

Workplace Based Assessment Falsification Protocol

1. It is a matter of the first importance that the College should maintain the integrity of its feedback tools (e.g. ePaedCCF, ePaedMSF, MiniCeX, CbD and DOPS). This means that we must be assiduous in the detection of abuse of these tools. As a result we have designed a process to detect and investigate suspected instances of abuse of feedback tools. At the same time, the College recognises the importance of being fair to all individuals and in such an investigation the College will be careful to respect the rights of those under suspicion.
2. Abuse includes (but is not limited to) falsification or duplication of patient, parent, carer or colleague data, impersonation of another doctor or individual, soliciting impersonation, and any other practice that is deemed by the College to be prejudicial to its welfare or good name or contrary to professional probity.
3. Individuals taking part in these processes are given clear warning that behaviour that may bring into question the integrity of the College's feedback tools is not acceptable. When individuals access RCPCH Eportfolio or other process to complete any College feedback tool they receive the following instruction:
4. *"Any behaviour that may bring into question the integrity of the College's parent and carer, colleague or assessor feedback tool(s) will be treated seriously. This includes falsification or duplication of patient, parent, carer or colleague data, impersonation of another doctor or individual, soliciting impersonation and any other practice relating to the tools that is deemed by the College to be prejudicial to its welfare or good name or contrary to professional probity. Proven breaches will invalidate the data set, could incur permanent suspension from College activities and will be reported to the General Medical Council (GMC) or equivalent registration body unless there are extenuating circumstances. Should the College suspect improper practice of the type specified above, it will follow existing protocols to manage concerns."*

Pre-investigation activity

5. If any person reports a suspicion of abuse in relation to the College's feedback tools, the College Administrator will produce an anonymised report outlining any suspicions for the relevant College Manager and Officer e.g. for Assessment/Revalidation within 10 working days of initial suspicions being raised.
6. If the College Manager and Officer consider there are sufficient grounds to warrant further investigation, the appropriate College Manager, in liaison with the College Administrator and College Officer, will informally ask further questions of the individual concerned to help clarify the situation, explain the apparent anomaly or point towards any mitigating circumstances. At this stage the College Officer will not know the identity of the individual. The individual will be informed in writing that there are some anomalies about their results that need clarification but they are not under formal investigation. However, complete records of all correspondence (written and oral) between the College and the individual will be confidentially maintained in the event that the investigation is formalised at a later stage.

7. In the case of patient, carer or parent assessments, the College Manager and/or Officer will review all paper forms completed for the assessment, anonymised for the Officer, to verify any suspicious patterns. In the case of colleague and assessor feedback tools, the College Manager and/or Officer will also review the electronic information held on the RCPCH Eportfolio system, anonymised for the Officer, to determine if this indicates any concerns e.g. unusual email addresses for assessors, review of assessors for other assessments for that individual.
8. All records of correspondence with the individual and review of electronic systems will be retained. At this point, only the College Administrator and College Manager will be aware of the identity of the individual.

Formal investigation pre-Review Panel

9. The relevant College Manager and/or Officer will consider the information reviewed in accordance with paragraphs 5 to 7 and decide whether it could demonstrate that an individual has committed abuse.
10. If so, the individual will be informed in writing by the appropriate College Manager of the specific concerns within 10 working days of the decision being reached, that a formal investigation will be carried out and that until this investigation is complete results from their feedback tool will be withheld. The individual will also be notified that a failure to engage with the investigation process could result in an unfavourable inference being drawn by the College Review Panel. At this stage the individual will be invited to admit or deny the allegations within 10 working days of the initial investigation letter being issued.
11. Should an individual neglect to reply to any points raised, or at any point discontinue their involvement with the process, the review process may still be followed through to completion.
12. Those who admit the allegations will be asked to confirm this in writing and to provide a written statement outlining any mitigating factors that should be considered by the Review Panel. The individual will be invited to submit evidence or explanation of denied allegations.
13. The appropriate College Administrator and Manager will prepare and gather appropriate evidence for each assessment tool and resulting information for the College Review Panel interview.
14. This may involve, in the case of the patient/carers feedback tool
 - Contacting clinic staff involved in supporting administration of the tool
 - Contacting the educational supervisor/programme director/Head of School/manager/clinical director/medical director of the individual concerned
 - Undertaking handwriting analysis and forensic examination of responses
15. This may involve, in the case of colleague and other assessor feedback tools e.g. MiniCeX, CbD and DOPS
 - Contacting the assessors involved in providing feedback
 - Contacting the educational supervisor/programme director/Head of School/manager/clinical director/medical director of the individual concerned
16. As soon as it is known, and at least 6 weeks before the date, the individual will be notified of the date of the Review Panel so they can arrange to attend. The relevant College Manager will provide a report on the investigation to the individual and the Review Panel at least 10 working days before the panel meets.

17. Prior to the Review Panel, the appropriate Manager will
- Prepare and gather appropriate supporting paperwork for the meeting e.g. raw data, results reports, handwriting analysis results, hard copy original forms;
 - Brief the members of the panel on the case;
 - Undertake any other appropriate task to ensure a full and thorough investigation occurs.

