

# Malpractice & Maladministration Policy

Policy Author: Head of Quality

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Barking & Dagenham College

## Our Vision:

A truly great college, delivering inspirational learning and excellence through career focused education

## Our Mission:

To unleash potential, creating better futures for our learners, businesses and communities

## Our Values:

Learners and Customers are at the heart of everything we do

Respectful – valuing and treating all fairly and as individuals

Passionate – energising, engaging and inspiring all to achieve their potential

Collaborative – working together to achieve excellence and growth

Innovative – leading the way, seeking new ways to continually improve

Excellence in learning, teaching and assessment; the key to our success

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## 1 Introduction / Context

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

## 2 Principles/Purpose

The purpose of the policy is to minimise any risks to the integrity of certification; maintain public confidence in the delivery and awarding of qualifications; and to discourage others from carrying out instances of malpractice or maladministration.

## 3 Scope

This document reflects best practice outlined in the source guidance published by the Joint Council for Qualifications in the Suspected Malpractice in Examinations and Assessments: Policies and Procedures.

The principles and practice contained in this document aim to fully satisfy requirements incorporated in Awarding Body quality expected standards of behaviour.

This document defines malpractice in the context of both internal and external assessment, outlines the rights and responsibilities of learners and staff in relation to malpractice and maladministration, and sets out the procedures to be followed where there is reason to suspect that regulations have been broken.

## 4 Malpractice and Maladministration Definitions

Malpractice is defined as 'any activity, action, practice or omission which is either wilfully negligent or deliberately contravenes regulations and requirements and compromises the integrity of internal or external assessment process, the validity of results and/or certificates and the reputation of the organisation or awarding body.

- 4.1 Malpractice may include a range of issues, from the deliberate failure to maintain appropriate records or systems to the deliberate falsification of records. In this policy, this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of learners.
- 4.2 Maladministration is any activity, neglect, default or other practice that results in the organisation or learner not complying with administrative regulations or requirements and includes persistent mistakes or poor administration within the Centre. Recurrent maladministration constitutes malpractice and will be treated as such.
- 4.3 A list of examples of malpractice and maladministration is included as appendix. It should be noted that this list is not exhaustive.

## 5 Investigation

- 5.1 The College must conduct a full investigation into instances of alleged or suspected malpractice, and must take such action, with respect to the learners or staff concerned, as is necessary to maintain the integrity of the qualification.

The fundamental principle of investigations is to conduct them in a fair, reasonable, and legal manner, ensuring that all relevant evidence is considered without bias.

- 5.2 Investigations into allegations of learner malpractice will be carried out by the Curriculum Director or a member of the Quality Team. Investigations into allegations of Centre staff malpractice will be carried out by a member of the Senior Leadership Team. The investigation must be completed within 15 working days.
- 5.3 Those responsible for conducting the investigation should establish the full facts and circumstances of any alleged malpractice. It should not be assumed that because an

allegation has been made, it is true.

- 5.4** When the investigator deems it necessary to interview a candidate or member of staff in connection with an alleged malpractice, the interviews must be conducted in accordance with the College's own policies for conducting disciplinary enquiries.
- 5.5** Awarding organisation's must be notified of suspected malpractice within 24 hours. This is the responsibility of the Quality Manager.
- 5.6** In instances where an allegation of staff malpractice results in the need for disciplinary action, this will be conducted in line with the College Disciplinary Procedure.

## **6 Process of Investigation**

Where applicable, investigations will follow the process set out by the relevant awarding organisation.

## **7 Confidentiality**

Most investigations will necessitate accessing material that is deemed confidential to the individuals or organisation's providing it. In many instances it will be important that the evidence or information is original. If original records cannot be retained, it may be necessary to photocopy the original and record the copy as authentic. All material collected as part of an investigation must be kept secure and not normally disclosed to a third party.

## **8 Retention**

It is recommended that all records and original documentation concerning a completed investigation that leads to sanctions against a Centre be retained for a period of not less than five years. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case must be retained until the case and any appeals have been heard and for five years thereafter.

## **9 Evidence storage**

The College will provide secure storage for all material associated with an investigation in case of subsequent legal challenge. Integrity and continuity of evidence should be maintained.

## **10 Conclusions**

Conclusions must be based on established evidence. A course of proposed action should be identified, agreed, implemented, and monitored.

