

MALPRACTICE AND MALADMINISTRATION

1. Purpose and Scope

This document is aimed at all awarding organisations, Holderness Academy & Sixth Form College staff and learners who are delivering/registered on approved qualifications (including units), accreditations or Quality Assured Awards, and who are involved in suspected or actual malpractice and/or maladministration.

This document is to be used by all staff at across the Academy to ensure they deal with all malpractice and maladministration investigations in a consistent manner. This policy covers all academic work of the Academy and all learners studying a qualification registered with an awarding organisation under the Academy centre number.

Higher Education: In cases of students enrolled on programmes approved by Higher Education Institutions (HE) the policies of the HEI will take precedence where applicable. In these cases, the relevant HEI policy should be referred to.

It also sets out the procedural steps that students and other personnel must follow when reporting suspected or actual cases of malpractice and/or maladministration and our responsibilities in dealing with such cases.

2. Definitions

2.1 Malpractice

The term 'malpractice' 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 Holderness Academy & Sixth Form College
- 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. Failure to deal with an identified issue may in itself constitute malpractice.

2.2 Maladministration

Maladministration is any activity, neglect, default or other practice that results in the centre or learner not complying with the specified requirements for delivery of the qualifications as set out in the relevant codes of practice, where applicable.

2.3 Background

Incidents of malpractice/maladministration can potentially lead to Learners/Candidates being disadvantaged and can require the conduct of costly and time-consuming investigations which may cause reputational damage to the Academy. It is, therefore, in everyone's interest to prevent malpractice or maladministration from occurring, wherever possible. Where it is not possible to prevent this, it is in everyone's interest to ensure that all cases of suspected or actual malpractice/malpractice/maladministration are dealt with quickly, thoroughly and effectively.

3. Types of Malpractice

- Insecure storage of assessment instruments and marking guidance
- Misuse of assessments, including inappropriate adjustments to assessment decisions
- Failure to comply with requirements for accurate and safe retention of learner evidence, assessment and internal quality assurance records
- Failure to comply with awarding organisation procedures for managing and transferring accurate learner data
- Excessive direction from assessors to Learners/Candidates on how to meet national standards when giving learner feedback
- Deliberate falsification of records in order to claim certificates.

3.1 Staff Malpractice

There may be other instances of malpractice which may involve staff. Malpractice committed by a member of staff (or contractor) at a centre can arise through, for example:

- A breach of security (e.g. failure to keep exam material secure, tampering with coursework etc.)
- Deception (e.g. manufacturing evidence of competence, fabricating assessment or internal verification records)
- The provision of improper assistance to Learners/Candidates (e.g. permitting the use of a reasonable adjustment over and above the extent permitted by awarding body policy, prompting Learners/Candidates in assessments by means of signs or verbal or written prompts)
- Failure to adhere to Awarding Body requirements.

3.2 Learner Malpractice

Malpractice by a learner in internal assessment can occur in:

- The compilation of portfolios of internal assessment evidence
- The presentation of practical work
- The preparation and authentication of coursework
- Conduct during an internal assessment
- Conduct during an external assessment.

Examples of learner malpractice include:

- Plagiarism - failure to acknowledge sources properly and/or the submission of another person's work as if it were the learner's own
- Collusion with others when an assessment must be completed by individual Learner/Candidate
- Copying from another learner (including using ICT to do so)
- Impersonation - assuming the identity of another candidate or having someone assume your identity during an assessment
- Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature outlined in the Equality Act 2010
- Inappropriate behaviour during an internal assessment that causes disruption to others.
- This includes shouting and/or aggressive behaviour or language and having an unauthorised electronic device that causes a disturbance in the examination room
- Frivolous content - Producing content that is unrelated to the examination paper/question in scripts or coursework
- Unauthorised aids - Physical possession of unauthorised materials (including mobile phones, MP3 players, notes, etc.) in the examination room.

4. Roles and Responsibilities – Malpractice & Maladministration

Academy staff have roles and responsibilities in relation to malpractice /maladministration. They are responsible for:

- Taking reasonable steps to prevent malpractice/ maladministration from arising.
- Advising Learners/Candidates of policy on malpractice/ maladministration during their induction.
- Implementing systems and procedures for recording all suspected instances of learner malpractice and making this information available to Awarding Bodies during quality assurance activities on site and/or on request and assisting with any investigations into malpractice/maladministration
- Being vigilant to possible instances of malpractice and maladministration.
- Implementing any actions required during and after investigation into a case of malpractice.
- Taking action required to prevent the recurrence of malpractice/ maladministration.

5. Preventing Malpractice and Maladministration

It will always be preferable to prevent malpractice/maladministration than to deal with it once it has occurred. Staff can help prevent malpractice and maladministration by:

- Ensuring they understand what activity constitutes malpractice and maladministration; their role in preventing it and the need to communicate relevant points to all members of centre staff
- Understanding and complying with the Academy's guidance on prevention of Malpractice / Maladministration
- Ensuring that quality monitoring is carried out regularly and thoroughly by staff

6. Dealing with cases of (suspected) malpractice

6.1 Identification

Malpractice may be identified:

- At course level through on-going quality assurance activity and monitoring e.g. internal quality assurance activity
- At whole Academy level through intelligence, complaints or feedback received e.g. from centre staff, Learners/Candidates, or other stakeholders etc.
- Through scheduled quality assurance activity and monitoring e.g. external quality assurance activity
- Through internal examinations sampling
- Through information from other organisations e.g. other awarding bodies, sector skills councils or funding agencies etc.

