

The Handling of Irregularities and Appeals

1. Examination Irregularities

- 1.1 Irregularities by an individual candidate are dealt with locally in accordance with section 11 of the Radio Communications Foundation (RCF) Conduct of Radio Communication Examinations document. Normally the candidate will be permitted to complete the paper (unless disruptive), the paper returned, unmarked, with a report of the irregularity. The matter will be referred to the RCF Examination Committee (EC) for a decision. The script 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 alleged facts and giving 21 days to reply. Further reports may also be requested from other persons present. The EC will then reach its decision. Where possible, this will be conducted by correspondence, but in difficult cases, or at the request of the candidate, the matter will be placed on the agenda of the next meeting. Meetings of the EC are held at approximately quarterly intervals.
- 1.3 Candidates will not be permitted to sit further Radio Communication Examinations (RCE) whilst an irregularity is being investigated. The EC will treat such investigations as a priority but it should be noted that the Committee members are not full time officers of the RCF.
- 1.4 The EC may reach the following decisions:
 - a. To dismiss the reported irregularity, accept and mark the script. 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 as to his or her conduct in the examination but accept and mark the script. The result will be dated on the day it is marked.
 - c. To invalidate the script. No result will be issued. The candidate is permitted to re-sit in the normal way.
 - d. To invalidate the script 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.
- 1.5 In reaching their determination as to the conduct of a candidate, the EC may take into account, at its 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.
- 1.6 In the event of a sanction being applied to a candidate, the RCF reserve the right to inform Ofcom.

2. Irregularities by centre officials or revealed by spot checks

- 2.1 The centre will be informed, in writing, that a report of an irregularity is being investigated and invited to reply within 21 days. Replies may be made by the centre and by the individual officers attending 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 RCF Conduct of Examinations document shall apply and the centre may be formally advised that an irregularity report will be submitted. Clause 2.1 will still apply and the 21 days timescale will date from the posting of the letter.
- 2.3 If an irregularity cannot be remedied, then at Foundation and Intermediate examinations, the scripts (whether unused, fully or partially completed) and the certificate of result must be sealed in the reply envelope and returned to headquarters unmarked. Marking of papers and issue of results will then depend on the outcome of the investigation. No timescale can be set but the matter will be treated as a priority.

- 2.4 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 RCF 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.
- 2.5 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. A candidate who has not received a letter under clause 1.2 may proceed as they wish. A refund or credit will be considered.
- 2.6 The EC 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 at a full EC meeting. Such a request may require the entire matter to be handled by a full EC meeting and this will, inevitably, delay proceedings.
- 2.7 If it appears that the Irregularity involves deliberate deception or fraud, which may constitute a criminal offence, then the EC may suspend their investigation and pass the matter to the police. Further action will then remain suspended until those investigations and actions are completed.
- 2.8 The EC may reach any or several of the following decisions:
- a. To dismiss the reported irregularity, accept and mark the scripts. 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 (and, where relevant, any candidates) as to examination conduct, but accept and mark the scripts. The result will be dated on the day they are marked.
 - c. To invalidate the scripts. No result will be issued and no adverse records will be made against any candidates.
 - d. To invalidate the script or scripts of named candidates and, if appropriate, bar those candidates from sitting RCE for a period of 6 months.
 - e. To require, for a specified period, that examination scripts at Foundation and Intermediate level are sealed unmarked immediately on completion and returned for central marking.
 - f. To remove RCF recognition as an examination centre or examination officer (exam secretary, invigilator etc) from the centre or named individuals.
 - g. To require, for a specified period, the use of an external invigilator nominated by the RCF. Any costs incurred are to be borne by the examination centre concerned.
 - h. To invite the Radio Society Great Britain (RSGB) to review the status of named individuals as registered instructors.
- 2.9 In reaching their determination the EC may take into account, at its discretion, any previous incidents involving the centre or individuals involved.
- 2.10 Normally, a centre will not be permitted to run examinations whilst an investigation is in progress. In the case of existing booked and imminent examinations, the advice of the RCE Department at RSGB HQ should be sought. An immediate answer may not be possible.

3. Appeals

- 3.1 Ideally an appeal pertaining to an examination question by a candidate should be supported by the centre and made when returning the scripts. However, subsequent appeals will be considered on their merits.
- 3.2 Each appealed question is considered individually and the outcome may be to:
- a. change the key (the answer regarded as correct) if wrongly recorded on the mark sheet
 - b. regard more than one answer as correct

