



Australasian College  
for Emergency Medicine

# Exceptional Circumstances and Special Consideration Policy

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## Document Review

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|--------------------------|---|
| Timeframe for review:    | Every two years, or earlier if required |
| Document authorisation:  | Council of Education                    |
| Document implementation: | Deputy CEO                              |
| Document maintenance:    | Manager, Governance and Standards       |

## Revision History

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| Version | Date      | 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 section 6, with consequential renumbering of sections that follow.         |
| v5      | Mar-2018  | Revisions to clarify matters associated with decisions regarding examination results and the insertion of new section 7, with consequential renumbering of sections 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.      |
| v9      | Feb-2022  | Revisions to reflect Introduction of revised FACEM Training Program from 2022 Training Year (Regulation G)   |
| v10     | July-2023 | Significant revisions throughout to clarify exceptional circumstances and relief that may be afforded for specific assessments/requirements.                                     |

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# 1. Purpose and Scope

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This policy outlines the criteria and processes by which those individuals subject to ACEM regulations and/or policies may apply for variation to the 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 FACEM Training Program.
- Trainees undertaking either the Emergency Medicine Certificate (EMC), Emergency Medicine Diploma (EMD) training or Emergency Medicine Advanced Diploma (EMAD) 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.

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.

Individuals are encouraged to apply and disclose circumstances that may impact their assessments as soon as possible to ensure appropriate and timely planning and support are put in place. Any information disclosed to the College will be managed in the strictest confidence (refer section 7.3 (2))

It is generally expected that the individuals apply prospectively for special consideration where any exceptional circumstances that may adversely affect their performance in an examination or an assessment are known.

If individuals do not apply prospectively or within the timeframes prescribed by the College, it will be at the discretion of the relevant College entity to determine whether to consider the application (refer section 7.1)

Other than applications accepted for consideration under section 7.1, the policy will 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, Reconsideration, Review and Appeals Policy (COR355).

# 2. Terminology

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## ***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).

## ***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

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- (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 or is unable 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 on the basis of these circumstances

the COE/approved delegate may form the view that the individual concerned be granted 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 granted 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 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.
  - (c) Compassionate grounds, such as:
    - The recent death or serious illness of an immediate family member, partner, close relative, or those who have had a significant relationship with the individual.
    - The recent birth or adoption of a child.
  - (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 or bushfire).
- (2) Notwithstanding section 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.

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

Unless the College determines otherwise, an event, condition or another 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 generally be deemed to have accepted those circumstances and will not be entitled to special consideration, unless the College determines otherwise.

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 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) 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 (i.e. FACEM, EMC, EMD, EMAD, DipPHRM or SIMG pathway), 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 the training time and assessment requirements of a College training program 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 item 5.2 of this document.
- (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 other options were available (e.g. withdrawal, deferral or adjustments to examination arrangements, etc.) and application was not made for such arrangements.

## 4. Arrangements for Assessment & Examination Adjustments

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- (1) It may be possible for a person to undertake an assessment or examination where reasonable adjustment arrangements are made on account of the following exceptional circumstances:
  - 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) Applications must be submitted to the College in writing as soon as possible but not later than the application closing date of the examination.

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

Applications must include the following:

- (a) The particulars of the assessment or examination (type and date) for which adjustment arrangements are sought.
- (b) The nature of the adjustment arrangement(s) being sought (e.g., additional time or a scribe).
- (c) Supporting documentation (refer to section 7.2).

## 5. Examinations

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- (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.
- (2) In cases where examination candidates 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, submit a special consideration application to extend a training due date to allow for a future sitting.
- (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 or have applied for adjustment arrangements as outlined in 4(1).
- (4) Any application for special consideration for an ACEM examination made after the publication of results in that examination will only be accepted at the discretion of the relevant College entity (refer section 7.1).

### 5.1 Incident/Issue(s) During an Examination

If a technical and/or procedural issue is encountered during an examination, the candidate must make the examiner/invigator immediately aware at the time of the issue(s).

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.

## 52 Post Examination Considerations

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.

Applications for post examination considerations must be submitted within the following specified timeframes:

- Within 72 hours of the date on which the examination was conducted; or
- Within such other period which the Council of Education, or approved delegate, may, at its sole discretion, allow.

