

## **International registration application assessment Plagiarism policy and guidance (December 2023)**

### **Introduction**

Any documentary submission made by an applicant during the international application process will be subject to a plagiarism check.

The plagiarism check will be carried out by the Registration team using third party software.

The purpose of this check is to ensure the veracity and authenticity of the information provided by an applicant prior to any assessment. The plagiarism check helps to ensure that the assessment carried out is robust and the information being reviewed by assessors is reliable and authentic. Where instances of plagiarism are found, we can also consider whether the character of an applicant is suitable to join the Register. This could lead to applications being refused if the character issues identified indicate an individual is unable to practise safely and effectively.

This document sets out:

- the legal framework within which the plagiarism check is carried out;
- what constitutes plagiarism;
- when the check will take place in the process;
- how evidence of plagiarism will be reviewed and further actions determined;
- and what the implications are for applicants who have been found to plagiarise content provided during the application process.

The guidance set out here should be read in conjunction with our [Guidance on Health and Character](#) which contains more information about health and character and the declaration of health and character issues.

### **1. The legal framework**

Applications submitted via the international application process may give rise to concerns that the information submitted by the applicant is not a true or accurate reflection of the applicant's training and experience, and that they may have knowingly and dishonestly provided false information in their application. The potential consequences of this are that the applicant:

- does not in fact meet the requirement to hold an approved qualification, as set out in Article 12 of the Health Professions Order (HPO) 2001; and/or

- has been dishonest in their application for registration, which may call into question whether they are capable of safe and effective practice, as required by Article 9(2)(b) of the HPO 2001.

Under Article 5(2)(b) of the HPO 2001, the HCPC is required to prescribe the requirements to be met as to the evidence of good health and good character in order to satisfy the Education and Training Committee (ETC) that an applicant is capable of safe and effective practice.

As set out above, the Article 9(2)(b) of the HPO 2001 requires an applicant for registration to satisfy the ETC that they are capable of safe and effective practice, in accordance with the Council's requirements as to evidence of good health and good character.

Rule 5(3) of the HCPC (Registration and Fees) Rules Order of Council 2003 (Registration and Fees Rules) says that:

*For the purpose of satisfying itself as to the good character of the applicant, the [ETC] shall have regard to—*

*(a) the character declaration provided by the applicant...*

*(b) any conviction or caution which the applicant has received in the United Kingdom for a criminal offence or a conviction received elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;*

*(c) any determination by a body responsible for regulating or licensing a health or social care profession to the effect that the applicant's fitness to practise is impaired; and*

*(d) any other matters which, in the opinion of the Committee, appear to be relevant to the issue*

The decision maker is entitled to consider the fact that the applicant may have been dishonest in their application, by knowingly providing information that was untrue or inaccurate, by virtue of Rule 5(3)(d) of the Registration and Fees Rules. The decision maker can take account of any information that is, in the opinion of the ETC, relevant to the question of the applicant's good character.

The legal test for dishonesty, as set out in the case of *Ivey v Genting Casinos* [2017] UKSC 67, may be described as follows:

- The decision maker must first ascertain (subjectively) the actual state of the applicant's knowledge or belief as to the facts. The reasonableness or otherwise of their belief may evidence whether the applicant held the belief, but it is not an additional requirement that their belief must be reasonable; the question is whether it is genuinely held.
- Once that has been established, the decision maker must then determine whether the applicant's conduct was dishonest by applying the objective standards of ordinary decent people. It is not necessary for the applicant to appreciate that what he has done is, by those standards, dishonest.

When deciding on the applicant's actual state of mind (as required by the first bullet point above), the decision maker should have regard to the burden and standard of proof that applies. Before making any finding of fact adverse to the applicant, the decision maker needs to be satisfied on the evidence that the fact is more likely than not.

Some helpful information about determining a person's state of mind may be found in the Health and Care Professions Tribunal Service practice note on making decisions on state of mind<sup>1</sup>. This practice note is not directly applicable to registration decisions, but it may be of some assistance to decision makers considering registration applications.

When considering the objective element for dishonesty (set out in the second bullet point above), given that the HCPC's definition of plagiarism involves deliberately passing off someone else's work, ideas, credentials or experiences as one's own, it is likely that the objective test for dishonesty will be met.