- c. invalidate the question and re-calculate the pass mark
 - d. reject the appeal.
- 3.3 Normally the EC will deal with the matter by correspondence (e-mail) and advise the RCE department at RSGB HQ of their decision. This will be regarded as a priority and a target of 5 working days should be met for 95% of such appeals with the remainder in a further 5 working days. The Chief Examiner may, in simple cases, rule summarily but if not in the candidate's favour the candidate may request the full Committee to consider the matter.
- 3.4 If a mark is awarded for a question (or the pass mark recalculated following invalidated questions) then candidates at that examination session now attaining sufficient marks will be awarded a Pass result.
- 3.5 *If an appeal identifies an error on the answer sheet for Foundation or Intermediate examinations where a Pass result has been awarded locally which would not have been awarded but for the error, then the Pass result will stand.*

4. Appeals against an EC decision following an investigation of irregularity.

- 4.1 The decision of the EC is final. However an appeal will be entertained regarding the conduct of the investigation.
- 4.2 A fee will be charged for an appeal against an EC decision. This is refundable if the appeal is successful.
- 4.3 The appeal will be conducted by the Quality Assurance Manager (QAM), supported by such independent persons as the Standards Committee may nominate.
- 4.4 The QAM will investigate whether the EC had fully obtained and considered all the evidence and reached their determination by a valid and transparent method in accordance with current educational and legal principles. The purpose of the investigation is to ensure the methods used were complete, satisfactory and appropriate and not to substitute one decision for another.
- 4.5 Where the initial investigation is found not to have been performed in a satisfactory manner the decision will be set aside and the matter re-considered by the EC augmented by a Standards Committee nominee. It should be noted that this procedure does not prevent the same conclusion being reached.
- 4.6 The Standards Committee nominee must be a person who has not, in the last seven years, been a member of the Examination Committee, an RCF Trustee or an employee of either the RCF or the RSGB. The nominee may be a member of the SC who meets these criteria.

5. Procedures for EC deliberations into alleged irregularities

- 5.1 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.
- 5.2 Having collected all the evidence from the various officers and candidates, as required, the evidence will be set out against each of the allegations made dealing with each person and each allegation separately.
- 5.3 Normally everybody involved or present at an alleged incident will be invited to submit evidence and the EC 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 EC shall proceed on what is available.
- 5.4 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.

- 5.5 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.
- 5.6 Where a person or entity who is the subject of an allegation has been offered an opportunity, but fails (after 21 days) to give evidence, then the EC is free to draw such conclusions as it considers appropriate.
- 5.7 The EC may find that the evidence shows that rules not specifically cited in the initial allegations have also been breached.
- 5.8 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 EC as a whole.
- 5.9 Having considered all the allegations and made all the findings, the EC shall consider what sanctions, shown in 2.8, will be imposed. Due consideration shall be given to the gravity of the offence, the culpability of the individual or entity, the degree of dishonesty or incompetence, the understanding of correct procedures reasonably expected and any precedents in dealing with such issues previously. The actual degree of difficulty or harm caused shall not normally be a factor, save to the extent that they could be reasonably predicted or were deliberately intended.

6 Description of Entities

- 6.1 Radio Communication Foundation
The RCF body corporate, a charitable foundation managed by Trustees.
- 6.2 RCF Examination Committee
The committee set up by the RCF in accordance with the *Schedule of Terms between Ofcom and the Radio Communications Foundation on the conduct of Amateur Radio Examinations*. The Committee is the final arbiter of appeals on all academic matters pertaining to the examinations. It is also responsible for maintaining Question Banks, vetting questions, compiling syllabuses and the make-up of examination papers. The full Terms of Reference are available in the *Schedule of Terms*.
- 6.3 Standards Committee
The committee set up in accordance with the *Schedule of Terms between Ofcom and the Radio Communications Foundation on the conduct of Amateur Radio Examinations*.
The Chairman is an independent person, appointed by the RCF, with representatives from industry, examination, learned society, RCF, RSGB and Ofcom together with licensed lay members.
- 6.4 Quality Assurance Manager (QAM). The independent person appointed by the RCF to oversee the procedures and documents of the RCF and RCE department at the RSGB HQ relating to examination matters and reporting direct to the Chair of the Standards Committee.
- 6.5 RCE Department, RSGB HQ. The Radio Communications Examinations department at RSGB HQ responsible for day to day administration and running of the examination system. Staff are RSGB employees but responsible to the Examination Committee on examination matters.
- 6.6 Centre. The local body providing the facilities for hosting an examination. This may be an educational establishment such as a school or college, an existing training, activity or youth organisation such as the RYA, Red Cross, Scouts or Air Training Corps, or a local amateur radio club.
- 6.7 Centre Officials
Persons with a role in the provision of the examination facilities and Invigilators.
- 6.8 First Named Invigilator
A person over 18, of standing in the community, 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 form REQP (request for examination papers). The First Named Invigilator has primary responsibility for all aspects of examination running and integrity.

6.9 Visiting Inspector

A person appointed by the QAM for the purpose of visiting a Centre to ensure the examination is run with integrity in accordance with the booklet *Conduct of Radio Communication Examinations*.