



**The Royal College of
Emergency Medicine**

Misconduct Policy for MRCEM and FRCEM Examinations

Published 21 April 2016

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1. Introduction

By virtue of entering an examination candidates are deemed to have understood and agreed to abide by all examination regulations and policies. Candidates found to be in possession of unauthorised materials or equipment, including mobile phones, will be deemed guilty of misconduct whether the items have been used or not. Any allegations of misconduct raised by an invigilator, examiner or fellow candidate will be investigated and acted upon in accordance with the following:

Examples of misconduct include but are not restricted to:

- Making arrangements, or seeking to make arrangements, for another person to sit the examination in the candidate's stead.
- Impersonating an examination candidate. If the impersonator is a member of the College action may be taken against them in accordance with the Bye Laws, in addition to any action taken against the candidate.
- Dishonestly obtaining or attempting to obtain entry to the examination by making false claims about eligibility for the examination or falsifying any aspects of the entry documentation.
- Obtaining or seeking to obtain unfair advantage during an examination, or inciting other candidates to do so. Examples of unfair advantage are:
 - having on the person any material that would give advantage in an examination once the examination has commenced (this includes written material in note or printed form, mobiles phones and electronic communication devices),
 - communicating or attempting to communicate with another candidate once the examination has commenced, including passing information about the contents of clinical examinations to candidates on subsequent days of the same sitting. In such circumstances both candidates would be the subject of the misconduct investigation.
 - failure to follow the instructions given by examiners or examinations staff concerning the conduct and procedure for the examination. For example, candidates continuing to write after the end of a written examination.
- Removing or attempting to remove from the examination any confidential material relating to the content or conduct of the examination.
- Obtaining or attempting to obtain confidential information concerning the examination from an examiner, College staff or other third party (eg

role-player, examination helper).

- Passing confidential information on the content of the examination to a third party.
- Unacceptable or disruptive behaviour during an examination.

Personal belongings must be placed in the designated areas as instructed by the examination invigilators. Mobile phones must be switched off for the duration of the examination and must not be on the candidate's person. Valuables should not be brought to the examination. Please note the College will not take responsibility for any loss or damage to personal belongings.

2. Reporting Misconduct

In the event that a candidate is suspected of misconduct by an invigilator, examiner or fellow candidate the Senior Invigilator on site should be informed immediately. The Senior Invigilator may confiscate any unauthorised materials or equipment, including mobile phones or other electronic devices, from the candidate who must surrender these on request. If the candidate fails to surrender materials or equipment requested by the Senior Invigilator it will be deemed that the alleged offence has occurred. The Senior Invigilator may retain any confiscated materials and will, in any event, make reference to them in their report.

The Senior Invigilator must inform the Director of Education, or their nominated Deputy, of the allegation and submit a detailed written report outlining the particulars of the allegation. If the alleged misconduct occurs during a clinical or oral examination, the examiner must make detailed, contemporaneous notes.

Upon receipt of the report the Director of Education, or their nominated Deputy, may request any additional investigation he/she thinks is appropriate. If the Director of Education/their nominated Deputy concludes that there are no grounds or insufficient evidence to support the allegation of misconduct, no further action will be taken and no record of the incident will be recorded on the candidate's College record.

3. Review of Alleged Misconduct

If the Director of Education/their nominated Deputy believes there are grounds for concern that require further investigation, he/she will inform the candidate that they are under investigation following an allegation of misconduct and that the results of their examination will be withheld pending an investigation.

The candidate will be sent a copy of the Senior Invigilator's report and any additional evidence obtained by the Director of Education/their Nominated Deputy. The candidate will be invited to submit a response within ten working days of the dispatch of the material to them by e-mail.

If, within ten working days, the candidate admits the allegations made against them in writing (by letter or e-mail) the matter will be referred to the College Executive for formal consideration at their next meeting and the award of an appropriate penalty.

