Appendix B - Process for cases of suspected malpractice in college examinations

PROCESS FOR CASES OF SUSPECTED MALPRACTICE IN COLLEGE EXAMINATIONS

Process for cases of suspected malpractice in college examinations policy v.2.2
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Revision History

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Relevant Policies, Templates and Forms:

The following policies, procedures and guidance should be used or referred to when necessary alongside this policy. All policies and templates are available on the RCPCH website once finalised and approved.

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Process for managing allegations of candidate malpractice in RCPCH examinations

1 Introduction

1.1 It is of vital importance that the RCPCH maintain the integrity of its examinations. As a result, we have designed an Examination Review Process to detect and investigate suspected instances of candidate malpractice in College examinations, and in such an investigation the College will follow this procedure. Candidates are given clear warning that malpractice in examinations is not tolerated and may lead to the individual being expelled from the College and reported to the General Medical Council, as well as failing and being barred from retaking the examination.

1.2 In this examination review process, malpractice means acting improperly in relation to a College examination with the aim of gaining an unfair advantage for any person. It includes but is not limited to:

- Engaging or colluding in copying or communicating with another candidate during the examination
- Improperly obtaining or sharing the questions/scenarios before or after the examination
- The use of electronic devices such as mobile phones, MP3 players, smart watches, other electrical devices etc. during the examination
- Impersonation, soliciting impersonation or falsifying entry criteria or qualifications.
- Being dishonest about your experience, qualifications and current role
- Bribing or attempting to bribe an invigilator, examiner or RCPCH staff member
- Attempting to influence or corrupt results processing
- The use of notes in any form during the examination; including notes written on body parts, clothes, water bottles and other objects, as well as paper.
- Continuing to write, examine or give answers after the allotted time
- Attempting to gain or pass on examination content prior to or after the exam being held
- Any other form of cheating, deception, fraud or conduct that is likely to give an unfair advantage to a candidate or candidates
- Aiding or abetting any of the above.

1.3 Guidelines to be followed by theory examination invigilators who suspect an examination candidate of malpractice are set out in Annex 1. Guidelines to be followed by clinical examination invigilators/examiners who suspect an examination candidate of malpractice are set in Annex 2.

1.4 Before attempting any College examination candidates will receive one of the following instructions; in case of theory examinations this wording will also appears on the guidance screen (or when paper versions are used on the front cover) of their examination paper:

Theory Examinations

“It is strictly forbidden to talk to, read the work of, or attempt in any way to communicate with, other candidates whilst the examination is in progress. Please exercise vigilance to ensure that no other candidate can attempt to copy your work. The College has tools, which can identify copying of answers..."
or collusion between candidates to share answers. If such a situation were to arise all identified parties will be investigated. Breaches of these instructions, or misbehaviour in any other way relating to this theory examination, including continuing to attempt to answer after the allotted time, may lead to suspension from the examination. Any attempt at copying or colluding to gain advantage, may lead to permanent suspension from College examinations and notification to the GMC or the relevant medical regulator where the candidate holds medical registration. If a candidate is suspected of malpractice during an examination the invigilator may discuss their concerns privately with the candidate at the end of the exam session.”

Clinical Examinations

“It is strictly forbidden to talk to or attempt in any way to communicate with other candidates whilst the clinical examination is in progress. It is equally important that candidates from one session or circuit of a clinical examination do not interact with candidates from a separate session or circuit of a clinical examination. Candidates must not share or discuss the nature of cases or scenarios that are used in individual clinical examination stations. Please note that no notes, textbooks or documents of any kind may be taken into any section of the examination; nor are you allowed to have any notes written on any part of the body etc.

Once a candidate has been notified of the location of their clinical examination it is forbidden for any candidate to visit the ward or unit where their clinical examination is being held prior to their clinical examination date. If you have visited this ward or unit, please inform the Senior Examiner or RCPCH staff prior to the examination starting. Interaction of any kind with staff or patients at the examination site is prohibited before the day of the examination. Any attempt to make use of prohibited materials/devices or colluding to gain advantage, may lead to permanent suspension from College examinations and notification to the GMC or the relevant medical regulator where the candidate holds medical registration. If a candidate is suspected of malpractice during an examination the Senior Examiner or Host may discuss their concerns privately with the candidate at the end of the exam session.”

1.5 Our Electronic Protection System
In addition to conventional patterns of invigilation and reporting of all occurrences during the course of a theory examination, the College use information technology to detect collusion/copying. At present we use a specially designed software programme to recognise when the response pattern of multiple candidates is likely to be beyond the realms of what could occur by chance and therefore requires further investigation. A positive correlation between response patterns is the trigger for further investigation under the auspices of an Examination Review Panel.

