



# Malpractice & Maladministration Policy

Current Policies & Processes

October 2018

# Malpractice and Maladministration Policy

## Statement of Purpose

SkinViva Ltd (“the Company”) enforces this policy to protect the integrity of its training, qualifications and reputation as a provider of premium aesthetic training. All reported incidents of suspected malpractice are treated extremely seriously and are followed up with a full investigation, report of key findings, and may result in disciplinary action being taken. The term ‘malpractice’ is used to cover maladministration as well as malpractice. This policy is fully compliant with the Office of Qualifications and Examinations Regulation (Ofqual, 2016)<sup>1</sup>.

This policy seeks to:

- Make clear the lines of responsibility for persons involved in preventing malpractice from occurring.
- Set out how the Company takes proactive steps to avoiding the risk of potential malpractice.
- Set out multiple examples of what could be considered malpractice from both the perspective of the learner but also where malpractice might be committed by the team at SkinViva Ltd.
- Highlight the Company’s procedures for reporting suspected malpractice, investigating suspected malpractice and reviewing evidence of malpractice in order to reach a decision on the action to be taken.
- Set out the potential sanctions and penalties which may result where an investigated case of malpractice is upheld.

The Joint Council for Qualifications (JCQ)<sup>2</sup> submits the following definition:

*“Malpractice which includes maladministration and non-compliance, means any act, default or practice which is a breach of regulations or which:*

- *Compromises, attempts to compromise, or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate and / or*
- *Damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.”*

Furthermore, the Joint Council for Qualifications (JCQ)<sup>3</sup> defines plagiarism as:

*“Unacknowledged copying from published resources (including the internet) or incomplete referencing.”*

SkinViva Ltd is committed to responding and investigating issues of suspected malpractice promptly and fairly with outcomes which are proportionate to the findings of the investigation.

## Scope

The scope of this policy covers suspected or actual malpractice carried out by learners, trainers, or staff at SkinViva Ltd. Trainers is used to mean all roles within SkinViva Ltd that

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<sup>1</sup> Office of Qualifications and Examinations Regulation, *General Conditions of Recognition: Condition 8: Malpractice and Maladministration* (Ofqual/16/6023, June 2016)

<sup>2</sup> Joint Council for Qualifications, *General and Vocational Qualifications: Suspected Malpractice in Examinations and Assessments: Policies and Procedures: 1 September 2016 to 31 August 2017* (JCQ 2016 Pg.3)

<sup>3</sup> *Ibid. 1 September 2008 to 31 August 2009* (JCQ 2008 Pg.28)

assume responsibility for the learning of our learners and delegates (including trainers, assessors, internal verifier, lead tutor, clinical supervisors). This policy does not supersede existing disciplinary procedures<sup>4</sup>, nor does it take precedent over reporting obligations concerning any act or omission that breaches professional and/or regulatory codes of conduct<sup>5</sup>.

## **Company Responsibility**

The Directors have the ultimate responsibility for malpractice matters and are committed to ensuring that standards are upheld and sufficient training is made available, where required. At all times, the staff and associates of SkinViva Ltd will operate with integrity and take all reasonable measures to reduce the risk of malpractice.

## **Lines of Responsibility**

It is important that there is clear recognition of the lines of responsibility in relation to reporting, investigating and resolving malpractice matters.

In this respect the general lines are:

1. Overall and final responsibility for the Company Malpractice and Maladministration Policy rests with the Directors.
2. Overall responsibility for the day-to-day implementation of the Company Malpractice and Maladministration Policy rests with the Directors. SkinViva Ltd take their duties of consultation and responsibility very seriously and will consult with employees and trainers on malpractice issues; this rests with a Company Director.
3. On a day-to-day basis, the Lead Tutor/Clinical Director have the responsibility for implementing the malpractice policy and all learners, staff and trainers must ensure that they fully comply and take seriously their responsibility for reporting suspected malpractice.
4. On a day-to-day basis there are set procedures for suspected or actual malpractice and it is the responsibility of staff and trainers to be fully acquainted with these procedures.
5. On a day-to-day basis, it is the responsibility of the Company's assessors to monitor assessments, coursework, and examination for suspected cases of malpractice and to report such incidents with the appropriate procedure.
6. On a day-to-day basis any investigations will be the responsibility of an appointed trainer, assessor or internal verifier as someone of appropriate competence and knowledge to ascertain the key facts and findings. The appointed investigator shall have no personal interest/gain from the outcome of the investigation.
7. The Customer Experience Director and Lead Tutor/Clinical Director will review the findings and recommendations of the investigation and make the final decision as to the outcome (including any penalties and/or sanctions).

