

MALPRACTICE AND MALADMINISTRATION POLICY AND PROCEDURE

Malpractice is defined as an act of an instance of improper practice and includes maladministration. Malpractice is any activity, practice or omission which is either willful, negligent or deliberately contravenes relation and compromises

- the internal or external process
- integrity of a regulated qualification
- validity of a result or certificate
- reputation and credibility of an awarding body

Maladministration is defined as any activity, or mission which results in centre or learner non-compliance with administrative relations and requirements.

Any areas of malpractice and maladministration will be taken seriously and investigated. Disciplinary procedures may be involved if investigations produce evidence and just cause.

Centre malpractice

Although this is not an exhaustive list, include:

- inadequate centre/provider procedures for the induction of members of staff
- failure to provide learners and members of staff with the knowledge of their responsibilities through relevant policies and procedures that include the possible consequences of non-compliance
- Failure to review systems, policies and procedures so that they remain fit for purpose
- Inadequate support for learners and members of staff that includes ways of helping learner understand how malpractice can occur and be prevented
- Failure to follow procedures relating to malpractice, maladministration and/or plagiarism.
- Failure to have robust procedures in place for the review and monitoring of any administrative, assessment or quality process/activity that could result in deliberate falsification of records.

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- Failure to maintain accurate records relating to learners, assessment or internal quality assurance or to retain such records for a required period of time.

PLAGIARISM

INTRODUCTION

Plagiarism (defined by the Association of Colleges as “the presentation of someone else’s work, ideas, opinions, or discoveries, whether published or not, as one’s own) is considered unacceptable as authentic evidence for assessment.

In order for accurate assessment of a learner’s knowledge and understanding to occur, it is essential that information presented is created and compiled by the learner themselves.

Where referencing or quotation is used from a secondary data source within a written assessment, it should meet the following criteria:

- Quotation marks/referencing marks should be used and credited to the original source
- The information should be used as an example or illustration of a point made/concept expressed in the text
- The information should be only of a length necessary to provide the relevant illustration or example
- The quotation or reference should provide an opportunity for the learner to demonstrate understanding, through the ability to select relevant secondary data for the illustration or example

The copying of a fellow learner’s work is equally unacceptable as assessment evidence.

Where plagiarism in these circumstances is clear i.e. word for word, or with one or two words/phrases/the formatting changed, the work will be voided for assessment, and an alternative opportunity for re-assessment provided, which matches the particular learning outcome assessment policy and guidelines.

Any work deemed to have been copied, either from material published in the public domain, or fellow learners will not be accepted and such incidents will be referred to the Assessment Panel for investigation.

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Centre influencing the assessment or certification process

This is not an exhaustive list but would include:

- Failure of a member of the staff to report any instances of malpractice or suspected malpractice to their line manager
- the unauthorised obtaining, dissemination or facilitating of access to assessment materials
- Permitting, facilitating, obtaining or disseminating unauthorised access to secure assessment materials
- Assisting or promoting learners in the production of answers to assessment
- any action or inaction that allows learners to have an unfair advantage
- falsification or fabrication of learners' marks, assessment evidence, observation records, certification claims or results documentation and any other record regarding an Awarding Body result

Centre malpractice - conduct of examinations

This list is not exhaustive but would include:

- Members of centre staff undertaking any examination on behalf of learner(s)
- Breaches of any secure materials
- changes that are unauthorized to examination timetable
- failure to issue learners with appropriate notices and warnings
- not adhering to invigilation requirements
- failure to dispatch examination materials in a timely manner
- amendment of examination materials without permission
- failure to provide access arrangements where required.

Green Labyrinth Learners

This list is not exhaustive but would include

- Falsification or fabrication of examination/assessment evidence
- Any form of impersonation
- Obtaining or attempting to obtain secure examination/assessment materials
- Offering a bribe or any kid to an invigilator, a member of centre staff
- Any form of plagiarism
- False declaration of authenticity in relation to the contents of any assessment produced by the learner

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- Any form of cheating to gain an improper advantage
- Collusion ie allowing another learner to copy work
- use of unauthorised material or instruments into the examination room/assessment session
- Misuse or attempted misuse of examination material
- exchanging, obtaining or receiving unauthorized or confidential material
- disruptive, violent or offensive behaviour
- any form of communication with other learners (written, verbal, gestures, expressions) during exam conditions
- Failure to abide by the instructions set by the invigilator

Any other persons

- Forgery of certificates
- Threats or inducements to any person involved in the assessment process intended to influence the outcomes of assessment.

Centre Maladministration

Examples of Centre maladministration include:

- Persistent mistakes or poor administration with a centre resulting in the failure to keep appropriate learner assessment records
- inaccurate recording of learner assessment decisions leading to invalid claims for certification
- non-compliance of awarding body requirements (from Centre handbooks or similar documentation)
- failure to retain accurate records of learner assessment decisions for the specified timescales
- Failure to keep question papers secure prior to and after examinations

Process and procedures to implement in any investigation of suspected malpractice

Malpractice may be detected in a number of ways, including:

- identification by a centre tutor, assessor or internal verifier or other member of staff
- verbal or written allegations that are reported openly or anonymously by a learner, third party or other interested party to a centre/provider.

