

A Welsh version of this document is available.

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 which 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.

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Definition of Malpractice

'Malpractice', **which includes maladministration and non-compliance**, 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 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. Malpractice for a learner includes plagiarism of published work, unpublished work or work generated by Artificial Intelligence (AI). 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 non-compliance 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.

Artificial Intelligence (AI) is the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings and can be used for problem-solving. AI technology is available to everyone and can easily be accessed through a variety of low-cost or free tools and it can be used to write content in response to a user inputting basic information and/or questions. Policies and procedures need to consider that using AI can result in text generated from parameters set by the user and is not taken from another online source, therefore it is difficult to be flagged by a conventional plagiarism checker. The College's work related to malpractice and plagiarism need to be aware of and take account of this.

Some examples of malpractice include:

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- 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)
- 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 – refer to Plagiarism Procedures
- using AI to generate work in response to prompts and questions. Any use of AI which means learners have not independently demonstrated their own attainment is likely to be considered malpractice if a declaration of authentication has been signed. For further guidance on AI see Appendix 1.
- copying from another learner (including using ICT to do so).

Learners must submit work for assessments which is their own. This means both ensuring that the final product is in their own words and is not copied or paraphrased from another source such as an AI tool, and that the content reflects their own independent work. Learners are expected to demonstrate their own knowledge, skills and understanding as required for the qualification in question and set out in the qualification specification. This includes demonstrating their performance in relation to the assessment objectives for the subject relevant to the question/s or other tasks learners have been set.

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Using any work produced by someone else in any of these ways without giving them credit is plagiarism and is academic misconduct and malpractice. Sometimes this plagiarism is done unintentionally due to poor research skills and a lack of understanding of referencing conventions. Sometimes it is done deliberately. In either case plagiarism is not acceptable and should be addressed.

Plagiarism Procedure or Malpractice Procedure - Learners?

Please note for work that is submitted as part of the formal assessment of the qualification and linked to achievement and certification, the following rules apply:

If the learner has **not** signed the declaration of authentication, the incident can be dealt with under the **plagiarism procedure** and the College does not need to report the incident to the appropriate awarding organisation.

If plagiarism is detected or suspected by the centre and the declaration of authentication has been signed by the learner, the case must be reported to the relevant awarding organisation as **malpractice**.

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 Assistant Principal, Quality, Teaching and Learning, in writing. All allegations must include, where possible:
 - the learner's name, SIN number and registration number
 - the staff member's name and job role - if they are involved in the case.
 - details of the course/qualification affected or nature of the service affected.
 - the nature of the suspected or alleged malpractice and associated details
- The Assistant Principal, Quality, Teaching and Learning, 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.

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Responsibility for the Investigation

- In accordance with regulatory requirements, all suspected or alleged cases of maladministration will be examined promptly by the Assistant Principal and/or Head of Quality to establish if malpractice has occurred, and they will take all reasonable steps to prevent any adverse effect from the occurrence as defined by JCQ, Ofqual/Qualification Wales.
- The College will acknowledge receipt, as appropriate, to any person reporting an allegation within 3 working days.
- The Assistant Principal and/or Head 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 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 Assistant Principal and/or Head 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.

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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.
 - 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 cohort's, 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.

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- Throughout the investigation the Assistant Principal and/or Head 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 and reviewed, and for liaising with and keeping informed relevant external parties.

Investigation Report

- After an investigation, the Assistant Principal and/or Head 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.
- 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 that 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

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- 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 Assistant Principal, Quality, Teaching and Learning 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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Guide to Artificial Intelligence (AI) and Malpractice/Plagiarism

Taken from College's Plagiarism Procedures

Artificial Intelligence (AI)

Identifying the misuse of AI by learners requires the same skills and observation techniques that teachers are probably already using to assure themselves learner work is authentically their own. There are also some tools that can be used.