If the decision maker finds that the applicant has been dishonest in the application process, the HCPC's Guidance on Health and Character makes clear that this is a serious matter. It may lead to refusal of the application on the basis that the applicant has not demonstrated that they meet the requirements of health and character to be capable of safe and effective practice.

Within this legal framework, the HCPC conducts plagiarism checks within the application process (in addition to the health and character declaration) to ensure that such issues of good character can be identified and carefully considered.

## 2. What constitutes plagiarism

For the purposes of HCPC's international application process, plagiarism is considered the practice of taking someone else's work, ideas, credentials or experiences and passing them off as one's own.

Plagiarism if detected, will call into question an applicant's character, which may lead to a rejection of their application for registration. This decision would be made on the basis that the individual is not suitable to join the Register based on issues of character linked to plagiarism found during the application process.

### The scope of plagiarism we consider

a) In the HCPC international application process, plagiarism may be found due to:

- **copying:** using another person's language and/or work, ideas, credentials or experiences as if they were an applicant's own.
- **collusion:** collaborating with another person (e.g., applicant, registrant or other third-party offering application services<sup>2</sup>), or organisation to produce work, ideas, credentials or experiences for inclusion in an application and passing these off as if they were the applicant's own.

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<sup>1</sup> [making-decisions-on-a-registrants-state-of-mind.pdf \(hcpts-uk.org\)](https://www.hcpts-uk.org/making-decisions-on-a-registrants-state-of-mind.pdf)

<sup>2</sup> For more information, see '[HCPC statement on individuals and companies offering assistance to applicants seeking to join our Register | \(hcpc-uk.org\)](https://www.hcpc-uk.org/hcpc-statement-on-individuals-and-companies-offering-assistance-to-applicants-seeking-to-join-our-register)', 25 September, 2023

b) Methods used which constitute plagiarism include:

- **quoting directly** using data, research, case reflections and professional experiences where the authorship and experiences are described and/or passed off as the applicant's own with or without the consent of the original author;
- **paraphrasing** the work of others, even if the applicant changes some words or the order of the words, this would still be considered plagiarism;
- **using ideas** taken from someone else;
- **cutting and pasting** from the internet or any other online source, including content generated by artificial intelligence (AI) tools including but not limited to ChatGPT and others;
- **colluding** with another person, including another applicant, registrant or organisation to produce work, ideas, credentials or experiences and passing these off as if they were the applicant's own;
- **submitting** as part of your own submission someone else's work (for example, using information generated by another applicant).

c) Plagiarism can occur in relation to **all types of sources and all media**:

- not just text published in books and journals, but also downloaded from websites or drawn from other media;
- not just published material but also unpublished works, including lecture handouts, case studies and the work of other applicants.

