

# Exceptional Circumstances and Special Consideration Policy

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## 1. Purpose

The purpose of this policy is to outline the criteria and processes applicable where individuals in scope wish to apply for variations to Royal Australasian College of Medical Administrators (**RACMA, College**) training, learning and assessment requirements or other requirements stated in College regulations, policies or handbooks on the grounds of exceptional circumstances.

## 2. Scope

2.1.1 This policy applies to:

- a) Candidates undertaking the RACMA Fellowship Training Program.
- b) Specialist International Medical Graduates (SIMGs) being assessed for comparability to a College trained Fellow, or suitability for an Area of Need position, or undertaking training, assessment or supervision requirements as part of a pathway to obtain Fellowship.

2.1.2 The policy applies to exceptional circumstances as defined in section 3.1.

- a) The policy applies to circumstances that arise prior to a training or learning event (including on the date on which any training or learning event is due to be conducted) or completion due date of a College requirement.
- b) The policy applies to circumstances that arise prior to (including on the date on which any assessment may be due to be submitted or conducted) or during an assessment (including the Oral Examination) and which are known to the individual prior to the completion of the assessment and a result/outcome for that assessment being determined and/or communicated to them.
- c) The policy does not apply once a result/outcome for an assessment has been determined and/or communicated to an individual. In such circumstances, refer to the Reconsideration, Review and Appeals of Decisions Policy and section 3.8 of this policy.

## 3. Policy Statement

### 3.1 Intent

- 3.1.1 The College acknowledges that an individual's circumstances may be exceptional. In this policy, '**exceptional circumstances**' means circumstances that are not ordinarily encountered or anticipated, which are beyond the control of the individual concerned and which are of such severity or gravity that they may impact adversely on the individual's capacity to complete a College requirement or to perform in any College assessment(s).
- 3.1.2 The College further recognises that in those cases, **special consideration**, meaning the consideration of circumstances pertaining to an individual in order to enable variation from the requirements normally expected in relation to a College requirement or assessment, may be required.

- 3.1.3 The College is also committed to applying the Disability Discrimination legislation across its activities to prevent any unlawful discrimination of any form against an individual on the basis of their disability, particularly in relation to assessments.
- 3.1.4 Individuals are encouraged to apply and disclose circumstances that may impact their progress in the applicable program as soon as possible to ensure appropriate and timely planning and support are put in place.

## **3.2 Exceptional Circumstances**

3.2.1 Where an individual subject to College requirements relating to training and assessment:

- a) is unable to meet a specific requirement, and
- b) can demonstrate to the satisfaction of the College:
  - i. that the circumstances involved are, in fact, such that they may be deemed to be 'exceptional', and
  - ii. that grounds exist for that individual to be afforded special consideration on the basis of these circumstances

the College *may* form the view that the individual concerned be granted special consideration with regard to the usual requirements of the regulation, policy or handbook and/or the usual requirements of the training, learning and/or assessment in question.

- 3.2.2 Notwithstanding a conclusion that the circumstances involved are 'exceptional' and that grounds may exist for the individual to be granted special consideration, there is no obligation for the College to afford relief where it is considered that adequate relief has been previously granted or is not otherwise warranted in the entirety of the circumstances. An applicant must demonstrate that the exceptional circumstances have significantly affected them to the extent that special allowance or special measures are warranted. Applications will be rejected where the College is not satisfied that the effect of the special circumstances were significant enough to substantially prejudice the applicant, or where other measures or other circumstances or allowances have ameliorated or addressed the prejudice or disadvantage caused by the exceptional circumstances.
- 3.2.3 Where some form of special consideration is granted on the basis of the existence of exceptional circumstances, it must be understood that this will not excuse the individual from meeting a requirement or standard for performance or qualifications which have been objectively set.
- 3.2.4 In many cases it is not possible, after the event, to grant special consideration without requiring the applicant to redo or repeat the relevant assessment or requirements. In such cases the College may waive relevant fees and extend any applicable time limits relevant to the applicant.

### **Grounds for Exceptional Circumstances**

- 3.2.5 The College will consider the following as exceptional circumstances which 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 individual's ability to meet the requirements of a specific regulation, policy or handbook, or a specific training and learning requirement, or adversely impacted their performance in relation to a specific assessment:
- a) Permanent and/or chronic illness, impairment or disability, including complications of pregnancy.
  - b) Acute medical conditions or serious illness or injury (physical or psychological).

