examination Centre Officials**

All persons with a role in the provision of the examination facilities and Invigilators. This includes the Examination Secretary, the First Named Invigilator, Assistant Invigilators, Registered Assessor(s), Readers, Reader/writers, Prompters and any other person handling examination papers or in the examination room(s). Correspondence regarding irregularities and subsequent appeals will be conducted between the EQAM/ EG / ESC/ Examination Department and the Examination Secretary.

## **7.11 First Named Invigilator (Lead Invigilator)**

A responsible person over 18 who has not been associated with the training of any of the candidates being examined and who has been identified to the RSGB examinations department on the request for examination papers. The First Named Invigilator has primary responsibility for all aspects of examination running and integrity. Additionally, the Lead Invigilator may not be related to any of the candidates. (refer to EX500 for detailed guidance)

## **7.12 Assistant Invigilator**

A responsible person over 18 who has been identified to the RSGB examinations department on the request for examination papers. An Assistant Invigilator may be a person associated with the training and/or practical assessment of the candidates being examined. Assistant invigilators may not be related to any of the candidates.

## **7.13 Registered Assessor**

A person registered by the RSGB to carry out practical assessments as set out in the Examination Specifications and sign off as completed on the Candidate's Practical Assessment Record (CPAR).

Any person nominated by the Registered Assessor as competent may sign individual tasks as specified on the CPAR but the Registered Assessor in signing the bottom of the Record certifies that the assessments have been correctly carried out.

## **7.15 Reader / writer**

A responsible person over 18 authorised by name by the RSGB examinations department who is permitted to read the Examination Paper, Optical Mark Sheet, Reference Data Booklet and other supplied examination materials and to write on those items at the express instructions of the candidate and in accordance with 8.4 and 8.5 of the Conduct of Amateur Radio Examinations. The Examination Department may nominate a Reader or Reader / Writer.

A combined role of reader /writer is permitted

## **7.16 Prompter**

A responsible person over 18 authorised by name by the RSGB examinations department who is present for the purpose of prompting the candidate to return his/her attention to the examination and, if required, to move on to the next question. A prompter is NOT permitted to read the Examination Paper, Optical Mark Sheet, Reference Data Booklet and other supplied examination materials.

### **7.17 Visiting Inspector**

A person appointed by the Examination Quality Assurance Manager for the purpose of visiting a Centre to ensure the examination is run with integrity in accordance with the booklet *Conduct of Amateur Radio Examinations*.

Ofcom may also appoint a Visiting Inspector. In all cases the inspector will have evidence of identity and authority.

*(The Lead Invigilator must record the fact of the visit and inspection on the Irregularity Report at the time of the inspection.)*

### **7.18 External Invigilator**

A person appointed by the RSGB Examination Department, Examination Quality Assurance Manager or Examination Group to act as the First Named Invigilator at an Examination Centre.

*This may occur when the EQAM/EG have imposed that requirement following an investigation of irregularity. Expenses are to be covered by the exam centre/club being invigilated.*

## **Annexe 1 Appeals Procedure**

### **Challenging an examination item**

1. A candidate or invigilator may challenge the validity of an examination item (question) asked in the examination or the correct answer shown on the Marking Key.
2. A challenge may be made at the request of the candidate or observation of the invigilator. If made during the examination, then the reason for challenge and question number should be noted on the irregularity report page of The Examination Report Booklet. A challenge must be received by the Examination Department within 5 working days of the examination.
3. The Examination Department will acknowledge the challenge which will be passed to the RSGB Examination Group (EG). And a copy sent to the EQAM and ESM.
4. Normally the EG will deal with the matter by correspondence (e-mail) and advise the Examination Department of their decision who will reply to the applicant. The target is 5 working days for 95% of challenges with the remainder in a further 5 working days.

### **Reporting a concern of an examination irregularity**

1. An allegation of an irregularity in the examination process must be in writing to the RSGB Examinations Department within 5 working days of the examination. and signed by the person making the allegation.
2. The allegation will be passed to the RSGB Examinations Quality Assurance Manager (EQAM) and copied to the EG Chair and ESM. The EQAM will collate the appropriate evidence and submit an investigation report to the Examination Group.
3. The EQAM will proceed as set out in the document The Handling of Irregularities and Appeals.

### **Appealing a Decision of the Examinations Quality Assurance Manager or Examination Group.**

1. The decision of the EQAM/EG may be appealed by anybody affected by the decision. The grounds for an appeal are shown in 5.1 and cover procedural irregularities or the technical merit of examination questions.
2. To appeal a decision the appellant is to write to the Examination Department stating they are appealing and setting out the grounds for the appeal. A fee will be charged for an appeal against an EQAM/EG decision. The fee is refundable if the appeal is successful. Appeals are to be submitted, to the RSGB Examination Department, within 14 days of notification of the EC decision regarding the matter to be appealed.

## Appendix 2 – Appeal flow chart

