

Malpractice

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Definition of Malpractice

Malpractice, including maladministration is a failure to follow the rules of an examination or assessment. Malpractice does not necessarily involve an intention to cheat or gain an unfair advantage, however, even when malpractice is not intentional there can still be large consequences.

Malpractice may:

- cause prejudice to learners
- compromise public confidence
- compromise process of assessments, validity of qualifications or results given to learners
- damage reputation of this awarding body or centres involved

Malpractice could involve learners, assessors, moderators, trainers, teachers, assistants or third parties such as parents/friends of the learner.

Malpractice can be divided into the following categories:

- security breach
- deception
- improper assistance to learners
- failure to co-operate with an investigation
- maladministration
- learner malpractice

Rights and responsibilities

This awarding body

This awarding body takes all reasonable steps to prevent occurrence of any malpractice or maladministration in the development, delivery, and awarding of courses. This awarding body has considered malpractice in the design of its courses.

Other documents available relating to the delivery and administration of all courses are:

1. Instructions for conducting assessments
2. Access Arrangements and Reasonable Adjustments policy
3. Special consideration policy
4. Malpractice policy (this document)
5. Plagiarism policy
6. AI Use in Assessments Policy
7. Post Results Services Policy
8. Appeals Policy

This awarding body will ensure that:

- learners are aware of the control conditions required for each assessment taken at the centre.
- learners are aware of actions that fall within malpractice and sanctions that can be imposed including the passing on or receiving confidential assessment material.
- it communicates clearly any updates to information to learners and where appropriate provides guidance and training in relation to the prevention of malpractice and maladministration.
- any communications from learners are acknowledged in a timely manner and clarity provided where necessary.
- social media will be monitored to any indications of malpractice and maladministration.
- data such as entry data, times of submission and submission content will be monitored to identify any trends or indications.
- methods to prevent reoccurrence will be sought for any proven cases of malpractice and this document will be updated accordingly.

Procedures for reporting suspected malpractice

All instances of malpractices must be reported to this awarding body, a failure to do so is an offence itself.

- To report learner malpractice, please use the form provided in the Appendix.
- For anonymous reports, then use the Public Interest Disclosure Act (Whistleblowing) policy

All forms should be emailed to _____@_____. Forms will be acknowledged on receipt by this awarding body.

When this awarding body receives a report of suspected malpractice, an initial administrative task will be completed to decide if sufficient information has been provided to start an investigation. If further information is required, the learner will be informed within 5 working days. This information or a rationale must be provided by the learner within a further 5 working days. At this point, the report will either be dismissed due to lack of evidence or taken forward into a full investigation. The learner will be informed of the decision with reasoning. The learner has the right to appeal the decision, if not satisfied with the response.

This awarding body will ensure that all full investigations are carried out rigorously, effectively and by staff of appropriate competence who has no personal interest in their outcome. Depending on the report, this awarding body may deem it necessary to withhold the issuing of learners results until the investigation concludes or permanently if a sanction is required. Cases will be reported to the Police if a criminal act is suspected.

Full investigations will include the following steps:

- Review of the report of suspected malpractice by the case holder
- Information gathering by the case holder where appropriate
- Evidence reviews to determine whether there are any other concerns
- Malpractice meeting with a panel to determine the outcome which will be communicated with the applicant and learner found guilty of malpractice
- Right of appeal available (for 14 days) to learner found guilty of malpractice, if used a further malpractice meeting will be organised to discuss the appeal.

Please note that the work completed by the members in the malpractice meeting is confidential and that all members will be checked to ensure that there are no conflicts of interest with the applicant or centre staff suspected.

The final decision will be given to the suspected learner in the form of a final written statement. A copy of this statement will be kept on record by this awarding body for minimum of 3 years or until the end of the sanction where appropriate. This decision may be shared with other interested parties if sanctions are given.

Sanctions may be imposed on learners held responsible for malpractice in order to minimise the risk to the integrity of the qualifications offered by this awarding body, maintain public confidence in the delivery and awarding of the qualification, ensure that other learners are not disadvantaged, ensure that standards are maintained and to deter others from committing the same malpractice.

In determining the appropriate sanction, this awarding body will consider factors including the potential risk to the integrity of the assessment, the potential adverse impact on learners; the number of learners affected; and the potential risk to those relying on the course outcome (e.g. employers or members of the public). The awarding body may consider, at its discretion, mitigating factors supported by appropriate evidence. Ignorance of the regulations will not, by itself, be considered a mitigating factor.

All cases will be dealt with individually by the malpractice case holder and final decisions made by a malpractice panel. If a clear decision cannot be made by the panel (by vote or otherwise) then it is the responsible officers decision which will be given as the final decision.

Sanctions could include:

- Written warning
- Additional monitoring/action plans
- Training
- Special conditions or restrictions on assessment materials
- Suspension of candidate registrations or entries
- Loss of grade/result or disqualification from units/sections/components/full qualification or learner debarred for a set period
- Loss of membership rights
- Financial penalty

Appendix

Reporting form

Suspected learner malpractice

This form is to be used to reporting instances of suspected learner malpractice.

All applications should be submitted to: _____@_____

Personal Details

Name of person reporting malpractice: _____
Email of person reporting malpractice: _____
Relationship with the learner: _____

Name of suspected learner and centre number (if appropriate): _____
Qualification title and level: _____
Assessment / section of qualification: _____
Date and time of incident: _____
Name and contact details of any witness(es): _____

Detail of malpractice

Please answer the following questions with as much detail as possible to aid the investigation process:

1. Describe the nature of the suspected learner malpractice including details as to how it was discovered, by whom and when.
2. If the incident involves disruptive behaviour, did this impact any other learners?
3. If the incident involves the introduction of unauthorised material, please include a copy/image when possible.
4. If the case involves plagiarism or incorrect use of AI, please include full details of the material plagiarised and include copies.
5. If there are any other details you feel are relevant to this allegation, including mitigating circumstances, please give details where appropriate.

Prior to submitting this form, the following actions must be completed. Indicate this by adding a cross in the appropriate box for the following:

	Yes	No
The learner has been informed of their individual responsibilities and rights		
The learner accused of malpractice:		
• Has been informed in writing of the allegation made against them		
• Has been advised of this malpractice document outlining the policy and procedures		
• Has been informed of the evidence which is being provided in this application		
• Is aware of the possible consequences if the malpractice is proven		
• Has had the opportunity to consider their response to the allegations and respond to the written allegation (if required)		
• Has been given the opportunity to seek advice (as necessary) and submit a written statement, which must be attached to this application if provided		
• Is aware of the appeals process if malpractice is proven		
• Has been informed that information provided in this application may be shared with other awarding organisations, Ofqual or other appropriate authorities if the case is deemed serious.		

Declaration

I [add full name] do hereby declare that the information provided by me in this application is true, complete, and correct to the best of my knowledge and belief.

I understand that providing false or misleading information may result in disciplinary action, penalties or legal consequences as applicable under the relevant laws or regulations.

Name: _____ Date: _____ Signature: _____