



Royal College
of Surgeons

FACULTY OF DENTAL SURGERY

LICENCE IN DENTAL SURGERY

**SUSPECTED MALPRACTICE BY CANDIDATES AND BY
CENTRE STAFF**

1. Introduction

1.1. The document aims to:

define malpractice in the context of the LDS;
establish the regulations relating to candidate and centre staff conduct under which the LDS operates;
set out the rights and responsibilities of College staff, centre staff and candidates in relation to such matters;
describe the procedures to be followed in cases where there is reason to suspect that the regulations have been broken, and
prescribe the sanctions to be applied to different types of malpractice.

1.2. The Chair of the LDS Examinations Board is expected to personally supervise all investigations resulting from an allegation of malpractice.

1.3. The College reserves the right to withhold the issuing of results while investigations are ongoing. Depending on the outcome of the investigation, results may be released or permanently withheld.

1.4. The College is required to inform candidates and staff members of their individual responsibilities and rights as set out in these guidelines.

2. Definitions

2.1. Regulations

The regulations referred to in this document are those for the conduct of examinations which are found in:

The regulations for the LDS;

The documentation sent to candidates on the conduct of individual parts and components of the examination;

Guidance sent to centres on the invigilation and conduct of examinations;

Letters and circulars sent to candidates and centres by the College.

2.2. Malpractice

Malpractice is defined as any actions, practices and conduct which threaten the integrity of the examination, and/or damage the authority of those responsible for conducting them.

2.3. Candidate malpractice

The following are examples of malpractice by candidates. The list is not exhaustive and other instances of malpractice may be considered by the College at its discretion:

Introduction of unauthorised material into the examination room, for example: notes, textbooks or study guides, personal organisers, calculators, dictionaries, personal stereos, mobile phones or other similar electronic devices;

Obtaining, receiving, exchanging or passing on information which could be examination-related (or the attempt to) by means of talking, written papers/notes or telephone;

Attempting to solicit information about the examination from candidates from an earlier time slot;

Copying from another candidate;

Plagiarism¹

Collusion;

Disruptive behaviour in the examination room (including the use of offensive language);

Failing to abide by the conditions of supervision designed to maintain the security of the examinations;

Failing to abide by the instructions or advice of an invigilator, supervisor, or the Colleges in relation to the examination rules and regulations;

Impersonation: pretending to be someone else, arranging for a third party to take the candidate's place in an examination;

Inclusion of inappropriate, offensive or obscene material in answers;

Misuse of examination material, e.g. by passing or attempting to pass such material to a third party after the examination;

Bribing or attempting to bribe an examination official, clinical or simulated patient;

Making spurious complaints that are a deliberate attempt to unfairly gain advantage;

Alteration of any results document, including certificates;

Professional misconduct²;

Behaving in such a way as to undermine the integrity of the examination.

2.4. Centre staff malpractice

The following are examples of malpractice by centres. The list is not exhaustive and other instances of malpractice may be considered by the College at its discretion:

Moving the time or date of a fixed examination (beyond the time permitted by the regulations) without appropriate consultation;

Failing to follow the instructions for conduct of the examination;

Failing to keep examination papers or questions secure prior to the examination;

¹ **Plagiarism**, as defined in the 1995 *Random House Compact Unabridged Dictionary*, is the "use or close imitation of the language and thoughts of another author and the representation of them as one's own [original work](#)"

² The following are examples of candidate professional misconduct. The list is not exhaustive and other instances of misconduct may be considered by the College at its discretion:

- Failure to properly detect an oral disease or malformation;
- Improper utilisation of dental or surgical utensils;
- Personal injury to oral cavity or surrounding bone and tissue;
- Manipulating a patient's dental records;
- Engaging in acts of gross incompetence or gross negligence;
- Discriminatory behaviour towards a patient on the basis of race, creed, gender, or sexual orientation;
- Being sexually or physically abusive;
- Practicing under the influence of alcohol or other drugs

Failing to keep patients' identity and details confidential before clinical examinations;
 Obtaining unauthorised access to examination material prior to an examination;
 Allowing candidates early access to examination material or clinical patients;
 Assisting or prompting candidates with the production of answers;
 Ignoring or failing to report contravention of the regulations by candidates.