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All suspected or alleged cases of malpractice or maladministration must be reported to the appropriate awarding body within 48 hours of it being identified and prior to the commencement of an internal investigation.

Appropriate forms for each awarding body should be completed and returned to the awarding body in the first instance. An example of the process to follow is in Annex A if specific awarding body requirements are NOT requested.

Actions following an investigation

In most investigations into suspected malpractice, decisions will be made by external awarding body staff. Please refer to individual awarding body requirements.

Learner malpractice/maladministration

Learner malpractice/maladministration will result in:

- A written warning issued and, if the offence is repeated, further specified sanctions may be applied
- not allowing all or part of the learner(s) assessment evidence or marks
- the learner(s) certificate will not be issued
- no further registrations will be accepted for the learner(s)
- Barring the learner(s) from entering any examinations for a set period of time

Centre malpractice/maladministration

Different awarding bodies will implement different actions. The following is an example of what might occur:

- implementation of an agreed improvement action plan
- a written warning may be issued that if the offence is repeated or a similar offence occurs in the future, further specified sanctions may be applied
- the centre risk rating may be reviewed
- increased centre visits may be implemented and the introduction of sanctions
- removal of direct claim status
- suspension of centre approval or qualification approval
- withdrawal of centre approval for a set period of time or indefinitely
- staff training on specific items or mentoring with a period of time with a review at the end of the process

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- appointment of independent invigilators to observe an examination which may incur a cost to the centre

There will be an appeal procedure for the centre to follow which may need to be investigated in order to follow particular awarding body requirements.

Requirements of reporting malpractice

Check with the Awarding body what the particular process is to cover the report of malpractice. Most awarding bodies will have a specific form which will include:

- A detailed account of the circumstances surrounding the malpractice
- the procedures for advising learners and/or centre staff of the regulations concerning the conduct of examinations and/or assessments
- The procedures for advising learners of the plagiarism policy and guidance on submitting evidence
- signed and dated statements from staff concerned on GL's headed paper
- seating plan of exam rooms (where applicable)
- copies of plagiarised materials (where applicable)
- Unauthorised material removed from the learner
- full name and contact details of the Head of Centre

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ANNEX A

Malpractice notification form checklist

What is this checklist for?

This checklist is intended to assist staff when completing a notification of suspected malpractice by staff or students.

Please indicate by ticking the appropriate box for the following points:

	Yes	No
Staff member/learner has been informed of their rights		
The individual, whether a learner or member of staff accused of malpractice <ul style="list-style-type: none"> has been informed in writing of the allegation made against him or her 		
<ul style="list-style-type: none"> knows what evidence there is to support the allegation 		
<ul style="list-style-type: none"> knows the possible consequences or penalties the awarding body may apply should malpractice be proven 		
<ul style="list-style-type: none"> has had the opportunity to consider their responses to the allegation (if required) 		
<ul style="list-style-type: none"> has had the opportunity to submit a written statement 		
<ul style="list-style-type: none"> has had the opportunity to seek advice (as necessary) and provide a supplementary statement if required 		
<ul style="list-style-type: none"> has been informed of the applicable appeals procedures should a decision be made against them 		
<ul style="list-style-type: none"> has been informed of the possibility that information relating to the malpractice may be shared with other Awarding Organisations, the regulators and/or agencies 		

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Annex B

Malpractice and Maladministration - Notification Form

Confidential

Centres must use the form below to notify the Awarding Body of suspected malpractice and/or maladministration involving centre staff

Date of incident	Time	Centre No	Centre Name
Examination / Assessment			
Qualification Number		Qualification Title	
Unit Number		Title	
Date of incident was reported to centre manager:			
Learner Details			
Enrolment Number		Learner Name	
Details of invigilators assessors			
Role		Name	
Describe the nature of the suspected malpractice, including details as to how it was discovered and by whom and when			
Describe how the learner(s) were made aware of the examination assessment/regulations			
If the incident involve any disruptive behaviour, did the learner;s behaviour cause disturbance to other			

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learners YES/NO		
If the answer to the above questions is "yes", do you wish to request a special consideration for other learned, please submit an application to the awarding body in the normal way. Is this something that you would like to pursue YES/NO		
If the incident involved the introduction of unauthorised materia, is the unauthorised material enclosed? YES/NO		
If the answer to the above questions is "no", please give details below of the nature of the unauthorised material		
If there are any other details that you feel are relevant, including mitigating circumstances, please give further details		
Please check the appropriate boxes to indicate the supporting information and materials	Yes	No
Statement for invigilators		
Statement from tutor/head of subject/assessment/IQA		
Statement from examinations officer		
Statement from employer		
Seating plan of examination room		
Question paper and script or other learner evidence		
Copies of plagiarised materials		
Unauthorised materials		
Assessment and IQA materials		
Other (please give details		
If no statement from learner(s) is enclosed, please tick the box to indicate that the learner has been given the opportunity but has chosen not to		
Name	Job Title	Tel No
email	Signature	Date

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