



## EXCEPTIONAL CIRCUMSTANCES AND SPECIAL CONSIDERATION POLICY

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### 1. PURPOSE AND SCOPE

This policy outlines the criteria and processes by which those individuals subject to ACEM regulations and/or policies pertaining to a range of requirements, including those associated with training and assessment, may apply for variation to the normal requirements on the grounds of exceptional circumstances that may justify special consideration. The application of this policy applies to a range of groups and College activities, including:

- Trainees undertaking the specialist emergency medicine (FACEM) Training Program
- Trainees undertaking either the Emergency Medicine Certificate (EMC) or Emergency Medicine Diploma (EMD) training programs
- Trainees undertaking the Diploma of Pre-Hospital and Retrieval Medicine (DipPHRM) Training Program
- Specialist International Medical Graduates (SIMGs) being assessed for comparability to an ACEM-trained specialist emergency physician, or suitability for an Area of Need position, or undertaking training, assessment or supervision requirements as part of a pathway to obtain ACEM Fellowship
- Fellows and other College members required to undertake a Continuing Professional Development (CPD) program for the purposes of recertification.

Significantly, the policy applies to individual(s) undergoing formal College assessment (including examination(s)) for training or other purposes pursuant to College regulations and describes the process by which they may apply for, and the College will assess applications for, special consideration of exceptional circumstances that may have adversely affected their performance in an assessment(s). In this regard, the policy is intended to cover 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 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.

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 College document COR355, *Reconsideration, Review and Appeals Policy*.

## 2. TERMINOLOGY

### ***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 optimally in any College assessment(s).

### ***Special Consideration***

Means 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.

## 3. EXCEPTIONAL CIRCUMSTANCES

- (1) Applications for special consideration will be considered on their merits in accordance with this policy.
- (2) Where an individual subject to College requirements relating to training and assessment:
  - (a) Fails to meet a specific requirement, and
  - (b) Can demonstrate to the satisfaction of the Council of Education (COE)/approved delegate:
    - that the circumstances involved are, in fact, such that they may be deemed to be 'exceptional', and
    - that grounds exist for that individual to be afforded special consideration due to these circumstances

the COE/approved delegate *may* form the view that the individual concerned be given special consideration with regard to the usual requirements of the regulation, policy and/or assessment in question.
- (3) Notwithstanding a conclusion that the circumstances involved are 'exceptional' and that grounds may exist for the individual to be afforded special consideration, there is no obligation for the COE/approved delegate 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 special circumstances.
- (4) 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.

### 3.1 Grounds for Exceptional Circumstances

- (1) 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 or policy, or to perform optimally 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
  - (c) Compassionate grounds, such as:
    - The recent death or serious illness of an immediate family member, partner or close relative
    - The recent birth or adoption of a child.
  - (d) Severe stress resulting from extreme hardship or trauma (e.g. victim of violent crime).
- (2) Notwithstanding clause 3.2 below, 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.

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

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 examination or assessment 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.

The following would normally 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 where the application refers to the result of travel arrangements made by the individual submitting the application
- (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 complete 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) Excessive educational commitments outside the applicable training program (i.e. FACEM, EMC, EMD, EMAD, DipPHRM or SIMG pathway)
- (h) Work-related anxiety and stress such as may be met in the course of normal medical practice including adverse outcomes, medico-legal issues

- (i) The inability of the individual to organise their time effectively in order to meet administrative requirements/deadlines, including the completion of the training time and assessment requirements of a College training program within the specified timeframe
- (j) Ignorance of relevant published regulations and/or policies
- (k) Computer-related or other similar technological failure
- (l) Loss or theft of books or notes or similar materials
- (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 alternative arrangements were available (e.g. withdrawal, deferral or other special arrangements, etc.) and application was not made for such arrangements.

#### 4. ALTERNATIVE ASSESSMENT ARRANGEMENTS

- (1) It may be possible for a person to undertake an assessment under alternative or special conditions on account of:
  - Permanent or chronic impairment or disability
  - Religious observance requirements which do not permit participation in an assessment at a particular time or on a particular day
  - Pregnancy or nursing an infant at the time of sitting an ACEM examination.
- (2) To be eligible for an assessment to be undertaken under alternative arrangements, the individual must submit a written request to the College in writing at least **three (3) months** before the due date of assessment or the date on which it is scheduled to be conducted. Such requests must include:
  - (a) The type and date of the assessment for which alternative arrangements are sought
  - (b) *In respect of impairment or disability grounds* – a detailed medical certificate (see also clause 8.2 – Supporting Documentation):
    - describing the nature of the impairment or disability
    - the period of time the individual has suffered the impairment or disability
    - the nature and frequency of treatment the individual requires for the condition causing the impairment or disability
    - the nature and type of alternative arrangements relevant to the individual’s impairment or disability
  - (c) *In respect of religious observance grounds* – a declaration from the individual signifying that they have sought, but have not been able to obtain, dispensation from their religious organisation to participate in the assessment on the day or at the time in question.
  - (d) *In respect of pregnancy* – a medical certificate confirming stage of pregnancy at the date of the examination (see also clause 8.2 – Supporting Documentation)
  - (e) *In respect of nursing an infant* – a declaration from the individual signifying that they are expecting to be breastfeeding an infant at the date of the examination (see also clause 8.2 – Supporting Documentation).
- (3) 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.