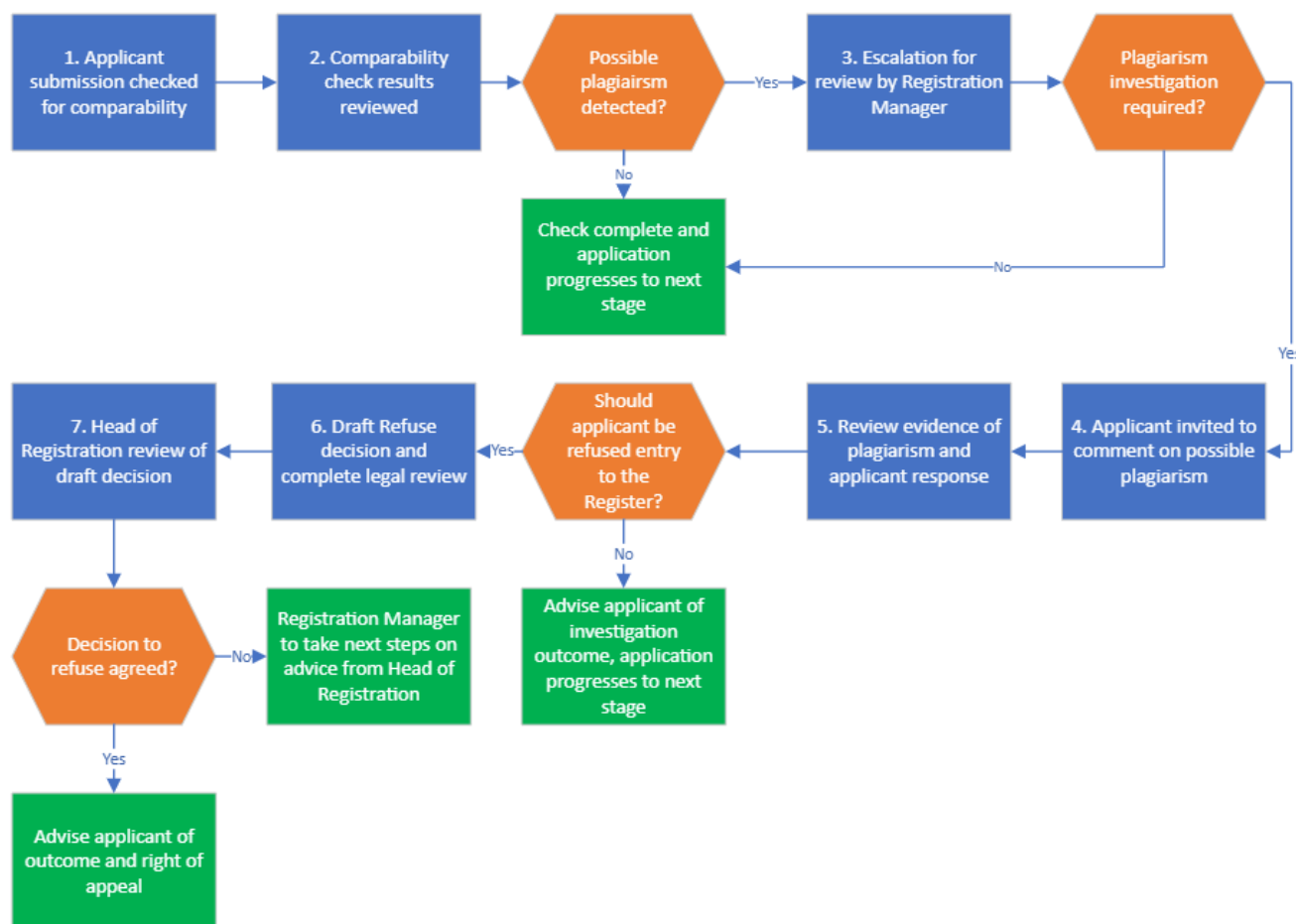
### **3. When plagiarism checks take place in the international registration process**

Checks for plagiarism will always take place at the following points in the international registration process:

- a. New application preliminary review** – new applications which meet our documentary requirements will be checked for plagiarism prior to being marked as ready for assessment by our Registration Assessors, and before we start third party verification checks. At this point in the process, we will have all the applicant's documentation we need to proceed but before the application is assessed and we start the verification checks. We complete the plagiarism check so we can be satisfied about the authenticity of that information before starting the next steps in the process.
- b. Submission of further information** – where an applicant submits further information which seeks to address material gaps identified by the Registration Assessors, a check for plagiarism will take place. This will ensure we are satisfied about the authenticity of the new information before it is sent to the Registration Assessors for the next round of assessment.

## Determining if content in an applicant’s submission constitutes plagiarism

*Flowchart: Plagiarism check process for international applications*



### a. Checking for comparability

We use third party software which provides a comprehensive comparability report detailing where content provided by the applicant derives from third party sources and/or is generated by Artificial Intelligence (AI). We will use this information to determine if there are instances of comparability found which indicate plagiarism has occurred.

We recognise that different documents will have varying degrees of expected Esccomparability, so applying a blanket approach for all documents checked is not suitable. We have therefore developed a decision making framework which can be used to determine if plagiarism has been found: [Plagiarism detection framework.docx](#). Where an applicant provides a document that does not fit into one of the categories identified, a decision will need to be made on a case-by-case basis should issues around comparability arise.