1.6 When such a correlation is identified it may not be immediately apparent which of the candidates have copied from the other(s) or whether these candidates were operating in collusion with one another. All candidates are advised that they must be willing to cooperate fully in any investigation into possible cases of malpractice and are warned that such a process may delay the confirmation of their results. The
College will seek to ensure that innocent parties are not materially disadvantaged by such delays.

1.7 Where a reasonable suspicion of malpractice exists for either a theory or clinical examination, an Examinations Review Panel will be called to examine the evidence and suggest a suitable outcome. Should an Examinations Review Panel impose a sanction on any candidate for malpractice then that candidate is entitled to appeal to a further independent panel.

2. Initial Information/Evidence Gathering

Theory Examinations

2.1 If centre invigilators, or Examinations Team staff record any activity that raises serious concern, the responsible examination administrator/coordinator will also prepare a report for the Examinations Manager. Such Invigilator Reports will be considered by the responsible administrators together with any other relevant information.

2.2 Computer analyses are routinely considered by our Psychometric Team. Where response patterns raising concerns are identified the team will consider other relevant information, such as the location of the suspicious pair(s) and prepare a report for the Examinations Manager. The centre invigilation reports will be scrutinised to see if any corroborative evidence is available.

2.3 Where the software analysis has not been completed prior to the issuing of the examination results, the results may be withdrawn, or the candidate concerned may be informed that the results that they have received will be declared provisional until the investigation is complete.

Clinical Examinations

2.4 Any suspicion of malpractice during the Clinical Examination will be noted in the Senior Examiner Report. This report is read initially by the MRCPCH Clinical Exams Coordinator/DCH Clinical Administrator/Examinations Manager and any incidents of suspected malpractice are brought to the Examinations Manager’s attention.

2.5 The Examinations Manager will then consult the Senior Examiner, any other examiners and host team staff involved in the case to establish the details of the events.

3 First Consideration and notification

3.1 The Examinations Manager and Quality and Standards Manager will consider the evidence available. Where the evidence suggests that an investigation may be appropriate they will consult the Assistant Officer for Exams or the Chair of the MRCPCH Clinical Exam.

3.2 The Examinations Manager, Quality and Standards Manager and Assistant Officer for Exams/Chair of MRCPCH Clinical will then decide whether it gives rise to a reasonable suspicion that a case of malpractice may have occurred and requires formal investigation. If so, the Examinations Manager will write to those candidate(s) informing them that an investigation into their behaviour during the examination is being undertaken. Under normal circumstances this process will be undertaken within five weeks from receipt of the information / report.
4. **Formal Investigation**

4.1 The Examinations Manager will:

- Inform the candidate(s) concerned, in writing, of the nature of the allegations and the processes involved in the investigation. In appropriate cases they will be advised that until the investigation is complete their results from that examination will either be withheld or provisionally issued subject to investigation outcome.
- Interview each candidate involved. A formal face to face or web conference interview will be offered to explain the process and to provide opportunity to establish the candidate's own version of events. Two RCPCH staff must be present to undertake the interview with candidates who may potentially be investigated. The interview will be recorded. The candidates are not permitted to bring representation to the interview;
- Undertake any other appropriate task to ensure a full and thorough investigation occurs which may include;
  - Gathering other evidence as deemed appropriate;
  - Obtaining further written statements from invigilators / examiners / observers present;

4.2 The candidate(s) will be asked to provide a signed written statement outlining their explanation of events and any mitigating factors that should be considered by the Examinations Review Panel. Candidate(s) who admit to malpractice in their examination will be asked to confirm this in writing. The Examinations Review Panel is further defined in 8.1

4.3 Candidates under investigation will not normally be eligible to apply for entry to any other College examination until the investigation is complete. Where candidates under investigation are permitted to take a subsequent examination, the result of that examination may be withheld or issued on a provisional basis until the investigation is complete, and a successful completion in a subsequent examination is liable to be nullified if the panel finds that the candidate is guilty of any cheating.

4.4 Under no circumstance will a candidate be allowed to take an examination if the Panel considers that this would create a risk to patients.

4.5 Should those under investigation be subsequently exonerated, a period of time corresponding to any period of suspension will if necessary be added to their examination registration periods and due consideration will be given to the number of attempts of examinations the candidate may have accrued during the period of the investigation.

5. **Determination as to whether there is a case to be answered by the candidate:**

5.1 The Examinations Manager will decide, after seeking any appropriate advice, whether there is a prima facie case that should be presented to the Examinations Review Panel. In the event that the Examinations Manager is in doubt that there is
a prima facie case, the Examinations Manager will write to the Officer for Examinations providing recommendations.