## **Preventing Malpractice**

SkinViva Ltd works to avoid potential malpractice by:

1. Authenticating the registration of its learners, prior to commencement of the programme, with the relevant professional, statutory and regulatory bodies (PSRBs)

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<sup>4</sup> SkinViva Ltd. *Disciplinary Procedure* (2016 available at SkinViva.com)

<sup>5</sup> General Medical Council *Good Medical Practice: Working with doctors. Working with patients* (GMC 2013: updated April 2014 GMC/GMP/1215). Nursing and Midwifery Council *The Code: Professional standards of practice and behaviour for nurses and midwives* (NMC 2015). General Dental Council *Standards for the Dental Team: protecting patients, regulating the dental team* (GDC 2013). General Pharmaceutical Council *Standards of conduct, ethics and performance* (GPC 2012)

2. Referring all learners to the policies of SkinViva Ltd as part of the written booking confirmation<sup>6</sup>.
3. Training all SkinViva Training staff and learners on the relevant policies of the Company.
4. Making the policies of SkinViva Ltd freely and easily available<sup>7</sup>.
5. Providing written information on the responsibilities of learners prior to them undertaking OSCE examination.
6. Informing learners of the potential penalties for attempted and actual incidents of malpractice
7. Showing learners the appropriate formats to acknowledge sources and record cited texts, other materials and information sources.
8. Requesting that all learners make an auditable declaration that their work is their own.

### **Examples of Malpractice / Maladministration**

SkinViva Ltd recognise the below forms of malpractice and maladministration, however these should be taken as examples and as such, the list is not exhaustive.

**Learners can assume malpractice liability in a number of circumstances. Examples are cited below:**

- Appropriating the work of fellow learners (copying/replicating/closely reproducing).
- Colluding or collaborating with other learners to complete assessments.
- Gaining access to assessment/examination paper without authorisation.
- Presenting work which is not that of the learner as his/her own (this includes that of other learners or from external sources). This extends to not referencing work and acknowledging sources correctly.
- Taking unauthorised materials into assessments/examinations (such as OSCEs) e.g. mobile phones, tablets, written notes, computers etc.
- Behaving in any such way which compromises the integrity and quality of the training being delivered, the qualifications offered, or the reputation of the brand names of SkinViva Ltd.
- Not cooperating with the instructions of SkinViva Ltd staff, trainers or assessors.
- Destroying the work of another learner or limiting another learner's ability to learn.
- Obtaining and/or sharing information about assignments or examinations. This can include written notes, talking, or electronically sharing information.
- Falsely attempting to get recognition of prior learning with a view to gaining an exemption from training and study.
- Impersonating or being involved in the impersonation of a learner to misrepresent your identity.
- Selling or supplying unauthorised use of the training materials of SkinViva Ltd.
- Obtaining unauthorised use and/or re-producing the training materials and eLearning. This includes all form of media e.g. video, written, audio, web-based, images, diagrams etc.
- Falsifying evidence of clinical practice. This includes changing the date/time stamp of clinical photographs or submitting clinical photographs as evidence of competence that either do not belong to, or originate from the learner.
- Falsifying or modifying results/outcome documents from training including certificates, correspondence, or online information.
- Any other attempt by a learner to gain advantage over another or to assist someone else to gain an advantage.

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<sup>6</sup> Available at SkinViva.com

<sup>7</sup> SkinViva Ltd *Malpractice and Maladministration Policy* (2017, available at SkinViva.com)

**Staff and Trainers (of SkinViva Ltd) can commit malpractice in the following example ways:**

- Giving learners unauthorised access to learning materials, assessment or examination papers.
- Obtaining unauthorised access to assessment material prior to an assessment or examination.
- Prompting, signing, or assisting learners with answers.
- Failing to carry out the assessment of learners' assignments using the correct assessment method and/or criteria.
- Not recording the results of assessments and/or examinations in the required way.
- Changing dates of examinations or assessments without prior authorisation.
- Failing to ensure the secure storage of completed assessments or examination scripts.
- Failing to comply with the specified date and/or method for submitting the completed assessments or examination scripts to the awarding organisation.
- Using an assessor who has not been approved or who does not fulfil the criteria specified.
- Allowing learners to access unauthorised materials during an assessment.
- Failing to keep learner personal information, logins and database contents secure<sup>8</sup>.