- c) Compassionate grounds, such as:
  - i. the recent death or serious or acute illness of an immediate family member, partner, close relative, or those who have (or have had in case of a death) a significant relationship with the individual.
  - ii. the recent birth or adoption of a child.
  - iii. domestic violence impacting the applicant or an immediate family member or close relative.
  - iv. Stress or anxiety associated with the breakdown of a marriage, de facto relationship or equivalent
- d) Severe stress resulting from extreme hardship or trauma (e.g. victim of violent crime).
- e) Significant hardship as a result of a natural disaster (e.g. flood, bushfire, cyclone).

3.2.6 Notwithstanding sections 3.2.7 and 3.2.8, the College accepts that the list above may not be exhaustive and that other specific individual circumstances may give rise to grounds for consideration under this policy.

### **Circumstances that do not constitute grounds for special consideration**

3.2.7 An event, condition or other factor will not be considered exceptional circumstances, or warrant special consideration, if the affected person is aware of the event, condition or factor and does not promptly advise the College or if the person affected knowingly attempts or undergoes an assessment (including examination) without prior notice to the College. In the latter case, the person affected will be deemed to have accepted those circumstances and will not be entitled to special consideration, unless the College determines otherwise.

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

- a) Stress or anxiety, which would ordinarily be associated with preparation for or performance in examinations or other forms of assessment, including travel arrangements associated with the assessment.
- b) Knowingly attempting an assessment with inadequate preparation, in the absence of factors that may be considered exceptional by their nature.
- c) Stress or anxiety resulting from relationship difficulties other than that associated with the breakdown of a marriage, de facto relationship or equivalent.
- d) Minor illnesses or medical conditions.
- e) Pre-existing illness or medical condition affecting the individual, immediate family member, partner or close relative, which is not regarded as acute and substantive.
- f) Excessive work commitments, including specific rostering arrangements.
- g) Work-related anxiety and stress, such as may be met in the usual course of general medical practice, including adverse outcomes, medico-legal issues.
- h) Excessive educational commitments outside the applicable training program (Fellowship Training Program or SIMG on the pathway to Fellowship), including, but not limited to, the concurrent undertaking of educational activities, such as another specialist training program.

- i) The inability of the individual to organise their time and plan effectively in order to meet administrative requirements/deadlines, including the completion of applicable training, learning and assessment requirements within the specified timeframes.
- j) Ignorance of relevant College regulations and/or policies.
- k) Computer-related or other similar technological failure, not related to issues pertaining to items 3.4.7 or 3.4.8 of this policy.
- l) Loss or theft of books or notes or similar materials unless directly related to an assessment requirement.
- m) Decisions to undertake optional commitments of a personal nature.
- n) Personal or lifestyle choices where appropriate allowance or consideration has already been made.
- o) Circumstances where other options were available (e.g. withdrawal, deferral or other special arrangements, etc.) and application was not made for such arrangements.

### **3.3 Special Consideration – Arrangements for Assessment Adjustments**

3.3.1 It may be possible, with appropriate notice, for a person to undertake an assessment including an examination where reasonable adjustment arrangements are made on account of the following exceptional circumstances:

- a) Permanent or chronic impairment or disability.
- b) Religious or cultural observance requirements, where the scheduling of a College assessment significantly impacts the person's ability to practice their religion or culture.
- c) Pregnancy or nursing an infant at the time of sitting the College examination.

3.3.2 Adjustments approved under this policy will not serve to alter assessment standards or requirements. Adjustments will not be made under this policy to an applicant's assessment outcomes or marks.

3.3.3 Reasonable adjustments may include (but are not limited to):

- a) the use of adaptive/assistive technology or equipment (e.g. alternative seating, use of laptop)
- b) individual conditions of assessment (e.g. seating arrangements or room allocation, toilet/rest/exercise breaks, additional time)
- c) accessible learning formats (e.g. large print materials, coloured exam paper)
- d) scribes
- e) in special circumstances, alternative methods of assessment may be considered or referral to outside agencies for additional services.