5.2 The Examinations Manager will prepare a summary of the facts and matters that are alleged to constitute cheating, along with a bundle containing the evidence in support.

5.3 Copies of the allegation and all materials that are to be placed before the Examination Review Panel will be provided to the candidate under investigation at least 42 days before the hearing. This will include a description of the procedure to be followed, including the fact that both sides are entitled to legal representation.

5.4 If the candidate wishes to present any evidence in his defence this should be served upon the Examinations Manager not less than 21 days before the date fixed for the hearing. This should include statements of any witnesses that the candidate proposes to call to give evidence. It is for the Examinations Review Panel to determine what evidence is relevant and admissible.

6. Formal hearing by the Examinations Review Panel

6.1 At the meeting of the Examinations Review Panel the Examinations Manager or the legal representative of the College will present the case for the College. They will make a short opening statement and then call witnesses in support of the allegations. The candidate or their representative will have the opportunity to cross examine the witnesses called by the College.

6.2 At the conclusion of the case for the College, the candidate will have the opportunity to give evidence and submit to cross examination.

6.3 When the evidence has been concluded both sides will be invited to make closing statements.

6.4 Upon completion of the hearing, the Examinations Review Panel will decide whether or not, on the balance of probability, each fact or matter alleged against the candidate has been proven.

6.5 The Examination Review Panel will document its conclusions and reasons and prepare a report with decided sanctions.

6.6 Any deviation from these processes will be at the discretion of the Chair of the Examinations Review Panel (the Officer for Examinations).

6.7 Each candidate will then be sent a copy of the Examination Review Panel’s decision, including any proposed sanctions recommended by the Examination Review Panel within five weeks of the Examination Review Panel meeting.

7. Right of appeal to the Appeals Panel

7.1 Should any candidate wish to appeal, they must notify the Examinations Manager of their intention to appeal in writing within 28 days of the date on which the Examination Review Panel’s report was sent to the candidates’ registered address. The appellant is required to submit written notification outlining the basis of their appeal.

7.2 The appeal must give reasons why the candidate thinks the decision is wrong. If the Appellant wishes to rely upon any evidence that was not before the Examinations Review Panel, this should be included with the Notice of Appeal.
If reasonably practicable, the Appeals Panel will convene within 70 days of an appeal being received and will consider the candidate's appeal in accordance with the Appeals Panel's term of reference.

At the appeal hearing the appellant is entitled to have representation at their own expense.

The appellant or their representative will be initially invited to present their case to the Appeals Panel.

The Chair of the Appeals Panel may invite the representative of the College to respond to any points made by the appellant.

The Appeals Panel may ask any questions of the appellant or the representatives of the Examinations Review Panel.

The appellant will be allowed to make a closing statement to the Appeals Panel in support of their appeal.

The Appeals Panel is empowered to accept the appeal in whole or part or to uphold the original decision. The Appeals Panel has the power to impose another sanction.

The panel will, in writing, finalise its decision within twenty working days of the hearing and provide to the appellant by sending it to the appellant’s registered address.

Any matter arising in relation to the terms of reference and conduct of the Appeals Panel that is not covered under the existing terms of reference or the conduct procedures shall be determined by the Chair and reported to the Appellant.

There is no further right to appeal.

Constitution of Panels

The following Panels will be appointed by the President. Other members may be co-opted at the discretion of the Chair. Both Panels will be assisted by a secretary.

Examinations Review Panel

Officer for Examinations - CHAIR
Fellow of RCPCH
Lay representative
Assistant Director of Education and Training

Appeals Panel

Vice President of Training and Assessment – CHAIR
Fellow of RCPCH
Lay representative
Director of Education and Training
8.3 No member may sit on both the Examinations Review Panel and the Appeals Panel in relation to the same proceedings.

9 Terms of Reference of the Examinations Review Panel

9.1 To decide whether an allegation of cheating against a candidate has been proven on the balance of probabilities.

9.2 To interview the candidate(s) and consider their evidence and explanation.

9.3 To propose a sanction on a candidate found to have cheated.

9.4 Any matter arising in relation to the terms of reference and conduct of the Examinations Review Panel that is not covered in the existing terms of reference, shall be determined by the Chair.

10 Terms of Reference of the Appeals Panel

10.1 To consider any appeal against the decisions reached by the Examination Review Panel as to findings and sanction.

10.2 To consider any original and additional evidence that arises as a result of a candidate appeal.

10.3 The Appeals Panel can accept the sanction set by the Review Panel or it can impose a sanction of its own choosing; which may be more serious than the decision of the Review Panel.

10.4 To make any recommendation to Examinations Executive Committee with reference to the conduct of College examinations in order to lower the likelihood of malpractice taking place in future examinations.