3. Allegations of malpractice

- 3.1. Allegations of malpractice may be reported to the College by examiners, invigilators, candidates, patients and simulated patients. When dealing with alleged malpractice, the College will deal both with the invigilator or supervising examiner and the candidate or the candidate's representative.
- 3.2. The College will seek to establish the full facts and circumstances of any alleged malpractice by centres or candidates by seeking full accounts from and, where appropriate, interviewing, all parties involved. The College will seek to investigate all allegations of malpractice, but reserve the right to reject allegations, which lack substance or appear, upon examination, to be malicious.
- 3.3. If malpractice is discovered during or immediately after the examination by someone at the centre, a full report must be submitted immediately after the event to the College by the invigilator or supervising examiner. In most circumstances, the candidate will be permitted to complete the examination but will be warned about the alleged misconduct and informed that a report will be made to the College. Exceptions to this principle would include cases where the candidate's behaviour was disturbing other candidates or was jeopardising the security or conduct of the examination.
- 3.4. If malpractice is alleged or discovered after the examination, full details of the alleged malpractice will be reported to the invigilator or supervising examiner from the centre where the examination was conducted and he/she will be asked to comment in writing on the report.
- 3.5. The College will then send the candidate a copy of details of the allegation, its report upon them and any observations by the supervising examiner and ask for his/her comments and his/her account of events.
- 3.6. In all cases a candidate accused of malpractice must be sent full details of the allegations and evidence against him/her and be given the opportunity to respond in writing to allegations made. The candidate will be given a period of up to four weeks to reply to the allegations.

Anonymous reports

- 3.7. Anonymous reports of malpractice will be acted upon only if there is supporting evidence, or if the nature of the report warrants it. In these cases the invigilator or supervising examiner will be informed and asked to comment.

Access to evidence – confidentiality of evidence

- 3.8 The College will not normally withhold from lead examiners any evidence pertinent to cases of suspected malpractice. In rare cases, it may be necessary to do so, for example where it is necessary to protect the identity of an informant. In all such cases, the College will provide summaries of evidence and a statement as to why the evidence itself cannot be presented in its original form. In any case where an allegation of malpractice has been made about a candidate but it is necessary to withhold evidence, which would disclose the identity of the informant, the same provisions will apply.
- 3.9 It is at the discretion of the College as to the means by which evidence is presented to the individuals involved. However, the College will ensure that individuals subject to an irregularity investigation have access to all evidence against them and are provided with all necessary facilities including advice, sufficient time etc. in order to allow full responses to be prepared.

Investigation at a centre into alleged malpractice by candidates

- 3.10. A candidate accused of malpractice should be allowed to complete the examination (provided that no disturbance is being caused to other candidates, in which case he/she should be removed and the examination terminated). The candidate should then be informed of the nature of the alleged malpractice in front of a witness. A full report should be submitted, including an account of the candidate's response. The candidate should be informed that a report will be submitted and that he/she will hear further from the College. Any material illegally introduced into the examination room should be temporarily confiscated (including electronic equipment) and a receipt given.
- 3.11 It is the responsibility of the lead examiner, acting on behalf of the College, to carry out an investigation, to submit a full written report of the case and to provide supporting evidence, including the actual material confiscated where appropriate. Reports should include:
- A statement of the facts: a detailed account of the circumstances and details of any investigations carried out by the centre;
 - Written statement(s) from the invigilators or other staff concerned;
 - Written statement(s) from the candidate(s) concerned;
 - Any mitigating factors;
 - Seating plans;
 - Unauthorised material found in the examination room;
 - Any work of the candidate and any associated material which is relevant to the investigation.

4. Consideration of the allegation

- 4.1 Once the candidate's response to the allegation contained in the report has been received, the Chair of the LDS Examinations Board will consider the case and decide upon one of three courses of action:

- a) That the allegation is made out because it has *prima facie* substance, but is so straightforward that it attracts an automatic penalty without further discussion, or constitutes a minor infringement of the Regulations for which only a warning is required, or is a minor infringement admitted by the candidate. Such cases will be actioned by the Chair of the LDS Examinations Board, without further consultation;
 - b) That the allegation is made out but is so serious that it warrants one of Penalties 2-4. Such cases will be put before a panel to determine the degree of penalty to be applied and to hear any extenuating circumstances;
 - c) That the allegation is sufficiently serious to warrant a hearing to determine whether the allegation is proven and if so determine the appropriate penalty within the Regulations. Such cases will be put before a panel to investigate and weigh evidence to determine whether the allegation is made out and determine the appropriate penalty.
- 4.2. A candidate accused of malpractice should be made aware of the possible consequences should malpractice be proven and of the avenues for appealing should a judgement be made against him or her. Full details of the panel procedure should be sent to candidates whose case is put before a panel.
- 4.3 In most cases the events will be considered on the basis of documentary evidence alone and candidates will respond to allegations in writing. However, candidates have the right to appear to put their case and in such cases they will be offered the opportunity to be accompanied or represented by a legal adviser or other representative or supporter.