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## 5. EXAMINATIONS

- (1) Applications for special consideration on the grounds of exceptional circumstances in relation to ACEM examinations will only be considered where the individual has submitted an application in accordance with this policy, including within the timeframe specified in clause 8.
- (2) In cases where examination candidates feel their examination preparation has been significantly impaired through a sudden illness or injury, the College should be contacted prior to the examination and advice requested. In some such instances it may be that the most appropriate course of action is for the individual to defer an examination attempt.
- (3) Applications citing longstanding conditions or circumstances are unlikely to be considered favourably, since the expectation is that, under such circumstances, the candidate should, where possible, withdraw from the examination and sit when fully prepared.
- (4) As per 8(6) below, no applications for special consideration in relation to any ACEM examinations will be accepted following the publication of results for the examination in question.
- (5) The outcome of an application for special consideration in an ACEM examination may be a recommendation to the COE/approved delegate of any of the following:
  - The individual may be allowed to withdraw from the examination without penalty
  - The individual may be allowed a further attempt at the examination without affecting the number of attempts available to them under relevant College regulations.
  - Other consideration be given as deemed appropriate.
  - The application may be declined / no action may be taken.
- (6) The remarking of an examination is not an outcome available under special consideration provisions.
- (7) Unless specified elsewhere in relevant Terms of Reference, Policy or other documents, consideration of applications made under this policy in relation to an ACEM examination will be made by the entity responsible for consideration of examination results for recommendation to the body that approves the results for application.

Applications in relation to examinations relating to the FACEM Training Program will be made by the Examinations Committee.

- (8) Although, 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, the decision of the nature of the relief to be afforded to the applicant will rest solely with the college body(ies) considering the matter.
- (9) Where the decision relating to an application for special consideration results in an individual being granted an additional or supplementary attempt at an examination, the decision will include a recommendation relating to the charging of fees or otherwise to the individual for presenting at that attempt.

Where an additional attempt at an examination is granted, and where this does not require an automatic associated extension of time in which to complete training and/or assessment requirements, the time limits available to complete part or all of the training requirements for which successful completion of the examination is a component, may, upon a separate application at an appropriate time, be extended to enable the allowable attempt at the examination in question, to be made.

- (10) Pursuant to 8.3(4) below, applications made by trainees under this policy in relation to ACEM examinations will be retained until a trainee is no longer undertaking the training program in question, in order for the material to be available in the event that the College and/or the trainee requires its use in relation to future training-related matters, including those pertaining to consideration for dismissal from a training program due to a trainee exhausting time limits in relation to allowed training time and/or examination attempts. This includes, but is not limited to, requests made through applications submitted under this policy for an examination attempt to not be counted as one of the maximum number of allowable attempts available to a trainee and the decision, for whatever reason, has been to not grant that relief.

## 6. WORKPLACE-BASED ASSESSMENTS

- (1) The College recognises that there are occasions where non-submission of a *completed* Workplace-based Assessment(s) is beyond the control of a trainee.
- (2) Where an application for special consideration on the grounds of exceptional circumstance relates to non-submission of a *completed* Workplace-based Assessment(s) and where non-submission of that Workplace-based Assessment(s) was beyond the control of the trainee, for the purposes of clause 8(5) of this policy, the 'date of the requirement or event' shall be the date and time at which the trainee is notified that a required Workplace-based Assessment(s) was not received by the College.

The trainee should, where possible, make other arrangements in regard to completing the requirements *before* submitting an application of Special Consideration.

It is expected that the individual should apply prospectively with regard to conditions or circumstances well known to the individual, and which affect the assessment process.

## 7. TRAINING REQUIREMENTS

This policy is not intended as an avenue to apply for a variation to training, with regard to assessable periods, defined through *certified placements* in relevant aspects of Regulation B.

## 8. APPLICATION PROCESS

- (1) An individual who becomes aware of exceptional circumstances and that grounds exist for the individual to be afforded special consideration may apply to the College for the granting of special consideration in relation to that assessment or requirement.
- (2) Applications should be submitted by the individual claiming to be affected by exceptional circumstances and requesting special consideration or, if this is not possible due to the nature of the event(s) in question, by the individual's nominee.
- (3) Special consideration may be refused where prompt application as outlined in this policy has not been made.
- (4) Any such application must be made in writing on the prescribed form and be accompanied by:
- (a) A letter from the affected individual detailing the nature of the circumstances, and specifying in what way(s) those circumstances are considered to be 'exceptional' in that they hampered the individual's capacity to meet the requirement(s) to which the application relates or adversely affected their performance in the assessment(s).
  - (b) All supporting documentation, including that specified in clause 8.2 of this policy (as applicable). It must be noted that supporting documentation submitted at a later date will only be considered with the application at the discretion of the College.