### **3.4 Special Consideration – Examinations**

3.4.1 Applications for special consideration on the grounds of exceptional circumstances in relation to examinations will only be considered where the individual has submitted an application in accordance with this policy.

- 3.4.2 In cases where individuals feel their examination preparation has been significantly impaired through sudden illness, injury, or personal circumstance the College should be contacted prior to the examination to request advice. In some instances, it may be that the most appropriate course of action is for the individual to defer an examination attempt and, if applicable, also request a special consideration to extend the period of their candidacy to allow for a future sitting.
- 3.4.3 Applications citing longstanding conditions or circumstances are unlikely to be considered favourably, since the expectation is that, under such circumstances, the individual or Candidate should, where possible, withdraw from the examination and sit when fully prepared or have applied for adjustment arrangements as outlined in 3.3.
- 3.4.4 Any application for special consideration for an examination made after the publication of outcomes in that examination will not be accepted.

#### **Incident/Issue(s) during an examination**

- 3.4.5 Unforeseen delays or cancellations of public transportation, traffic accidents, or vehicle breakdowns that significantly hinder the ability of an individual or Candidate to arrive on time.
- 3.4.6 If a technical and/or procedural issue is encountered during an examination, the individual affected must make College staff present at the examination immediately aware at the time of the issue(s).
- 3.4.7 The outcome for a technical and/or procedural issue encountered during an examination is compensation or resolution during the course of the examination, where possible, such as additional time.
- 3.4.8 Where an incident and/or issue(s) occurs once the examination has commenced and performance has been impacted, and where compensation or resolution during the course of the examination is not possible, an application may be made for post examination considerations.
- 3.4.9 Applications for post examination considerations must be submitted within the following specified timeframes:
  - a) Within 72 hours of the date on which the examination was conducted; or
  - b) Within such other period which the College may, at its sole discretion, allow.

#### **Possible outcomes**

- 3.4.10 The outcome of an application for special consideration in a College examination may be any of the following:
  - a) The individual may be allowed to withdraw from the examination without penalty<sup>1</sup>; or
  - b) The individual may be allowed a further attempt at the examination once all available attempts have been exhausted; or
  - c) Other consideration granted as deemed appropriate; or
  - d) The application may be declined / no action may be taken.
- 3.4.11 The remarking of an examination is not an outcome available under special consideration provisions.
- 3.4.12 Where the decision relating to an application for special consideration results is an individual being

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<sup>1</sup> Meaning the examination fee will be refunded and/or the College will not be count it as an attempt.

granted an additional or supplementary attempt at an examination, the charging of fees to present at that attempt may apply.

### **3.5 Special Consideration – Other College Requirements and Assessments**

3.5.1 Individuals may apply for variation from the usual College requirements (training and learning requirements, or requirements stated in a College regulation, policy or handbook) and variations from the usual assessments (other than an examination) on the basis of exceptional circumstances.

#### **Possible outcomes**

3.5.2 The outcome of an application for special consideration outlined in 3.5.1 may be any of the following:

- a) The individual may be granted a variation to the requirement;
- b) The individual may be granted a deferral or a time extension;
- c) Other consideration granted as deemed appropriate; or
- d) The application may be declined / no action may be taken.

### **3.6 Application Process**

3.6.1 An individual who becomes aware of exceptional circumstances in accordance with this policy that may impact an assessment (including an examination) or College requirement may apply to the College for the granting of special consideration.

3.6.2 Applications for special consideration should be submitted by the individual affected or, if this is not possible due to the nature of the event(s) in question, by the individual's nominee.

3.6.3 Applications must be made in writing on the prescribed form and be accompanied by:

- a) A letter or email from the affected individual detailing the nature of the circumstances and specifying in what way(s) those circumstances are considered to be 'exceptional' and how the circumstances hampered the individual's capacity to meet the requirement(s) to which the application relates or adversely affected their performance in the assessment(s) or examination;
- b) The nature of the special consideration being sought (e.g. adjustment arrangement, withdraw from an examination etc.) and the particulars of the requirement or assessment for which it is sought; and
- c) Supporting documentation, as applicable (refer to section 3.6.9). Supporting documentation submitted subsequent to the submission of an application will only be considered at the discretion of the College.

