

# Misconduct Policy

## MRCEM and FRCEM Exams

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Current version	v1.8
Reason for update	Inclusion of new policies and processes
Date of update	28/08/24
Additions/Alterations	<ul style="list-style-type: none"><li>• Update to the process to invite candidates to attend Investigation Board panels.</li><li>• Update to the process to appeal misconduct outcomes.</li></ul>



## 1. Introduction

By submitting an exam application, candidates agree to abide by all exam regulations and policies, including the candidate code of conduct.

In accordance with this policy, any allegations of misconduct raised by an examiner, exam delivery partner, proctor, fellow candidate or member of staff will be investigated thoroughly.

Examples of misconduct include but are not restricted to:

- Making arrangements, or seeking to make arrangements, for another person to sit the exam in their place or impersonating another candidate.
- Obtaining or attempting to obtain exam entry by making false claims about eligibility or experience.
- Obtaining or seeking to obtain unfair advantage during an exam or inciting other candidates to do so. Examples of unfair advantage include:
  - Sharing or receiving information on any exam content, including 'recalls' of previous and/or current exam content. In such cases, all candidates involved would be the subject of a misconduct investigation
  - Soliciting, sharing or receiving exam content through social media or messaging platforms, including Telegram, WhatsApp, Discord, Facebook, Reddit etc
  - Having or accessing any material which would give an advantage in an exam, such as written material and/or electronic devices
  - Failure to follow the instructions given by examiners, exams staff, delivery partners or proctors concerning the conduct and procedure for the exam
- Obtaining or attempting to obtain or copy confidential material relating to the content or conduct of the exam from any party, such as examiners, College Staff, role players etc.
- Unacceptable or disruptive behaviour during an exam.

## Pearson VUE

We work with our delivery partner, Pearson VUE, to deliver our Theory exams across the UK and around the world. Pearson VUE have their own strict rules for candidate conduct for exams taken via their test centres or their online delivery platform, OnVUE. Candidates should ensure they read all information provided. If a proctor believes there to be evidence of misconduct they will revoke a candidate's exam session and inform the College. Such instances will be investigated in accordance with this policy.

## **2. Reporting Misconduct**

In the event that a candidate is suspected of misconduct, the allegation and available supporting evidence will be shared with the Head of Exams or their nominated deputy for investigation.

If candidates or members have any concerns or information relating to potential misconduct, they should report these in writing to [ExamPolicy@rcem.ac.uk](mailto:ExamPolicy@rcem.ac.uk). Any such reports will be treated with strict confidentiality and reporting individuals will remain anonymous.

The Head of Exams will review all available evidence and, if there are sufficient grounds for concern, compile a report to be referred to the Director of Education.

## **3. Review of Alleged Misconduct**

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.

If the Director of Education/their nominated Deputy find there are grounds for concern, candidates will be notified they are under investigation and, if applicable, their exam result will be withheld pending an investigation board. Details of the allegation and any supporting evidence will be shared with the candidate under investigation, who will be invited to submit a written response within ten working days.

The details of the investigation will remain confidential unless a finding of misconduct is proven, following which the College would notify any relevant parties of that finding, including the GMC (or other regulatory bodies) and the LETB, as appropriate.

Board members and the candidate under investigation will be notified of the board meeting date a minimum of ten working days in advance. Candidates have the right to attend the Investigation Board, which will take place virtually, to present their personal testimony in support of their initial written response and to answer any questions the Investigation Board may have. Candidates are not required to attend the panel but they are entitled to be accompanied by one supporting attendee who should be identified ten working days in advance. The supporting attendee may advise, assist and counsel the candidate but will not be permitted to address the panel or take any part in proceedings.

Investigation boards will consist of:

- Chief Examiner
- 2 x College Fellows (not Lead Examiners or Council members)
- 1 x Lay Member of the Lay Advisory Group (LAG)

If the Chief Examiner is not available, or if there is a conflict of interest, then the Dean or another



more senior College Officer will replace them.

The panel will be supported by the Exam Policy Officer (who will administer the panel) and the Head of Exams or Head of Quality & Standards. Lead Examiners may act as an advisory role to the panel as necessary.

Neither the candidate nor the Investigation Board will be provided with any information regarding the candidate's exam result or performance in the exam in question. The Board will review all the available evidence and determine if the allegation of misconduct is, on the balance of probabilities, proven.

#### **4. Misconduct Investigation Outcomes**

The candidate will be notified of the Investigation Board's decision, including details of recommended penalties where appropriate within ten working days of the decision date. In the unlikely event that the Investigation Board cannot reach a decision in a timely manner, we will write to the respective candidate(s) every ten working days advising of progress.

If the allegations are not found to be proven, no further action will be taken and any withheld results will be released, where applicable.

If the allegations are, on the balance of probabilities, found proven then the candidate will be notified and will have ten working days to appeal this outcome in writing as detailed in Section 5 of this policy.

If no appeal is received from the candidate, the findings of the Investigatory Board will be referred to the Dean and Director of Education. The Dean and Director of Education will consider the findings and the penalties recommended by the Investigation Board. If the Dean is unavailable, if there is a conflict of interest, or they have been involved in any earlier stage of the process, then a more senior College Officer will replace them.

Penalties for misconduct include, but are not restricted to:

- No further action taken
- A formal written warning
- Exam result(s) being declared void
- Barred from exam sittings for a specified time period

The Dean and Director of Education may approve the penalties recommended by the Investigation Board or agree alternative and/or additional penalties. The Dean's decision is final. The College reserve the right to notify relevant parties and/or authorities of upheld misconduct cases, including the GMC or relevant regulatory bodies, educational supervisors, Head of School or Training Programme Directors (or equivalent).



## 5. Appeals against Investigatory Board Outcomes

Appeals to Investigation Board outcome(s) must be submitted in writing to [ExamPolicy@rcem.ac.uk](mailto:ExamPolicy@rcem.ac.uk) within ten working days of receipt of the outcome of the misconduct investigation. Candidates must include detailed grounds for their appeal and any supporting evidence. The sole acceptable grounds for an appeal are:

- There is evidence of a procedural irregularity in the delivery of the respective exam that directly relates to the allegation of misconduct
- There is new relevant evidence that was not considered by the Investigation Board

The Director of Education will consider any appeals and determine if there are acceptable grounds for an appeal. Appeals without acceptable grounds will be rejected and there will be no further right to appeal. Candidates submitting appeals with acceptable grounds will be required to pay a fee of £1250 within three working days to cover the costs of organising the appeal, this fee will be refunded in full should the appeal be successful. The Director of Education will convene an Misconduct Appeals Panel within twelve weeks.

The candidate will be invited to attend the Appeal Panel and may be accompanied by person of their choosing, whom the candidate is required to identify in advance, providing ten working days' notice. The Misconduct Appeals Panel will consist of:

- The Dean
- The Director of Education
- 2 College Fellows (not Council Members)
- 1 Member of the Lay Advisory Group

Appeal panel members must not have previously been involved in any aspect of the original Investigation Board's process and shall have no current or previous connection with the candidate. If there are any such conflicts of interest, a suitable alternative will be found. The Head of Exams shall be appointed secretary to the Appeals Panel and attend the Panel as an observer. 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 candidate will be informed of the Appeal Panel's decision within ten working days of the hearing. If the Appeal Panel decides to overturn the decision of the Investigatory Board, no further action will be taken.

If the Appeal Panel supports the findings and decision of the Investigatory Board, the appeal will be rejected and the candidate will be notified within ten working days. The Dean will then consider the penalties as recommended by the Investigation Board. There is no further right to appeal.