5. The panel

- 5.1. For allegations for which the appointment of a panel is required, as set out in 4.1 b) and c) above, the panel will comprise three experienced examiners and, if required, an educational adviser and a legal adviser. The panel chairman will be a senior examiner. The panel meeting will be minuted. The candidate will be given at least eight weeks' notice of the holding of a hearing of the panel.
- 5.2 The panel will determine its own procedures. The panel will aim to deal fairly and reasonably with candidates and with those making allegations against them, but it is not a Court of law and so the normal rules of evidence will not apply.
- 5.3 Members of the panel cannot have any prior knowledge of the candidate or of his/her alleged misconduct.
- 5.4 The panel will establish whether correct procedures have been followed in the investigation of cases, and that the candidate accused of misconduct has been given the opportunity to respond properly to the allegations and, if requested, to make a personal statement. The panel and the candidate against whom an allegation has been made must have access to the same documentation. The documentation will consist of the allegation, the College's report, the candidate's response and any witness statements of evidence to

be relied upon by both sides. The documentation to be considered by the panel will be in an agreed form and finalised not less than 5 days before the date fixed for any hearing. Only in exceptional circumstances will the panel entertain the introduction of any additional evidence at the hearing itself.

- 5.5 The panel will consider the allegations and the report upon them, including any evidence offered in response by the candidate. If required, the panel will hear evidence from the candidate or his/her representative and may call for witnesses in order to illuminate the case. The panel will have the right to cross-examine the candidate or his/her representative or any witnesses.
- 5.6 The panel will reach a decision on the balance of probabilities or, in the case of the most serious allegations where the alleged offence borders on the criminal, on the basis that the allegation is made out beyond reasonable doubt.
- 5.7 The panel will set out its decision in writing with reasons, including the evidence taken into account, how the evidence was weighed and why it arrived at its decision.

6. Sanctions and penalties applied against candidates

- 6.1 The College may, at their discretion, impose the following sanctions and penalties against candidates found guilty of breaking the regulations:
 - 6.1.1 The candidate is issued with a formal warning about his/her conduct and the likely penalties if that conduct is repeated. (Penalty 1)
 - 6.1.2 The candidate's result for a whole examinations part or component is withheld or annulled. (Penalty 2)
 - 6.1.3 The candidate's results from all parts or components of the examination taken to date are withheld or annulled. (Penalty 3)
 - 6.1.4 The candidate is barred from entering part of the examination for a set period. (This penalty can be combined with any of the above.) (Penalty 4)
 - 6.1.5 The candidate is barred from entering any part of the examination again (would be combined with Penalty 3, 6.1.3 above). (Penalty 5)
 - 6.1.6 In any case where penalty 4 or 5 is applied, the College will inform the General Dental Council. In certain circumstances it may be appropriate to inform the police.

7. Principles for applying sanctions and penalties

- 7.1. The College has agreed that sanctions and penalties are not to be applied to offences according to a fixed scale, but are to be chosen from a defined range, in order to reflect the particular circumstances of each case and any mitigating factors. The agreed level of sanction or penalty for a particular offence is set out in the Table of Offences and Range of Penalties at the end of this document.

- 7.2. The College reserves the right to apply penalties flexibly, outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.
- 7.3. As no assumptions can be made on intended actions, penalties will be based only on the evidence presented.
- 7.4. All penalties must be justifiable and reasonable in their scale and consistent in their application.
- 7.5. Penalties may only apply to the examination in which the offence has been committed or may apply additionally to possible future examinations. (If evidence comes to light some considerable time after the offence, a penalty may still be applied to the examination in which the offence was committed and to later examinations.)
- 7.6. For reasons of consistency of approach in the application of penalties, the College will not (*subject to any mitigating factors or extenuating circumstances*) take into account the consequential effects of any particular penalty that might arise from the circumstances of the individual.
- 7.7. Penalties applied will remain on record.

8. Communicating decisions

- 8.1 Candidates, centres and individual staff will be informed of decisions in writing as soon as possible after decisions are made and in all cases within 10 days of the holding of a panel. It is the responsibility of the Head of Examinations (or equivalent) to communicate the decision to the individuals concerned, and to give warnings in cases where this is indicated.