#### **Timeframes**

3.6.4 Individuals must apply prospectively for special consideration where any exceptional circumstances that may adversely affect their capacity to meet or complete a College requirement or their performance in an assessment are known.

3.6.5 Applications for assessment adjustment arrangements must be submitted to the College as soon as possible before the due date of the assessment or no later than the application closing date of the assessment if there is one (particularly if the assessment is an examination). Applications may

be accepted after the application closing date where an individual experiences acute circumstances that may arise after the closing date. Such applications should be submitted prior to the assessment, as soon as the individual becomes aware of the circumstances.

3.6.6 In all other circumstances, applications must be submitted:

- a) within 72 hours of the date on which the assessment was conducted; or
- b) Prior to sitting/attending and as soon as possible after the individual becomes aware that such exceptional circumstances exist, or within **72 hours** of the date of the requirement or event, whichever is the earlier; or
- c) In relation to other circumstances or conditions that may otherwise adversely affect or impact training and the ability of the individual to perform adequately, within 7 days of the individual becoming aware of those circumstances or conditions; or
- d) Within such other period which the College (or approved delegate) may, at its sole discretion, allow.

3.6.7 Special consideration may be refused where an application has been made outside the timeframes stipulated in this policy.

### **Late Applications**

3.6.8 Applications made outside the required timeframe, or where the original application was made within the required timeframe but was not made on the prescribed form, may still be submitted, but may only be accepted if the College is satisfied that it was not possible for the application to have been made by the required date or on the prescribed form.

3.6.9 Late applications must include an outline of the reason(s) why the application was not submitted within the required timeframe, as well as all other documentation and information stipulated in this policy, any other relevant regulations/policies and must be on the prescribed application form.

### **Supporting Documentation**

3.6.10 Supporting documentation, in English or certified English translation, may only be accepted from appropriate professionals (e.g. registered medical practitioners, lawyers and police), provided that the person issuing or signing the document is NOT a relative or other family member of the individual or a Candidate in the same assessment(s). The College may refuse to accept unauthorised documents, copies or informal emails or correspondence, and may require original documentation or certified copies. The College reserves the right to contact third parties who provide supporting information for clarification and confirmation or for further information.



Exceptional Circumstance	Supporting Documentation
Permanent or chronic impairment or disability	<p>A detailed medical certificate or letter from the current treating specialist:</p> <ul style="list-style-type: none"> <li>▪ describing the nature of the impairment or disability;</li> <li>▪ the period of time the individual has suffered the impairment or disability; and</li> <li>▪ If applicable, the nature and specific type of alternative arrangements required.</li> </ul>
Religious observance requirements where the scheduling of a College assessment significantly impacts the person's ability to practice their religion or culture.	<p>An explanation from the individual outlining what aspect of their religion is significantly impacted by the scheduling of the assessment.</p> <p>Note: The College may also seek advice from an authority in the particular religion prior to making a decision in relation to an application made on the grounds of religious observance.</p>
Pregnancy or nursing an infant at the time of sitting a College examination	<p><i>In respect of pregnancy</i> – a medical certificate or letter from the treating medical or midwife practitioner confirming stage of pregnancy at the date of the examination and nature of adjustment sought.</p> <p><i>In respect of nursing an infant</i> – a declaration from the individual signifying that they are expecting to be breastfeeding an infant at the date of the examination.</p>
Medical grounds	<p>A medical certificate, formal documentation or letter from the treating medical practitioner, including the following details:</p> <ul style="list-style-type: none"> <li>▪ the date the practitioner examined the individual, which should be <i>prior to</i> or on the date of the assessment or examination that is subject to the application;</li> <li>▪ the severity of the medical condition; and</li> <li>▪ the medical practitioner's opinion on the impact of the condition on the individual's capacity to meet the requirement(s)/assessment that are subject of the application, including their performance in the assessment.</li> </ul> <p>Note: a treating medical practitioner supplying evidence should have a professional doctor-patient relationship with the individual and should not be a family member, friend, relative supervisor, employer or colleague.</p>
Compassionate grounds	<p>Supporting documentation may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ a bereavement notice and/or statutory declaration stating the relationship of the individual to the deceased</li> <li>▪ a notice from the treating medical practitioner where illness is involved</li> <li>▪ a copy of a police incident report</li> <li>▪ a statutory declaration stating the relevant circumstances.</li> </ul>

### 3.7 Consideration of Applications

- 3.7.1 Applications for special consideration will be considered on their merits in accordance with this policy.
- 3.7.2 Applications for special consideration will be considered by the Chair of the relevant College entity, a subgroup of the entity or the full membership of the entity as deemed appropriate by the Chair of



the entity in question, or the College Representative nominated by the College for this purpose, either as dictated by relevant College policy or as deemed necessary by the College.