## **11 The report**

- 11.1** After investigating any complaint or allegation of malpractice a full written report of the case must be submitted to the relevant awarding body within 10 working days of completion of the investigation.
- 11.2** The report should be accompanied by the following documentation, as appropriate: a statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the Centre
- 11.3** Written statement(s) from the invigilator(s), assessor, internal verifier(s) or other staff who are involved.
- 11.4** Written statement(s) from the candidate(s). If required, individual arrangements will be made for candidates with additional needs to help them produce these statements
- 11.5** Any mitigating factors.
- 11.6** Information about the Centre's procedures for advising candidates of the awarding bodies' regulations.
- 11.7** Seating plans.

- 11.8** Unauthorised material found in the examination room.
- 11.9** Any work of the candidate and any associated material (e.g., source material for coursework) which is relevant to the investigation.
- 11.10** Form JCQ/M1 (suspected candidate malpractice) or Form JCQ/M2A (Suspected malpractice/maladministration involving Centre staff) from the Joint Council for Qualifications should be used as the basis of the report. Reports in letter format will be accepted providing the information given covers the same points as the form.
- 11.11** Details and outcomes of all formal investigations will also be reported to the College Senior Leadership Team.

## 12 Sanctions

In response to the report sanctions may be imposed by awarding bodies against the student (in the case of student malpractice) or the College (in the case of Centre staff malpractice). These will be commensurate with the level of noncompliance identified. In cases of maladministration, internal interventions will be put in place and the individual(s) will follow the disciplinary, compliance and capability rules and regulations of the College.

## 13 Appeals

The awarding bodies have established procedures for considering appeals against penalties arising from malpractice decisions. Individuals have a right to appeal against decisions. These are to be conducted in accordance with the College's own policies for conducting appeals.

## 14 Review

The procedure will be reviewed and improved on notification of Awarding Body revision of their rules and Codes of Practice, and in light of any College investigations that identify areas of improvement in monitoring and identifying issues relating to the policy.

This policy will be periodically monitored in light of legislative, regulatory, codifiable or necessary changes, and in any event, formally reviewed and revised if necessary on an annual basis in July/August.

## 15 Linked Policies

In reading this policy reference should be made to associated policies available on College InfoPoint, in no particular order of importance:

- Assessment and Internal Verification
- Equality, Diversity and Inclusion
- GDPR
- Plagiarism
- Academic Appeals
- Disciplinary Procedure

## 16 Appendix 1 – Examples of Malpractice and Maladministration

### 16.1 Learner Malpractice

Learner malpractice means malpractice by a learner during any examination or assessment. Examples of student malpractice are:

- the alteration or falsification of any results document, including certificates.
- failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments.
- collusion: working collaboratively with other candidates, beyond what is permitted.
- copying from another candidate (including the use of ICT to aid the copying).
- Use of unauthorised materials during written or online assessment
- disruptive behaviour in the examination room or during an assessment session (including the use of offensive language).
- making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework, or the contents of a portfolio.
- the misuse, or the attempted misuse, of examination and assessment materials and resources (e.g., exemplar materials).
- the inclusion of inappropriate, offensive, or obscene material in scripts, controlled assessments, coursework, or portfolios.
- Plagiarism

### 16.2 Centre Staff Malpractice

Centre Staff Malpractice' means malpractice committed by a member of staff or contractor (whether employed under a contract of employment or a contract for services) at the College, or an individual appointed in another capacity by the College such as an invigilator, a learning support assistant, a prompter, a reader, a sign language interpreter, or a scribe to a candidate.

Examples of Centre staff malpractice are:

- Tampering with candidates' scripts or coursework after collection and before despatch to the awarding body
- Breach of security
- Assisting candidates in the production of coursework
- Assisting candidates in the production of answers
- Destruction of portfolio/student work
- Fabricating assessment and/or internal verification records or authentication statements
- Poor invigilation practice that contravenes College and JCQ regulations
- Failing to conduct a proper investigation into suspected malpractice

- Disclosure of confidential examination material

### 16.3 Maladministration

The following list provides examples of Centre and learner maladministration. This list is not exhaustive and is intended as guidance on the Centre's definition of maladministration.

- Failure to adhere to the Centre's learner registration and certification procedures
- Failure to adhere to Centre agreement and/or qualification requirements and/or associated actions assigned to the Centre by awarding bodies;
- Late registration of learners;
- Accidental loss of portfolios/learner work
- Unreasonable delays in responding to requests and/or communications;
- Inaccurate claim for certificates;
- Failure to maintain appropriate auditable records, e.g. certification claims;
- Misuse of Examination Board logos
- Failure to adhere to the requirements of the Centre's Reasonable Adjustments and Special Considerations Policy;
- Failure to adhere to Centre policies, procedures and practices;
- Failure to adhere to Centre financial payment terms and/or plans (whether infrequent or persistent).