### b. Escalating comparability check result for possible investigation

Where a Registration Advisor detects possible plagiarism, they will escalate the matter to a Registration Manager for review. At this point, the manager responsible

for reviewing the evidence must consider if an investigation into possible plagiarism is required based on the information found during the comparability check.

i. Deciding to investigate

Should an investigation be required, the manager will contact the applicant to invite comment from them on the possible plagiarism found during the comparability check of their submission. This provides the applicant with the opportunity to provide some explanation and further context to the issues raised which the manager can consider further. The manager should also consider contacting any other third parties where necessary to verify whether the content in question is an accurate reflection of the applicant's work, ideas, credentials or experience.

ii. Taking no further action

The Registration Manager at this point could decide to take no further action. This would be suitable where:

- comparability to other sources found is expected for that document type; and
- comparability thresholds are within the expected limits defined for that document type.

iii. Referring to Fitness to Practise

The Registration Manager at this point may refer the matter to Fitness to Practise if the applicant is already registered with the us in another part of the Register than that which they are applying for. Where this occurs, the application will remain on hold until the conclusion of the Fitness to Practise investigation.

**c. Concluding the plagiarism investigation**

Following a further review of the evidence of plagiarism and any response provided by the applicant, and any further information from any other source, the Registration Manager will consider whether the applicant should be refused entry to the Register on the basis that they do not meet the HCPC's character requirements to be capable of safe and effective practice or whether no further action is needed.

The Registration Manager should consider the following questions in order:

- Is there sufficient evidence to show that the application includes plagiarised material, i.e. someone else's work, ideas, credentials or experiences and passed them off as the applicant's own?
- If yes, does this mean that the applicant has failed to demonstrate that they are capable of safe and effective practice, in accordance with the Council's requirements as to evidence of good character?

The table below summarise factors to consider when evaluating the evidence gathered and considering a possible outcome. These factors should be used as a guide only and different considerations may be factored in by the decision maker to support reasons for a particular outcome on a case-by-case basis.

Outcome	Factors to consider in evaluating the evidence
No further action following comment from applicant	<ul style="list-style-type: none"> <li>• The evidence found may have been poorly referenced and/or summarised poorly, leading to a higher comparability rating.</li> <li>• The applicant’s clarification on the matters raised should provide sufficient reason to mitigate any suggestion that they deliberately plagiarised content.</li> <li>• The evidence does not support a conclusion that it is more likely than not that the applicant deliberately plagiarised content.</li> </ul>
Refuse the applicant	<ul style="list-style-type: none"> <li>• Comparability should normally exceed expected thresholds for that document type.</li> <li>• Comparability to other sources would not normally be expected for that document type.</li> <li>• The evidence (including any explanation from the applicant) supports a conclusion that it is more likely than not that the applicant deliberately plagiarised content.</li> </ul>

#### **d. Refusing the applicant**

Where the Registration Manager is minded to refuse the applicant, a draft of the reasons for refusal will be produced and legally reviewed. Once complete, the draft decision is sent to the Head of Registration to consider. The Head of Registration must decide whether the applicant should be refused based on the evidence presented, or whether further investigation is required.

#### **e. Impacts for applicants where issues of plagiarism are found**

The table below summarises the implications for applicants regarding possible outcomes related to the plagiarism check and, where necessary, any investigations carried out.

Outcome	Impacts for applicant
No further action (at conclusion of comparability check or investigation)	<ul style="list-style-type: none"> <li>• Application progresses to next stages of the process for assessment and verification.</li> <li>• The outcome of the character investigation is documented and stored against the application record for the applicant.</li> </ul>
Refuse the applicant	<ul style="list-style-type: none"> <li>• The applicant is provided with a ‘Reject’ decision for reasons of character linked to plagiarism found during the</li> </ul>

	<p>application process. The applicant is advised of options to appeal the decision.</p> <ul style="list-style-type: none"><li>• The outcome of the character investigation is documented and stored against the application record for the applicant.</li><li>• In the event of appeal, the appeal panel receives all supporting evidence for the 'Reject' decision. The applicant can make further representations through the process.</li><li>• The applicant is not entitled to a refund.</li><li>• The outcome of this application may provide grounds to refuse the applicant again should they decide to reapply for registration in future.</li></ul>
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