3.7.3 In making a decision, factors such as the following will be taken into account:

- a) The extent to which the circumstances cited in the application are considered to be exceptional in that they could reasonably be seen as having, to a substantial degree, hampered the individual from meeting the requirement(s) in question, or as having adversely impacted on their performance in the assessment/examination.
- b) The extent to which the circumstances cited are considered to have been foreseeable and/or avoidable by the individual.
- c) The degree to which the exceptional circumstances are supported by the documentation provided in the application.
- d) The relief, if any, previously granted by the College in relation to the exceptional circumstances that are the subject of the application.
- e) Previous College decisions in relation to other applications citing similar grounds.

3.7.4 As far as is possible, applications for special consideration will be regarded in the strictest confidence and with utmost sensitivity. Where necessary, the Chair of the entity considering the application and supporting documentation may inform other members of the entity of the general nature of the matter relating to the application in order to enable a decision to be made.

3.7.5 As part of an application under this policy, an applicant may seek a specific form of relief should their circumstances be considered 'exceptional' and some relief warranted, however the decision of the nature of the relief to be afforded to the applicant will rest solely with the college entity(ies) considering the matter.

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

3.7.7 Applications made under this policy and their outcome will be retained by the College under relevant policy and/or legislation until it is considered that the information will no longer be required for reference by the applicant or the College. This may include retention when the individual is no longer undertaking the program in question, in order for the material to be available in the event that the College and/or the individual requires its use in relation to future training-related matters. These may include matters pertaining to consideration for dismissal from training or where an application to request a further examination attempt(s) in addition to the maximum allowable attempts is not granted.

## **3.8 Reconsideration, Review and Appeal**

3.8.1 Decisions made in relation to applications for special consideration under this policy are subject to the Reconsideration, Review and Appeal of Decisions Policy. However,

- a) if an individual has known of circumstances prior to or during any assessment and failed to notify those circumstances within the time prescribed, those circumstances may not form the basis of a reconsideration, review or appeal application<sup>2</sup>.

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<sup>2</sup> See RRA Policy, section 4.1.4 b)

- b) where an application has not been made under this policy within the timeframes required under this policy, that issue (failure to make application within time) may not be the subject of a reconsideration, review or appeal.

### 3.9 Additional support

- 3.9.1 The College has engaged Converge International to provide external support services to College Members. Information about this confidential service can be accessed online at [www.convergeinternational.com.au](http://www.convergeinternational.com.au) or by phone 1300 687 327 (Australia) or 0800 666 367 (New Zealand).

## 4. Definitions

Term	Definition
Reasonable Adjustment	Means adjustment made (physical or technical) that enables individuals with a disability, conditions or special need to undertake their learning and/or assessment in a fair and equitable manner. The disability, condition or special need may be existing at the time of their initial enrolment or sustained throughout their studies.
College requirement	Includes any training, learning and assessment (including examination) requirements of an applicable training program (Fellowship Training Program or SIMG on the pathway to Fellowship), and other requirements stated in applicable College regulations, policies or handbooks.

## 5. Related documents

- Reconsideration, Review and Appeal of Decisions Policy
- Privacy of Personal Information Policy
- Conduct of Oral Examinations Regulation
- Payment of Fellowship Training Program Fees Policy

Document information			
Type:	Policy – Academic	Approval Date:	9 August 2024
Custodian:	Executive Director Education, Training and Development	Approved by:	RACMA Board
Version:	v1.0	Endorsed by:	Education and Training Committee
Next Review: 3 years from approval date or earlier if required			
Uncontrolled when printed			
Revision history			
Version	Date	Description	
v1.0	August 2024	New policy replacing the Special Consideration for the Oral Examination Policy (rescinded)	