## 53 Possible Outcomes

- (1) The outcome of an application for special consideration in an ACEM examination may be any of the following:
  - The individual may be allowed to withdraw from the examination without penalty; or
  - The individual may be allowed a further attempt at the examination once all available attempts have been exhausted; or
  - Other consideration granted as deemed appropriate; or
  - The application may be declined / no action may be taken.
- (2) The remarking of an examination is not an outcome available under special consideration provisions.
- (3) 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 charging of fees to present at that attempt may apply.

Where an additional attempt at an examination is granted and the trainee does not require an extension of time in order to complete training and/or assessment requirements, the time limits available to complete their remaining training requirements may, upon a separate application at an appropriate time, be extended to enable the allowable attempt at the examination in question, to be made.

- (4) 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. 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.

## 6. Workplace-Based Assessment

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- (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, 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 to complete the requirement(s) before submitting an application for special consideration.

Individuals should apply prospectively for special consideration where any exceptional circumstances that may adversely affect the assessment process are known.



## 7. Application Process

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- (1) An individual who becomes aware of exceptional circumstances in accordance with this policy that may impact an assessment, examination or requirement may apply to the College for the granting of special consideration.
- (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) Applications 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' 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) Supporting documentation, as applicable (refer to section 7.2). Supporting documentation submitted subsequent to the submission of an application will only be considered at the discretion of the College; and
  - (c) Payment of the prescribed fee (upon invoice by the College).
- (4) Special consideration may be refused where application has been made outside the timeframes stipulated in this policy:
  - Applications for assessment and examination adjustment arrangements – as soon as possible before the due date of the assessment or no later than the application closing date of the examination. Applications may be accepted after the application closing date where a candidate experiences acute circumstances that may arise after the closing date of an examination. Such applications should be submitted prior to the assessment or examination, as soon as the candidate becomes aware of the circumstances
  - 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
    - In relation to other circumstances or conditions that may otherwise adversely affect or impact training and the ability of the trainee to perform adequately, within 7 days of the individual becoming aware of those circumstances or condition; or
    - Within such other period which the Council of Education (or approved delegate) may, at its sole discretion, allow.

### 7.1 Late Applications

- (1) 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 relevant College entity/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 and/or the circumstances are considered to be significant to warrant acceptance of the application.
- (2) 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 on the prescribed application form.

## 72 Supporting Documentation

- (1) Supporting documentation, in English or certified English translation, 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). 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  |
|---|---|
| <p><b>Permanent or chronic impairment or disability</b></p>   | <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>– the nature and frequency of treatment the individual requires for the condition causing the impairment or disability.</li> <li>– If applicable, the nature and specific type of alternative arrangements required</li> </ul>   |
| <p><b>Religious observance</b> requirements that do not permit participation in an assessment at a particular time or on a particular day</p> | <p>A statutory 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.</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>  |
| <p><b>Pregnancy or nursing an infant</b> at the time of sitting an ACEM examination</p>   | <p><b>In respect of pregnancy</b> – a medical certificate or letter from the treating medical or midwife practitioner confirming the stage of pregnancy at the date of the examination and nature of adjustment sought</p> <p><b>In respect of nursing an infant</b> – a declaration from the individual signifying that they are expecting to be breastfeeding an infant at the date of the examination</p>  |
| <p><b>Medical grounds</b></p>   | <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 prior to 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 meeting the assessment/ examination requirements that are subject of the application, including their performance in the assessment/examination.</li> </ul> <p>Note: a treating medical practitioner supplying evidence should have a professional doctor-patient relationship with</p> |

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|                              | the individual and should not be a family member, friend, relative supervisor, employer or colleague.   |
| <b>Compassionate grounds</b> | Supporting documentation that may include, but is not limited to, the following: <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> |

### 73 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 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) What might reasonably be expected to occur in the workplace and the impact of the event, on the provision of health services.
  - (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 are supported by the documentation provided in the application.
  - (e) The relief, if any, previously granted by the College 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 with utmost sensitivity. Where necessary, the Chair of the entity considering the application and supporting documentation may inform other members of the general nature of the matter relating to the application in order to enable a decision to be made.

- (3) 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 relevant College entity considering the matter.
- (4) 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.
- (5) 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 4.3(6)) above in relation to ACEM examinations).

## 8. Reconsideration, Review and Appeal

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



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