10.5 To make any recommendations that the examination review process be amended.

10.6 Any matter arising in relation to the terms of reference and conduct of the Appeals Panel that is not covered in the existing terms of reference shall be determined by the Chair of the Appeals Panel.

11 Sanctions

11.1 Possible sanctions that may be imposed include, but are not limited to, the following:

- Declaring the results of the related examination null and void;
- Declaring all previous examination results null and void. Candidates may be required to re-enter any or all College examinations that they have ever taken;
- Declaring that the candidate should not be considered for membership of the College by whatever route in the future;
- Recommending to the Council that the candidate’s membership of the College should be terminated or suspended;
- Informing the candidate’s educational supervisor of the investigation and outcome;
12 Regulatory Body

12.1 In the event that individuals have been found guilty of malpractice in a professional examination it is normal practice for this to be reported to the General Medical Council (GMC), or equivalent overseas medical body/regulator. Ordinarily the College will not take this step until its own decision-making process has been completed; however, the College reserves the right to take appropriate action at any stage and in particular if the circumstances of the allegations against an individual suggest that regulatory action (e.g. suspension) may be necessary in the interests of patient safety while the College’s investigation is pending.

12.2 The above list (Para 11.1 & 12.1) is not exclusive – any combination of potential sanctions could be applied. In deciding which sanction to apply the panel shall consider:

- The risks to patients from not applying each and any of the above;
- The need to preserve the integrity of College examinations as a reliable indicator of the competence of a holder of a College certificate;
- Evidence of contrition and an understanding of the nature of the offence;
- Natural justice and consistency with previous sanctions;

• Informing the candidate’s employer of the investigation and outcome.
Annex 1

**Guidelines for invigilators concerning suspected malpractice in RCPCH theory examinations**

(For the sake of clarity all use of the word ‘you’ on this page refers to ‘the invigilator’)

If, during a College theory examination, you suspect that a candidate(s) is acting suspiciously or may be seeking to gain an unfair advantage please ensure to take the following necessary steps:

- Inform your fellow invigilator of your suspicions discreetly;
- Ask the suspected candidate(s) to stay once the exam has finished;
- Make detailed notes in the invigilator report of what you and/or your colleague have observed;
- After the exam find a private area to raise your concerns with the candidate informing the candidate(s) that you have observed them behaving in an unusual manner and ask relevant questions in relation to your concerns. Please also inform the candidate that you have made a record of this in the invigilator report;

If a candidate(s) is found to have notes written on their hands, arms or otherwise in their possession, on paper or an electronic device that has not been approved for use or provided prior to the examination (e.g. headphones not provided by the test centre or connected to hidden devices) a record regarding the content should be made and noted on the invigilator report. If you (the invigilator) are able to confiscate or take a photograph of the body part/notes in question with the candidates consent once the exam has finished, please do so and contact the RCPCH Examinations Team on the day of the exam to confirm method of secure delivery.

Invigilators must contact the Examinations Team on the day of the exam after a suspicion has been raised with a candidate(s) making record of the full details in the invigilator report.
Annex 2

Guidelines for invigilators/senior examiners concerning suspected cheating in RCPCH clinical examinations

(For the sake of clarity all use of the word ‘you’ on this page refers to ‘the Senior Examiner or other clinical examination invigilator’)

If, during a College clinical examination, you suspect that a candidate(s) is acting suspiciously or may be seeking to gain an unfair advantage please ensure to take the following necessary steps:

• Inform the Host Examiner of your suspicions discretely;
• Ask the suspected candidate(s) to stay once the exam has finished;
• Make detailed notes in the Senior Examiner Report of what you and/or your colleague have observed;
• After the exam find a private area to raise your concerns with the candidate informing the candidate(s) that you have observed them behaving in an unusual manner and ask relevant questions in relation to your concerns. Please also inform the candidate that you have made a record of this in the Senior Examiner Report;

If a candidate(s) is found to have notes written on their hands, arms or otherwise in their possession, on paper or using other devices that have not been approved for use or provided prior to the examination a record regarding the content must be made and noted in the Senior Examiner Report Form. If you (the Senior Examiner) are able to confiscate or take a photograph of the body part /notes in question with the candidate’s consent once the examination has finished, please do and contact the RCPCH Examinations Team on the day of the exam to confirm method of secure delivery. Any photographic evidence of suspected malpractice will be stored securely within Examination Team records for the duration of any potential investigation.

Invigilators/Senior Examiners must contact the Examinations Team on the day of the examination after a suspicion has been raised with a candidate(s).
To see all MRCPCH and DCH examination rules and regulations, go to www.rcpch.ac.uk/exam-rules