Comparison with previous work

When reviewing a given piece of work to ensure its authenticity, it is useful to compare it against other work created by the learner. Where the work is made up of writing, one can make note of the following characteristics:

- Spelling and punctuation
- Grammatical usage
- Writing style and tone
- Vocabulary
- Complexity and coherency
- General understanding and working level
- The mode of production (i.e. whether handwritten or word-processed)

Teachers could consider comparing newly submitted work with work completed by the learner in the classroom, or under supervised conditions.

Potential indicators of AI use

If you see the following in learner work, it may be an indication that they have misused AI:

- A default use of American spelling, currency, terms, and other localisations.*
- A default use of language or vocabulary which might not appropriate to the qualification level.*
- A lack of direct quotations and/or use of references where these are required/expected.~
- Inclusion of references which cannot be found or verified (some AI tools have provided false references to books or articles by real authors).

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- A lack of reference to events occurring after a certain date (reflecting when an AI tool's data source was compiled), which might be notable for some subjects.
- Instances of incorrect/inconsistent use of first-person and third-person perspective where generated text is left unaltered.
- A difference in the language style used when compared to that used by a learner in the classroom or in other previously submitted work.
- A variation in the style of language evidenced in a piece of work, if a learner has taken significant portions of text from AI and then amended this.
- A lack of graphs/data tables/visual aids where these would normally be expected.
- A lack of specific local or topical knowledge
- Content being more generic in nature rather than relating to the learner themselves, or a specialised task or scenario, if this is required or expected.
- The inadvertent inclusion by learners of warnings or provisos produced by AI to highlight the limits of its ability, or the hypothetical nature of its output.
- The submission of learner work in a typed format, where their normal output is handwritten.
- The unusual use of several concluding statements throughout the text, or several repetitions of an overarching essay structure within a single lengthy essay, which can be a result of AI being asked to produce an essay several times to add depth, variety or to overcome its output limit.
- The inclusion of strongly stated non-sequiturs or confidently incorrect statements within otherwise cohesive content.
- Overly verbose or hyperbolic language that may not be in keeping with the candidate's usual style.

*Please be aware, though, that AI tools can be instructed to employ different languages and levels of proficiency when generating content.

~However, some AI tools will produce quotations and references.

Automated detection

AI chatbots, as large language models, produce content by 'guessing' the most likely next word in a sequence. This means that AI-generated content uses the most common combinations of words, unlike humans who use a variety of words in their normal writing. Several programs and services use this difference to statistically analyse written content and determine the likelihood that it was produced by AI:

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OpenAI Classifier (<https://openai.com/blog/new-ai-classifier-for-indicating-ai-written-text>)

GPTZero (<https://gptzero.me/>)

The Giant Language Model Test Room (GLTR) (<http://gltr.io/dist/>)

However, it should be noted that the above tools, as they base their scores on the predictability of words, will give lower scores for AI-generated content which has been subsequently amended by learners. The quality of these detection tools can vary, and AI and detection tools will continue to evolve. The use of detection tools should form part of a holistic approach to considering the authenticity of learners' work; all available information should be considered when reviewing any malpractice concerns.

Turnitin

To check learners are working in a fair and academically appropriate manner, Cardiff & Vale College uses text comparison software to detect potential cases of plagiarism in work that is submitted for assessment by HE and Access learners. This is:

- Turnitin which carries out the equivalent of an internet search, looks for matches between the text included in a piece of work submitted by a learner with all forms of information and resources publicly available on the internet. Turnitin is used to check for cases of direct copying, and/or not properly referencing various types of source materials. It can also be used to compare each learner's assignments with the module materials and other commonly used or provided references. For each assignment submitted to Turnitin, an 'originality' report is produced showing the percentage of text that matches specific websites.