**Procedure for Reporting Malpractice**

SkinViva Ltd operate the following procedure for the reporting of suspected or actual malpractice.

1. The **person reporting suspected malpractice** should notify the **Customer Experience Director AND Lead Tutor** (for 'Level 7 Injectables for Aesthetic Medicine' qualification) OR **Clinical Director** (for all other courses) by email by the end of the same day when they identified the suspected incident. (If the report is about the integrity of SkinViva Ltd and its operations concerning the 'Level 7 Injectables for Aesthetic Medicine' qualification then, if appropriate, the person can report the incident to Industry Qualifications directly via its Whistle Blower Policy.)
2. The **Lead Tutor** should report the incident within five working days by email to the **Quality Assurance team of Industry Qualifications** where the matter concerns the 'Level 7 Injectables for Aesthetic Medicine' qualification.
3. The **Customer Experience Director** will record the report of suspected malpractice in the 'Malpractice Log'<sup>9</sup>
4. The **Customer Experience Director** should notify the **learner/employee** by email within 5 working days of the original report, setting out the circumstances of the alleged offence, next steps, and potential outcomes.
5. The **learner/employee** can respond to the alleged grounds on which malpractice is thought to have occurred by email up to 30 days from the original date that the incident was reported.

**Procedure for Investigating Malpractice**

Reported incidents of actual or suspected malpractice will follow a rigorous process to ensure the following:

- Determination of the primary facts of the case.
- Consideration as to any mitigating or exceptional circumstances.

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<sup>8</sup> Data Protection Act 1998: Schedule 1: Principles 1-6

<sup>9</sup> Accessed and located internally: Dropbox/SKINVIVA TRAINING

- Establishing the secondary facts, on the balance of probability, in order to conclude if an offence has been committed.
- Application of a relevant and proportionate penalty where appropriate.

SkinViva Ltd operate the following procedure for investigating suspected or actual malpractice.

1. The **Customer Experience Director** will appoint an internal **Investigator** with the required competence and knowledge of the subject material within 10 working days of the original incident reported date. The appointed **Investigator** should have no personal interest/gain relating to the learner/employee or circumstances.
2. The **Investigator** will write-up a full report within 20 working days of the original incident reported date. The report should contain:
  - a. Statement of circumstances and facts surrounding the investigation.
  - b. Written statements from all staff concerned.
  - c. A written statement from the learner(s) concerned.
  - d. Any extenuating circumstances e.g. medical reports.
  - e. Details of centre's procedure for informing learners about malpractice.
  - f. Any unauthorised materials found during assessment / examination.
  - g. Learner's work or assessment materials relevant to the investigation.
  - h. Relevant registers or other records of attendance (copies).
  - i. Relevant schemes of work (copies).
  - j. A written record of any interviews that have taken place.
3. An interview with the **employee/learner** will be conducted in the presence of the **Customer Experience Director AND Lead Tutor/Clinical Director** to ensure that an accurate record is made. The **employee/learner** may choose to be accompanied by a person of their choice and should sign the record to indicate its accuracy. In cases of plagiarism, learners will be required to attend a meeting as defined below in relation to sanctions and penalties in respect of the offence or act of plagiarism.
4. The **Investigator** will submit his/her report to the **Customer Experience Director AND Lead Tutor** (for 'Level 7 Injectables for Aesthetic Medicine' qualification) OR **Clinical Director** (for all other courses) by email within 20 working days of the original incident reported date.
5. For malpractice reports concerning the 'Level 7 Injectables for Aesthetic Medicine', the **Customer Experience Director** will submit the report to the **Quality Assurance team of Industry Qualifications** within 25 working days of the original incident reported date.
6. The **Customer Experience Director** will maintain all details of the progress of the investigation in the 'Malpractice Log'<sup>10</sup>.

