



Malpractice and Maladministration Policy

Introduction

This policy is aimed at staff and learners, who are delivering/registered on approved qualifications or units (such as BCS, BTEC, and NCFE, IFS, CIE) who are involved in suspected or actual malpractice/maladministration.

It sets out the steps centres and learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibility in dealing with such cases.

Centre's responsibility

It is important that anyone involved in the management, assessment and quality assurance of the qualifications, and learners, are fully aware of the contents of the policy and that arrangements are in place to prevent and investigate instances of malpractice and maladministration.

Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process
- the integrity of a regulated qualification
- the validity of a result or certificate
- the reputation and credibility of the qualification
- the qualification or the wider qualifications community.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

Examples of malpractice

The categories listed below are examples of malpractice. Please note that these examples are not exhaustive and are only intended as guidance on the definition of malpractice:

- persistent instances of maladministration within the centre following notification or warning, or reasonably to have known about it and continued with it.
- denial of access to premises, records, information, learners and staff to any authorised qualification representative and/or the regulatory authorities
- failure to carry out invigilation, internal assessment, internal moderation or internal or verification in accordance with the requirements
- deliberate failure to adhere to the learner registration and certification procedures.
- deliberate failure to continually adhere to our centre recognition and/or qualification



- approval requirements or actions assigned to centres
- deliberate failure to maintain appropriate auditable records, eg examination registration /
- certification claims and/or forgery of evidence
- fraudulent claim for certificates
- the unauthorised use of inappropriate materials / equipment in assessment settings (eg mobile phones)
- intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of qualifications
- collusion or permitting collusion in exams/assessments
- learners still working towards qualification after certification claims have been made
- a loss, theft of, or a breach of confidentiality in, any assessment materials
- plagiarism by learners/staff
- copying from another candidate (including using ICT to do so).
- unauthorised amendment, copying or distributing of exam/assessment papers/materials
- inappropriate assistance to learners (eg unfairly helping them to pass a unit or qualification)
- deliberate submission of false information to gain a qualification or unit.

Definition of Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration (eg within a centre, inappropriate learner records).

Examples of maladministration

The categories listed below are examples of maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- Persistent failure to adhere to learner registration and certification procedures.
- Persistent failure to adhere to centre recognition and/or qualification requirements and/or
- associated actions assigned to the centre
- late learner registrations (both infrequent and persistent)
- unreasonable delays in responding to requests and/or communications from
- inaccurate claim for certificates
- failure to maintain appropriate auditable records, eg certification claims and/or forgery of
- evidence
- withholding of information, by deliberate act or omission, which is required to assure



Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time **must immediately notify a member of the Senior Leadership Team.**

All allegations must be made in writing/email and where possible include:

- centre's or associated third parties name, address and number
- learner's name and registration number
- centre personnel's details (name, job role) if they are involved in the case
- details of the course/qualification affected or nature of the service affected
- nature of the suspected or actual malpractice and associated dates
- details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances.

If a centre has conducted an initial investigation prior to formally notifying the awarding body, the centre should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

However, it is important to note that in all instances the centre must immediately notify the awarding body if malpractice is suspected or maladministration has occurred as the awarding body have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice and maladministration reported to the awarding body we will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by the centre and reported to the awarding body to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from occurring as defined by the regulator Ofqual.

Head of Centre will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by the awarding body.

All suspected cases of malpractice and maladministration will be fully investigated and receipt will be acknowledged within 2 working days.



Notifying relevant parties

The Head of Centre will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation.

Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed by Ofqual.

Investigation timelines and summary process

The Head of Centre aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- to establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred.
- to identify the cause of the irregularities and those involved.
- to establish the scale of the irregularities.
- to evaluate any action already taken by the centre.
- to determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification.
- to ascertain whether any action is required in respect of certificates already issued.
- to identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will:

- ensure all material collected as part of an investigation is kept secure.
- If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.
- expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with the centre.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to withhold a learner's and/or cohort's results.

Where a member of the centre's staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our Senior Leader will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.



Investigation report

After an investigation, the centre will produce a draft report for relevant parties concerned to check the factual accuracy where appropriate. Any subsequent amendments will be agreed between the parties concerned and the centre. The report will:

- identify where the breach, if any, occurred.
- confirm the facts of the case.
- identify who is responsible for the breach (if any)
- confirm an appropriate level of remedial action to be applied.

The centre will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified the centre of the suspected or actual case of malpractice, they will be informed of the outcome – normally within 10 working days of making the decision - in doing so some details may be withheld if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our staff the report will be agreed by the Head of Centre with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place the Head of Centre will consider what action to take to:

- minimise the risk to the integrity of certification now and in the future.
- maintain public confidence in the delivery and awarding of qualifications.
- discourage others from carrying out similar instances of malpractice or maladministration.
- ensure there has been no gain from compromising our standards.

The action we may take include:

- Imposing actions in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid, inform the learner and the regulatory authorities why they're invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. The affected learners will be notified of the action to be taken and that the original certificate/s is invalid and ask – where possible to return the invalid certificates to the awarding body.
- amend aspects of our qualification development, delivery and awarding arrangements and if required assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.

In addition, to the above the Head of Centre will ensure that any lessons learnt from the investigation are recorded and passed onto relevant internal colleagues to help prevent the same instance of maladministration or malpractice from reoccurring.