A suspected case of malpractice will be investigated by a member of the CMT who is independent of the staff/learner/candidate/process under investigation.

6.2. Investigation timelines and process

All Investigations into malpractice and suspected malpractice should aim to:

- Establish the facts, circumstances and scale relating to malpractice /allegations / complaints in order to determine whether any irregularities have occurred. (It is important to remember that just because an allegation has been made it should not be assumed that malpractice has actually occurred)
- Identify the cause of the irregularities and those involved
- Inform the Awarding Body if it is suspected that malpractice and/or maladministration has occurred. (For policy on malpractice relating to Awarding Organisations see the JCQ publication Guidance for dealing with instances of suspected malpractice in examinations, the latest issue <https://www.jcq.org.uk>)

- Identify and, if necessary, take action to minimise the risk to current learners/Candidates and requests for certification
- Evaluate any action already taken
- Determine whether remedial action is required to reduce the risk to current Learners/Candidates and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued
- Obtain evidence to support any sanctions to be applied, and/or to members of staff, in accordance with awarding body procedures
- Identify any patterns or trends
- Identify any changes to policy or procedure that need to be made.

6.3 Conducting an investigation

During any investigation, the following principles should be adhered to:

6.3.1 Principles

Confidentiality – by their very nature investigations usually necessitate access to information that is confidential to the Academy or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties.

Rights of individuals – where an individual is suspected of malpractice, they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice if they wish to. They should also be informed of what the possible consequences could be if the malpractice is proven and of the possibility that other parties may be informed e.g. the regulators, the police, the funding agency, and professional bodies. The appeals process should also be communicated to them.

Staff Interviews - these interviews will be carried out in line with Academy policy and procedures (including the policy for conducting disciplinary enquiries). Staff may request that they are accompanied by a friend or colleague and these requests should be processed in line with Academy and/or Awarding Organisation policy.

Candidate Interview - where a candidate is to be interviewed and they are a minor or vulnerable adult, the Academy will consider the need to have a parent/guardian or representative present or to have the permission of a parent/guardian prior to the interview taking place.

Retention and storage of evidence and records – all relevant documents and evidence should be retained in line with stated policy and procedures.

Decisions and action plans – all conclusions and decisions should be based on evidence. A course of proposed action should be identified and agreed by the investigating officer and implemented and monitored by the individual's line manager until the point of completion. The actions should address the improvements that are required to any policies and procedures as well as any action that is related to staff or other resources.

6.2 Guidance on carrying out an investigation

The following process is recommended for carrying out investigations. It is intended that the stages involve generic key activities; however, not all these would be implemented in every case.

Stage 1: Briefing and record-keeping

Anyone involved in the conduct of an investigation should have a clear brief and understanding of their role. All investigators must maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately.

Stage 2: Establishing the facts

Investigators should review the evidence and associated documentation, including Awarding Body guidance on the delivery of the qualifications and related quality assurance arrangements. Issues to be determined:

- What occurred (nature of malpractice/substance of the allegations)
- Why the incident occurred
- Who was involved in the incident?
- When it occurred
- Where it occurred – there may be more than one location
- What action, if any, has been taken

Stage 3: Interviews

Thorough preparation is needed prior to any interview.

- Interviews should include prepared questions; responses should be recorded. Interviewer may find it helpful to use the 'PEACE' technique:
- Plan and prepare
- Engage and explain
- Account
- Closure
- Evaluation.
- Face-to-face interviews where practicable, should normally be conducted by two people with one person primarily acting as interviewer and the other as note-taker. Those being interviewed should be informed that they may have another individual of their choosing present providing they are independent to the investigation.

Stage 4: Other contacts

In some cases, Learners/Candidates or employers may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post or by email. Whichever method is used, the investigator should have a set of prepared questions. The responses will be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual.

Stage 5: Documentary evidence

Wherever possible documentary evidence should be authenticated by reference to the author; this may include asking Learners/Candidates and others to confirm handwriting, dates and signatures. Receipts should be given for any documentation removed from an associated site. Independent expert opinion may be obtained from subject specialists about a candidate's evidence and/or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

Stage 6: Reporting

A draft report is prepared including all the relevant facts (see section on Reporting). The report should also include recommendations and proposed actions.

Stage 7: Conclusions

Once the report has been reviewed by Assistant Head - Standards, a decision will be made on the outcome or it may be decided to investigate further.

Stage 8: Actions

Any resultant action plan is implemented and monitored appropriately by People and Performance.

6.4 Investigation report

Where the investigation into the alleged malpractice has been carried out a written report should be submitted to the Head of Centre and be accompanied by the following documentation:

- A statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the Head of Faculty
- Written statements from the centre staff and Learners/Candidates who have been interviewed as part of the investigation
- Any work of the learner and internal assessment or verification records relevant to the investigation
- In the case of candidate malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future. Any mitigating factors that should be considered.

The above records and documentation in line with Academy record retention requirements. In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for the required period after the case and any appeal has been heard.

6.5. Investigation outcomes

All decisions to take further action following the outcome of the investigation will be based only on the evidence available.

7. Appeals against malpractice decisions

If a member of staff disagrees with the outcome of the investigation they may appeal following the disciplinary procedure for staff. If a learner/candidate disagrees with the outcome of the investigation they may appeal following the Appeals process in the Learner Disciplinary Policy.