### **Procedure for Reviewing & Decision-Making on Malpractice Investigations**

7. The **Customer Experience Director AND Lead Tutor/Clinical Director** will review the investigation report within 30 working days of the original incident reported date.
8. The **Customer Experience Director AND Lead Tutor/Clinical Director** will decide on appropriate penalties/sanctions/outcomes as required within 35 working days of the original incident reported date.
9. The **Customer Experience Director** will communicate the outcome of the investigation and any penalties/sanctions to the **learner/employee** within 35 working days of the original incident reported date.
10. In cases of plagiarism, it is not necessary for intent to be proven. It is sufficient that the act of plagiarism has occurred.

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<sup>10</sup> Available internally via Dropbox/SKINVIVA TRAINING

11. Where malpractice is upheld against a member of the Company's team, **the Customer Experience Director** will refer the matter to the **Company Directors** who may decide to invoke the **Company's Disciplinary Policy**.
12. The **Customer Experience Director** will update the outcome of the investigation in the 'Malpractice Log'<sup>11</sup>.
13. Where decisions on malpractice are upheld, the **learner/employee** can appeal by email up to 60 working days from the date that the outcome was communicated to him/her.

### **1.1 Application of Penalties and Sanctions (other than those sanctions defined in s1.2)**

The below sanctions/penalties may be applied by SkinViva Ltd to its learners where a case of malpractice has been found:

- A warning may be issued.
- Disqualification from the whole qualification (with no entitlement to a refund of fees paid).
- A temporary or permanent ban on training with SkinViva Training.
- The outcome will be reported to Industry Qualifications (for matters relating to the 'Level 7 Injectables for Aesthetic Medicine').
- The matter may be referred to other awarding organisations and training providers.
- The matter may be referred to a learner's professional body and/or the police.
- Learners who do not maintain registration with their associated regulatory body (GMC, NMC, GDC and GPhC) will automatically be withdrawn from the programme.

### **1.2 Application of Penalties and Sanctions in relation to Plagiarism**

The below sanctions/penalties will be applied by SkinViva Ltd to its learners where a case of malpractice by way of plagiarism has been found:

- **First Offence**  
The learner must attend an informal, developmental meeting with the **Lead Tutor/Clinical Director** in order to discuss issues of academic naivety and prevention of plagiarism or collusion in respect of future assessments.  
The assessment will be marked according to the defined criteria detailed within the programme specification.
- **Second Offence**  
The learner must attend a formal meeting with the **Customer Experience Director AND Lead Tutor/Clinical Director**.  
A written warning will be issued to the learner.  
The assessment will not be marked and will be awarded a 0%.  
The learner will have the opportunity to re-submit the assessed piece of work.  
The re-submission will be completed against a new set of short answer questions.
- **Third Offence**  
The learner must attend a formal meeting with the **Customer Experience Director AND Lead Tutor/Clinical Director**.  
A 2nd written warning will be issued to the learner.  
The assessment will not be marked and will be awarded a 0%.  
The learner will have the opportunity to re-submit the assessed piece of work.  
The re-submission will be completed against a new set of short answer questions.
- **Fourth Offence**  
The learner must attend a formal meeting with the **Customer Experience Director AND Lead Tutor/Clinical Director**.  
A 3<sup>rd</sup> and final written warning will be issued.

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<sup>11</sup> Ibid.

The assessment will not be marked and will be awarded a 0%.  
The learner will be withdrawn from the programme.

Records of any applied sanctions or penalties will be stored on the databases of SkinViva Ltd for a minimum of three years.

Please refer to the **Disciplinary Policy**<sup>12</sup> for consequences relating to employees or associates of SkinViva Ltd (as opposed to its learners).

### **Appeals**

Please refer to the **Appeals Policy**<sup>13</sup> for more information on how learners might appeal the outcome from a malpractice investigation.

### **Monitoring and Review of this Policy**

The Directors shall be responsible for reviewing this policy annually and more frequently when changes are made in the legislation to ensure that it meets legal requirements and best practice

To be reviewed January 2020.

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<sup>12</sup> SkinViva Ltd. *Disciplinary Procedure* (2016 at SkinViva.com)

<sup>13</sup> Skin Viva Training: *Appeals Policy* (2017 at SkinViva.com)