9. Appeals

- 10.1. Appeals against a decision made by the College will be considered by a panel appointed by the Chairman of the Examinations Board that may be composed as set out below. The panel members will be experienced in examinations but will be external to the LDS and will not include anyone who has previously been involved with the case.
- Chairman – chairman of the LDS Examinations Board.
 - Two external examiners who have had no involvement in the case.
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 - Legal adviser.
 - Panel Secretary, to minute the meeting but not to participate in the decision.

10. Investigation of alleged malpractice by centres

- 11.1 Investigations into allegations of malpractice against a member(s) of staff at a centre will be carried out by the Chair of the LDS Examinations Board , supported by one or more examiners if required. The College will make a full report on its findings..
- 11.2 Where such allegations are found to be proven the College may issue a warning or decline to use the centre again.

ANNEX A - TABLE OF OFFENCES GRADED ACCORDING TO LEVELS OF SERIOUSNESS AND SHOWING APPROPRIATE RANGES OF PENALTIES APPLIED TO CANDIDATES

TYPE OF OFFENCE	WARNING (Penalty 1)	ANNULLED RESULT - COMPONENT (Penalty 2)	ANNULMENT OF ALL RESULTS ACHIEVED (Penalty 3)	DEBARRED FROM ENTRY (Penalties 4-5*)
<i>notes, textbooks or study guides and personal organisers.</i>	notes of an academic nature but irrelevant to subject.	notes relevant to subject, but no proof of attempt to use.	notes relevant and used, or prepared to be used.	Can be used in addition to Penalty 3
<i>calculators, dictionaries.</i>	not used.	used or attempted to use.		
<i>personal stereo.</i>	not used, or used but does not contain material relevant to subject.		used, contains material relevant to subject.	Can be used in addition to Penalty 3
<i>mobile phone, or other similar electronic devices.</i>	in the examination room but not in the candidate's possession, and rings or beeps; in the candidate's possession, but no evidence of being used or being active.	in the candidate's possession and is active (rings, beeps, used as calculator)	evidence that device is used to obtain or pass on information	Can be used in addition to Penalty 3
Standard Penalties				
1 warning. 2 result for a discrete part or component annulled/withheld 3 all results for exam to date annulled/withheld.			4 barred from entry for set period. 5 barred from entry ever again.	

* Penalty 5 would also imply the imposition of penalty 3.

TYPE OF OFFENCE	WARNING (Penalty 1)	ANNULLED RESULT - COMPONENT (Penalty 2)	ANNULMENT OF ALL RESULTS ACHIEVED (Penalty 3)	DEBARRED FROM ENTRY (Penalties 4-5*)
<i>talking/use of telephone.</i>	isolated incidents of talking before start of exam or while papers are being collected but candidates have not been dismissed.	talking during exam about matters not related to exam; receiving non exam-related information.	talking during the exam with intention to give or obtain answers.	Can be used in addition to Penalty 3
<i>written communication.</i>	passing written communications (notes) which clearly have no bearing on the examination.	receiving exam-related information via notes (no proof of use).	passing exam related notes to other candidates; deliberately helping one another; swapping answer sheets. Receiving and using information contained in notes.	Can be used in addition to Penalty 3
<i>copying from another candidate.</i>			permitting examination answers to be copied; showing other candidates the answers. copying from another candidate's answers.	Can be used in addition to Penalty 3
<i>soliciting information about exam from earlier candidates.</i>	overheard discussing scenarios, patients or viva questions with candidates who have not yet been examined.			Can be used in addition to Penalty 3
Standard Penalties				
1 warning. 2 result for a discrete part or component annulled/withheld 3 all results for exam to date annulled/withheld.			4 barred from entry for set period. 5 barred from entry ever again.	

* Penalty 5 would also imply the imposition of penalty 3.