At the Review Panel

18. The individual has the right to be accompanied at the Review Panel by a supporter e.g. a friend, a representative from their professional association or a legal representative who may advise the individual but not make any statements or cross examine others present at the panel. The individual must advise the Manager of the name, address and role of the nominated person and reasons for their involvement at least five working days before the panel.

19. The relevant College Manager and/or Officer will attend the interview.

20. At the Review Panel interview the Chair will:

- Ask the relevant College Officer and/or Manager to explain why the individual has been reported for investigation
- Ask the individual whether they deny or admit the allegations
- Ask the College Officer and/or Manager to outline the results of the investigation
- Invite the individual to respond to the allegations against the individual and question the College Officer and/or Manager about the results and any mitigating circumstances
- Invite the other panel members to question the College Officer and/or Manager

21. The Chair will then:

- Ask the individual to outline any further information they wish to provide including any mitigating circumstances
- Invite the College Officer and/or Manager to question the individual about their information and any mitigating circumstances.
- Invite the other panel members to question the individual

22. At the Review Panel the individual may, supporter may not, ask any questions of the Review Panel.

23. Upon completion of the interview, the Review Panel will in private consider, discuss and document its findings and decision. The decisions of individual panel members will remain confidential.

24. The full report and decision of the Panel will be made available to the individual no later than 5 working days after the Review Panel via email and hard copy.

After the Review Panel

25. Should any individual wish to appeal the decision, they must notify the relevant Manager (the original Manager who conducted the initial investigation with the individual) at the College of their intention to appeal in writing within four weeks of the decision being sent to the individuals' address. The Appeals Panel will convene at the earliest opportunity subject to the agreement of both parties and within eight weeks of the appeal being lodged with the relevant Manager of the College. Any subsequent action will be taken by the Appeals Panel. The conduct, constitution and

terms of reference of the Appeals Panel will be as stated in the Examinations cheating protocol.

26. Once this process has been exhausted, an anonymised report outlining the events will be sent to Education and Training Divisional Committee for notification. Any deviation from these processes will be done so at the discretion of the Chair of the Review Panel and will be documented in the report to Education and Training Divisional Committee.

27. Details of the Review Panel

The Review Panel composition and its terms of reference shall be approved by the Education and Training Committee.

Constitution of the Workplace based assessment Review Panel

- The appropriate Vice President (Chair of Review Panel)
- Lay representative – e.g. PCAG representative with no direct involvement in revalidation or RCPCH Eportfolio teams
 - Education and Assessment Advisor
 - Other members may be co-opted at the discretion of the Chair (e.g. Head of School if involving trainees)
 - A secretary to the panel will be appointed by the appropriate Manager.

Terms of Reference for the Review Panel:

- To decide on the balance of probabilities whether an individual has committed abuse in relation to College feedback tools.
- To interview the individual and take into account his or her evidence and explanation.
- To reach a conclusion after due consideration of available evidence.
- The Review Panel has the right to draw whatever inference it sees fit should an individual fail to engage or participate in any part of the investigatory process.
- The majority of the Review Panel must be in agreement with the decision
- The Review Panel will create a report which outlines its findings, decision and lays down any sanctions (see section 29).
- The Review Panel will impose the penalty(s) against those found guilty of misconduct.
- To make any recommendation to the appropriate College committee with reference to the conduct of College feedback tool processes in order to lower the likelihood of improper practice taking place in future.

28. Mitigating Factors

All improper practice is serious and those found guilty must expect to be dealt with seriously. However, it may be that the College will decide that there are mitigating factors in individual cases. This may include where:

- the behaviour of an individual is found to be an abuse but the individual is not found to have technically gained an advantage through abuse
- there is no evidence of a real intention to unfairly gain an advantage.

29. Sanctions

The Review Panel can impose any of the following sanctions following a decision that an individual has committed abuse:

- a) No further action;
- b) A written warning;
- c) Declaring all results from the feedback tool(s) null and void;
- d) Refusing entry to all College feedback tools for a specific period in the future;

- e) Refusing entry to all College feedback tools indefinitely;
- f) Informing the individual's educational supervisor/deanery of their offence against the College;
- g) Informing the individual's employer/Responsible Officer of their offence against the College;
- h) Suspending an individual's progress to the next level of training for a specific period in the future;
- i) Recommending to the Council that the individual should not be considered for membership of the College by whatever route in the future;
- j) Recommending to the Council that the individual's membership of the College should be considered for termination or suspension in accordance with paragraph 12(i)(b) or 12(iii) of the College's Bye-Laws.
- k) Any combination of the above apart from a)

30. The Review Panel will determine which of these sanctions will be applied to the individual and more than one may apply. In deciding which penalty to apply the Review Panel shall take into account:

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

31. Regulatory Body

Where an individual has been found guilty of improper practice, this will be reported to the General Medical Council, or equivalent body if the individual is resident in another country. 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.

32. Costs

The College will not meet any costs incurred by the individual in attending either a Review Panel meeting or an Appeals Panel meeting. The College will not be responsible for the expenses of any supporter. The College will not under any circumstance reimburse fees or other costs, regardless of the outcome of the process.