Depending on the questions being asked and the format of the submitted answer, some level of matching between scripts and with other sources is expected. For example, you may have used information obtained from other sites and/or scientific papers as a direct quote to support your answer or illustrate a particular point (making sure that you have referenced this in the appropriate and expected manner). Likewise, you will probably use terms and phrases, which can be described as 'common knowledge' within your particular subject area and level of study, which do not need to be referenced, but are likely to arise in a similar format on a number of sites and other learners' answers.

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The course team will take all such matters into account when reviewing the reports from Turnitin and deciding whether a learner has plagiarised. If there are concerns:

- the course team may decide that some learners need further guidance or support to develop their academic writing skills; or
- the course team may decide that what the reports are showing is more serious, in which case they will refer the matter to the Assistant Principal, Quality, Teaching and Learning, for consideration.

For all other levels, staff are vigilant for plagiarism and use online search engines to check work. Moderation across course teams also identifies plagiarism.

AI detection will shortly be added to the existing tool Turnitin Originality (<https://www.turnitin.com/products/originality>). This tool features an AI review of a learner's work, reviewing a portfolio of evidence and, we understand, will indicate the likelihood of AI use. These tools could be used as a check on learner work and/or to verify concerns about the authenticity of learner work.

In order to avoid plagiarism when using AI:

- If a learner uses an AI tool which provides details of the sources it has used in generating content, these sources must be verified by the learner and referenced in their work in the normal way.
- Where an AI tool does not provide such details, learners should ensure that they independently verify the AI-generated content – and then reference the sources they have used.
- In addition to the above, where learners use AI, they must acknowledge its use and show clearly how they have used it. This allows teachers and assessors to review how AI has been used and whether that use was appropriate in the context of the particular assessment. This is particularly important given that AI-generated content is not subject to the same academic scrutiny as other published sources.
- Where AI tools have been used as a source of information, a learner's acknowledgement must show the name of the AI source used and should show the date the content was generated. For example: ChatGPT 3.5 (<https://openai.com/blog/chatgpt/>), 25/01/2023. The learner must, retain a copy of the question(s) and

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computer-generated content for reference and authentication purposes, in a non-editable format (such as a screenshot) and provide a brief explanation of how it has been used. This must be submitted with the work so the teacher/assessor is able to review the work, the AI-generated content and how it has been used. Where this is not submitted, and the teacher/assessor suspects that the learner has used AI tools, the teacher/assessor will need to consult the centre's malpractice policy for appropriate next steps and should take action to assure themselves that the work is the learner's own.

The JCQ recommends that colleges should take the following action to prevent AI being misused, such measures will be reviewed periodically:

- Consider restricting access to online AI tools on centre devices and networks.
- Ensure that access to online AI tools is restricted on centre devices used for exams.
- Set reasonable deadlines for submission of work and providing reminders.
- Where appropriate, allocating time for sufficient portions of work to be done in class under direct supervision to allow the teacher to authenticate each student's whole work with confidence.
- Examine intermediate stages in the production of work in order to ensure that work is underway in a planned and timely manner and that work submitted represents a natural continuation of earlier stages.
- Introduce classroom activities that use the level of knowledge/understanding achieved during the course thereby making the teacher confident that the student understands the material.
- Consider whether it's appropriate and helpful to engage students in a short verbal discussion about their work to ascertain that they understand it and that it reflects their own independent work.
- Do not accept, without further investigation, work which staff suspect has been taken from AI tools without proper acknowledgement or is otherwise plagiarised – doing so encourages the spread of this practice and is likely to constitute staff malpractice which can attract sanctions.
- Issuing tasks for centre-devised assignments which are, wherever possible, topical, current and specific, and require the creation of content which is less likely to be accessible to AI models trained using historic data.

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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 college website and may be out of date if printed.

Date approved:	15 th April 2016
Approved by:	QSB
Review date:	1st July 2025

Responsible Manager:	Assistant Principal, Quality, Teaching and Learning
Executive Lead:	Vice Principal, Learner Journey and Quality
Accessible to Students:	Yes

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