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- (5) Applications must be submitted and reach the College office:
- (a) In relation to applications for alternative assessment arrangements – within the timeframe specified in clause 4.
- (b) In all other circumstances:
- Within 72 hours of the date on which the assessment was conducted; or
  - 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
  - Within such other period which the Council of Education may, at its sole discretion, allow.
- (6) Any application for special consideration for an ACEM examination made after the publication of results in that examination will not be accepted.

### 8.1 Late Applications

- (1) Late 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 COE/approved delegate is satisfied that it was not possible for the application to have been made by the required date or on the prescribed form.
- (2) Late applications **must** include an outline of the reason(s) why the application was not submitted by the required date, as well as all other documentation and information stipulated in this policy, any other relevant regulations/policies and on the prescribed application form.

### 8.2 Supporting Documentation

- (1) Supporting documentation may only be accepted from appropriate professionals (e.g. doctors, 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).
- (a) Applications on **medical grounds** must be accompanied by a medical certificate from the treating medical practitioner, including the following details:
- the date the practitioner examined the individual, which should be PRIOR to or on the date of the assessment that is the subject of the application;
  - the severity of the medical condition; and
  - the medical practitioner's opinion on the impact of the condition on the individual meeting the requirements that are the subject of the application, including their performance in the assessment.
- (b) Applications on **compassionate grounds** should include appropriate supporting documentation that may include, but is not limited to, the following:
- a bereavement notice and statutory declaration stating the relationship of the individual to the deceased
  - a notice from the treating practitioner where illness of a close relative is involved
  - a copy of a Police incident report
  - a statutory declaration stating the relevant circumstances.
- (c) Applications on the **grounds of religious observance** must include a statement from a religious leader of the organisation advising that a dispensation from the religious observance in question has not been allowed.

- (d) Applications for alternative assessment arrangements on the basis of **pregnancy** must be accompanied by a medical certificate confirming the stage of pregnancy at the date of the examination, and details of the nature and type of alternative arrangements sought.
  - (e) Applications for alternative assessment arrangements on the basis of **nursing an infant** must include relevant supporting information concerning the birth of the child and a declaration from the examination candidate that they are expecting to be breastfeeding an infant at the date of the examination.
- (2) Applicants may be required to provide further information or documentation, as requested by the College.

### **8.3 Consideration of Applications**

- (1) Applications will be considered by the Chair of the relevant College entity, a subgroup of the entity convened for the purpose or the full membership of the entity, either as dictated by relevant College policy or as deemed necessary by the relevant Chair. 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 preventing the individual from meeting the requirement(s) in question, or as having adversely impacted on their performance in the assessment
  - (b) What might reasonably be expected to occur in the workplace and incorporate the impact on the viability of the event, other doctors and Fellows, the provision of health services and additional costs
  - (c) The extent to which the circumstances cited are considered to have been foreseeable and/or avoidable by the individual
  - (d) The degree to which the exceptional circumstances claimed in the application are supported by the documentation provided
  - (e) The relief, if any, previously granted by a College entity in relation to the exceptional circumstances that are the subject of the application
  - (f) Previous College decisions in relation to other applications citing similar grounds.
- (2) As far as is possible, applications for special consideration will be regarded in the strictest confidence and the College will strive to maintain the anonymity of individuals who submit an application. Where necessary, the Chair of the entity considering the application may inform other members of that body of details of the circumstances relating to the application in order to enable a decision to be made in relation to the application.
- (3) 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.
- (4) 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 (refer also 5 (10) above in relation to ACEM examinations).

## **9. RECONSIDERATION, REVIEW AND APPEAL**

Decisions made in relation to applications for special consideration under this policy are subject to the College *Reconsideration, Review and Appeals Policy* (COR355).



## 10. DOCUMENT REVIEW

Timeframe for review: every two (2) years, or earlier if required.

### 10.1 Responsibilities

Document authorisation: Council of Education  
 Document implementation: Executive Director of Education and Training  
 Document maintenance: General Manager, Governance and Standards

### 10.2 Revision History

Version	Date of Version	Pages revised / Brief Explanation of Revision
v1	Sep-2011	Approved by Council.
v2	Nov-2012	Special consideration on grounds of religious observance inserted.
v2-1	Mar-2014	Consequential changes as per governance review – ‘Board of Education’ to ‘Council of Education’.
v3	Dec-2015	The policy has been renamed (formerly the <i>Policy on Special Consideration</i> ) and extensively amended throughout.
v4	Mar-2016	Revisions to clarify matters associated with Workplace-based Assessments through the insertion of new clause 6, with consequential renumbering of clauses that follow.
v5	Mar-2018	Revisions to clarify matters associated with decisions regarding examination results and the insertion of new clause 7, with consequential renumbering of clauses that follow.
v6	Jun-2018	Revisions to clarify relief not necessarily granted where exceptional circumstances are considered to exist.
v7	Aug-2018	Revisions to clarify matters associated with pregnancy and nursing an infant at the time of sitting an ACEM examination.
v8	Feb-2021	Revisions to clarify bodies (including individuals) who may consider applications, as well as the retention of applications and outcomes for future use in related matters.