If the candidate does not admit or denies the allegations made against them, either in part or in whole, or no communication has been received from them, the Director of Education/their nominated Deputy will convene an Investigatory Board consisting of two Fellows of the College, who are not Lead Examiners or members of Council, and one lay member of the Lay Advisory Group (LAG) to review all the particulars of the case. The Investigatory Board will meet electronically (by conference call, Skype or similar) or in person.

The Examinations Manager, or their nominated deputy, will act as Secretary to the Investigatory Board and will be responsible for collating and circulating, to the members of the Investigatory Board and the candidate all the relevant documentation by e-mail a minimum of ten working days prior to the scheduled meeting of the Investigatory Board and notifying all parties of relevant dates, including the date by which a final decision will be reached. If, having seen the evidence, the candidate wishes to make any further submissions to the Investigatory Board, they must do so within five working days of dispatch to them, by e-mail, of the evidence upon which they wish to comment. Any such submission should be emailed to the Secretary to the Board who will supply it to the Investigatory Board. Only evidence provided directly by the Secretary to the Board may be considered by the Investigatory Board. Neither the candidate nor the Board will be provided with any information regarding the candidate's examination result or performance in the examination in question.

The Board will review all the available evidence and decide whether it finds the allegation of misconduct proved on the balance of probabilities. The details of the investigation will remain confidential unless a finding of misconduct is made following which the College would notify any relevant parties, including the GMC and the LETB, of that finding as appropriate. The decision of the Board will be notified to the candidate within five working days of the decision date.

Where the Investigatory Board finds an allegation proved on the balance of probabilities, the Examinations Manager shall notify the candidate of the outcome and inform them they have ten working days to appeal the decision. If, after ten working days, no further communication has been

received from the candidate the findings of the Investigatory Board will be referred to the College Executive at their next meeting. The College Executive shall impose penalties as it sees fit. Penalties for misconduct include, but are not restricted to:

- No further action taken
- A written warning
- Result of an examination (or part of an examination) being declared void and the candidate disqualified
- Candidate barred from sitting the examination again for a specified time period

The College Executive also reserve the right to forward details of the misconduct to the GMC/relevant National Medical Council and the candidate's education supervisor or, for UK trainees, their Head of School.

Where a candidate's attempt is ruled as void the attempt will be recorded against the candidate's examination history but the result will not be published.

Appeals against Investigatory Board Outcome

If the candidate wishes to appeal the outcome of the Investigatory Board, notice of the appeal must be submitted to the Examinations Manager within ten working days of the date of the notification to them of the decision by e-mail. Included in the notice of appeal must be the detailed grounds for appeal and any supplementary evidence the candidate wishes to present. A fee of £1,250 must be submitted with the appeal which will be refunded in full should the appeal be successful.

The Director of Education will convene an Appeals Panel within eight weeks of receipt of the notice of an appeal. The Appeals Panel will consist of two College Fellows and a member of the Lay Advisory Group (LAG) who have not previously been involved in any aspect of the Investigatory Board process and shall have no current or previous connection with the candidate. The Examinations Manager shall be appointed secretary to the Appeals Panel and attend the Panel as an observer. He/she will agree the date of the Panel with the candidate.

The candidate will be invited to attend the Panel meeting in person and may be accompanied one person of their choosing, whom the candidate is required to identify in advance, providing ten working days' notice.

The Panel will review the findings of the Investigatory Board and may invite the Board or candidate to produce further evidence prior to the hearing.

The Appeals Panel may invite any person to give evidence before it. The Panel and the candidate, may question any person before it.

The candidate will be informed of the Appeals Panel decision within ten working days of the hearing. If the appeal is rejected, the candidate will be informed of the reasons for the Panel's decision. If the findings of the Panel is to overturn the decision of the Investigatory Board, no further action will be taken and the candidate's result will be published. If the findings of the Appeals Panel support the decision of the Investigatory Board, the Panel's findings shall be reported to the College Executive at their meeting as per the regulations above. The candidate will be informed of the College Executive's decision within ten working days. There is no further right of appeal.