TYPE OF OFFENCE	WARNING (Penalty 1)	ANNULLED RESULT - COMPONENT (Penalty 2)	ANNULMENT OF ALL RESULTS ACHIEVED (Penalty 3)	DEBARRED FROM ENTRY (Penalties 4-5*)
<i>collusion .</i>	work of candidates reflects similarities that go beyond statistical probability but it is not known whether this was copying or collusion.		collusion was observed to take place.	Can be used in addition to Penalty 3
<i>plagiarism</i>	candidate quotes his or her own work from an earlier assignment or former degree programme		submitting the work of someone else as their own, and extensive copying from someone else's work without proper referencing	Can be used in addition to Penalty 3
<i>disruptive behaviour in the examination room (including the use of offensive language).</i>	minor disruption lasting short time.	repeated or prolonged disruption; unacceptably rude remarks; behaviour necessitating being removed from the room; warning from invigilator/supervisor ignored.	provocative or aggravated bad behaviour; repeated or loud offensive comments; physical assault on staff or property.	Can be used in addition to Penalty 3
<i>failing to abide by the conditions of supervision designed to maintain the security of the examinations.</i>	removing answers from the examination room, but with proof that the answers have not been impaired; breaching supervision regulations (candidate unaware of regulations).	leaving MCQ examination early; deliberately breaking supervision regulations; removing answers from examination room but with no proof that the answers are safe.	removing answers from the examination room and with proof that the answers have been tampered with; removing question booklet from room.	Can be used in addition to Penalty 3
Standard Penalties				
1 warning. 2 result for a discrete part or component annulled/withheld 3 all results for exam to date annulled/withheld.			4 barred from entry for set period. 5 barred from entry ever again.	

* Penalty 5 would also imply the imposition of penalty 3.

TYPE OF OFFENCE	WARNING (Penalty 1)	ANNULLED RESULT - COMPONENT (Penalty 2)	ANNULMENT OF ALL RESULTS ACHIEVED (Penalty 3)	DEBARRED FROM ENTRY (Penalties 4-5*)
<i>failing to abide by the instructions or advice of an Invigilator, Supervisor, or the Colleges in relation to the examination rules and regulations.</i>	minor non-compliance, e.g. sitting in a non-designated seat; continuing to write for a short period after being told to stop.	major non-compliance, e.g. refusing to move to designated seat; significant amount of writing after being told to stop.	repeated and aggravated non-compliance, e.g. with abusive or threatening behaviour	Can be used in addition to Penalty 3
<i>impersonation.</i>			deliberate use of wrong name or number; impersonating another individual; arranging to be impersonated.	Can be used in addition to Penalty 3
<i>the inclusion of inappropriate, offensive or obscene material in answers.</i>	isolated words or drawings, mildly offensive.	frequent obscenities in answers; isolated mild obscenities or mildly offensive comments aimed at examiner(s) or member(s) of staff.	extremely offensive comments, obscenities or drawings aimed at a member of staff, examiner or religious or racial group.	Can be used in addition to Penalty 3
Standard Penalties				
1 warning. 2 result for a discrete part or component annulled/withheld 3 all results for exam to date annulled/withheld.			4 barred from entry for set period. 5 barred from entry ever again.	

* Penalty 5 would also imply the imposition of penalty 3.

TYPE OF OFFENCE	WARNING (Penalty 1)	ANNULLED RESULT - COMPONENT (Penalty 2)	ANNULMENT OF ALL RESULTS ACHIEVED (Penalty 3)	DEBARRED FROM ENTRY (Penalties 4-5*)
<i>misuse of examination material.</i>		copying examination questions during examination with intention to remove them.	misuse of examination material or information, including: gaining prior knowledge of examination information; improper disclosure or receipt of examination information.	Can be used in addition to Penalty 3
<i>the alteration of any results document, including certificates.</i>			falsification / forgery.	Can be used in addition to Penalty 3
<i>bribery</i>			bribing, or attempting to bribe, an examination official, clinical or simulated patient	Can be used in addition to Penalty 3
<i>Professional misconduct</i>		E.g. Failure to properly detect an oral disease or malformation; Improper utilisation of dental or surgical utensils	E.g. Personal injury to oral cavity or surrounding bone and tissue	E.g. Manipulating a patient's dental records; Engaging in acts of gross incompetence or gross negligence; Discriminatory behaviour towards a patient on the basis of race, creed, gender, or sexual orientation; Being sexually or physically abusive; Practicing under the influence of alcohol or other drugs
<i>behaving in such a way</i>			attempting to obtain	Can be used in

<i>as to undermine the integrity of the examination.</i>			certificates fraudulently; attempted bribery.	addition to Penalty 3
Standard Penalties				
1 warning.		4 barred from entry for set period.		
2 result for a discrete part or component annulled/withheld		5 barred from entry ever again.		
3 all results for exam to date annulled/withheld.				

* Penalty 5 would also imply the imposition of penalty 3.