

Malpractice and Maladministration Procedure

Scope and Purpose of Procedure

This procedure is aimed at our learners, who are registered on programmes or courses, approved qualifications or units within or outside the UK and who are involved in suspected or alleged malpractice. It is also aimed at staff who are involved in suspected or alleged malpractice.

It outlines the process the College and learners must follow when reporting suspected or alleged cases of malpractice and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

The College's Responsibility

It is important that all staff involved in the management, assessment and quality assurance of our qualifications are fully aware of the contents of the policy and that the College has arrangements in place to prevent and investigate any instances of suspected or alleged malpractice.

This procedure will be made available to all relevant staff and all learners via training and induction. Key Quality staff such as Lead IQAs and IQAs will undertake bespoke training into their relevant awarding organisation procedures.

In all cases the College will follow the malpractice guidance of the relevant awarding organisation.

Definition of Malpractice

'Malpractice', **which includes maladministration and non-compliance**, is essentially any activity or practice, which deliberately contravenes regulations and compromises the

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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 College

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. It also includes any activity or practice, which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration.

Maladministration is defined as any activity, practice or omission which results in centre or learner noncompliance with administrative regulations and requirements. For example, persistent mistakes or poor administration within a centre resulting in the failure to keep appropriate learner assessment records.

Some examples of malpractice include:

- Failure to carry out internal assessment, internal moderation or internal quality assurance in accordance with the College's requirements and those of the Awarding Organisation/s
- Deliberate failure to adhere to the College's learner registration and certification procedures.
- Deliberate failure to continually adhere to the College's centre approval and/or qualification approval requirements or actions assigned to the centre
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent or inaccurate claim(s) for certificates
- Intentional withholding of information from us 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
- Late learner registrations (both infrequent and persistent)

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- Unreasonable delays in responding to requests and/or communications from the College
- Withholding of information, by deliberate act or omission, from us which is required to assure the College
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so).

Process for Making an Allegation of Malpractice:

- Anybody who identifies or is made aware of suspected or alleged cases of malpractice at any time must immediately notify the Dean of Quality in writing. All allegations must include, where possible:
 - The learner's name, SIN number and registration number
 - The staff members name and 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 alleged malpractice and associated details
- The Dean of Quality will then appoint an investigating officer to conduct the initial investigation who has no personal interest in the outcome of the investigation. This will be undertaken in line with the relevant awarding organisation regulations.

Responsibility for the Investigation

- In accordance with regulatory requirements all suspected or alleged cases of maladministration will be examined promptly by the Dean of Quality to establish if malpractice has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence as defined by Ofqual/Qualification Wales.
- The College will acknowledge receipt, as appropriate, to any person reporting an allegation within 3 working days.
- The Dean of Quality will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures outlined by the awarding organisation and will allocate a relevant member of staff to lead the

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investigation to establish whether or not the malpractice or maladministration has occurred. This will then be reviewed, along with any supporting evidence received or gathered by the College.

Notifying Relevant Parties

- The relevant awarding organisation will be informed in line with their procedures.
- In line with awarding organisation procedures, the Dean of Quality will inform the appropriate regulatory authorities if the College believes there has been an incident of malpractice, 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 the regulator; Ofqual/Qualification Wales. If we do not know the details of organisations that might be affected we will ask Ofqual/Qualification Wales to help us identify relevant parties that should be informed.

Investigation Timelines and Summary Process

- The College will 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 objectives:
 - To establish the facts relating to allegations 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
 - To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the College and the qualification/s.

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- 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 will be kept secure.
 - If an investigation leads to invalidation of certificates, 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 us.
- Either at notification of a suspected or actual case of malpractice and/or at any time during the investigation, we reserve the right to withhold a learner's, and/or cohorts, results or certificates.
- Where a member of the College's staff or a College Associate is under investigation we may suspend them or move them to other duties until the investigation is complete, in accordance with the HR Policy.
- Throughout the investigation our Dean of Quality will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered, reviewed and for liaising with and keeping informed relevant external parties.

Investigation Report

- After an investigation, the Dean of Quality will produce a report for all parties. The College will make the 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 us of the suspected or alleged case of malpractice, the College will also inform them of the outcome – normally within 10 working days of making our decision - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

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- If it is an internal investigation against a member of College staff, the report will be shared with the relevant internal managers and HR department. Any decision to begin disciplinary procedures will be made in line with the College's disciplinary procedures.

Investigation Outcomes

- If the investigation confirms that malpractice has taken place we will consider what action to take in order 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;
 - Ensure there has been no gain from compromising our standards.
- The action we take may include:
 - Imposing actions in order to address the instance of malpractice and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid, inform the awarding organisation concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also let the affected learners know the action we are taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to the College.
- Informing relevant third parties (e.g. Dfes, EWC) of our findings in case they need to take relevant action in relation to the centre.
- In addition to the above the Dean of Quality will record any recommendations from the investigation and report these to the Governors and Quality Standards Board to help prevent the same instance of malpractice from reoccurring.

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Linked Policies

- Equality and Diversity Policy
- Quality Policy
- Complaints and Compliments Policy
- Plagiarism Policy
- Whistleblowing Policy

Linked Procedures

- Assessment and Appeals Procedure
- Complaints Procedure
- IQA Procedure
- Whistleblowing procedure

Location and Access to the Procedure

This policy is available from the staff intranet and college internet and may be out of date if printed.

There is a Welsh version of this document available.

Date approved: 15 April 2016

Approved by: QSB

Review date: 30 September 2022

Responsible Manager: Dean of Quality Improvement

Executive Lead: Deputy Principal

Accessible to Students: Yes

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