Malpractice and Maladministration Policy & Procedure

**Introduction**

This policy is aimed at all staff, associates and candidates / apprentices, who deliver or are working toward a registered and regulated qualification (or units or courses)

It is used by staff / associates to ensure they deal with all malpractice or maladministration in a consistent manner.

It sets out the steps that The International Assessment Centre staff and its candidates / apprentices (or other personnel) must follow when reporting suspected or actual cases of malpractice and maladministration. The policy also sets out the steps we will follow when reviewing the cases.

**Responsibility**

It is important that all International Assessment Centre staff involved in the management, assessment and quality assurance of any regulated qualification, unit or course or apprenticeship standard and that all registered candidates / apprentices, are fully informed of the contents of this policy.

This policy identifies the processes to prevent and / or investigate instances of malpractice and maladministration.

Any failure to report suspected or actual malpractice or maladministration cases, may lead to disciplinary action or awarding organisation / end point assessment organisation sanctions being imposed.

This policy acknowledges the International Assessment Centre compliance and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration, and accepts that this policy will be reviewed by Awarding and End Point Assessment Organisations (or their EQA’s / Chief National Examiners)

Should an investigation be undertaken within The International Assessment Centre, the Head of Quality (Director) must: -

* Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes.
* Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the immediate reported issues to assure the Awarding Organisation that its processes are effective.
* Respond speedily and openly to all requests relating to the allegation and/or investigation.
* Ensure their staff cooperate fully with any investigation and/or request for information.

**Review arrangements**

The International Assessment Centre will review this policy annually as part of the self-evaluation arrangements and revise it as and when necessary in response to Centre and learner feedback, changes in internal practices, actions from the regulatory authorities or external agencies or changes in legislation.

In addition, this policy may be updated in light of operational feedback to ensure the arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

**Definition of Malpractice**

Malpractice is defined as any deliberate activity, neglect, default or other practice that 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 IAC, or the wider qualifications community.

**Definition of Maladministration**

Maladministration is defined as any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a Centre (e.g. inappropriate learner records).

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

**Examples of Malpractice**

The categories listed below are examples of Centre and learner malpractice. Please note that these examples are not exhaustive and are intended as guidance on the definition of malpractice:

**Examples of Centre malpractice**

* Failure to satisfactorily implement conditions of Awarding Organisation requirements.
* Denial of access to resources i.e. premises, records, information, candidates / apprentices and staff for any authorised awarding organisation representative and/or the regulatory authorities.
* Actions required by External Quality Assurers / Standards Verifiers not being met within agreed timescales.
* Deliberate failure to carry out delivery, internal and external assessment, internal verification in accordance with the requirements.
* Deliberate failure to adhere to learner registration and certification procedures.
* Deliberate failure to continually adhere to Centre recognition and/or qualification approval criteria.
* Deliberate failure to maintain auditable records, e.g. certification claims.
* Fraudulent claim for certificates.
* Persistent instances of maladministration.
* The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones).
* Intentional withholding of information which is critical to maintaining the quality assurance rigor.
* Deliberate misuse of The International Assessment Centre or Awarding or End Point Assessments Organisations logo’s or other trademarks
* Misrepresentation of a The International Assessment Centre relationship with Awarding Organisations and/or its recognition and approval status.
* Collusion or permitting collusion in exams or assessments.
* Contravention by staff and their candidates / apprentices of the assessment arrangements specified by Awarding Organisations
* Candidates / apprentices still working towards a qualification after certification claims have been made.
* Condoning plagiarism by Centre staff.
* Creation of false records.
* Impersonation of a learner for internal or external assessment.
* Cash for certificates (e.g. the selling of certificates for cash).
* A loss, theft of, or a breach of confidentiality, in any assessment materials.
* Unauthorised amendment, copying or distributing of exam papers and controlled assessments.
* Inappropriate assistance to candidates / apprentices by Centre staff (e.g. unfairly helping them to pass a unit or qualification).
* Submission of false information to gain a qualification or unit.
* Deliberate failure to adhere to the requirements of the Reasonable Adjustments and Special Considerations Policy and Procedures.

**Examples of candidate / apprentice malpractice**

* Forgery of evidence.
* Plagiarism of any nature by candidates / apprentices.
* Collusion in an exam or controlled assessment.
* Tampering with another learner’s assessment evidence.
* Not adhering to exam or controlled assessment conditions.
* Not following instructions from invigilators, examiners or Gateway Qualifications staff during supervised exam or controlled assessments.
* Obtaining, receiving, exchanging or passing on information relating to and during an exam or controlled assessment by: talking, written paper or notes or electronic means.
* Copying from other candidates / apprentices during an exam or controlled assessment.
* A loss, theft of, or a breach of confidentiality, in any assessment materials.
* Destruction of another learner’s work.
* Submission of false information to gain a qualification or unit.
* False ID used in the registration process.
* Making a false declaration of authenticity.
* Impersonation of a learner for an internal or external assessment.
* Disruptive behaviour during an exam or controlled assessment.
* Accessing prohibited websites during an exam or controlled assessment.
* Inappropriate use of technology during assessments (e.g. mobile phone or tablet computer).
* Cheating.

**Examples of maladministration**

The categories listed below are examples of Centre maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration.

**Centre examples**

* Persistent failure to adhere to the International Assessment Centre and any Awarding / End Point Assessment Organisation candidate / apprentice registration and / or certification procedures.
* Persistent failure to adhere to the Awarding / End Point Assessment Organisations centre recognition and/or qualification requirements and/or associated actions.
* Persistent late candidate / apprentice registrations.
* Unreasonable delays in responding to requests from Awarding / End Point assessment Organisations e.g. frequently postponing visits planned by External Quality Assurers or Chief National Examiners.
* Failure to train invigilators adequately.
* Failure to ensure that assessment venues meet Awarding / End Point Assessment Organisations requirements.
* Inaccurate claim for certificates.
* Inaccurate reporting of candidate / apprentice results
* Failure to maintain appropriate auditable records (3 years), e.g. certification claims, assessment results and/or forgery of evidence.
* Withholding of information, by deliberate act or omission, from Awarding / End Point Assessment Organisations which is required to assure Awarding / End Point Assessment Organisations of the Centre’s ability to deliver qualifications appropriately.
* Misuse of The International Assessment Centre or Awarding / End Point Assessment Organisations logo and trademarks or misrepresentation of a Centre’s relationship with Qualifications / Apprentice Standards.
* Failure to adhere to, or to circumnavigate, the requirements of Awarding / End Point Assessment Organisations (or the International Assessment Centre) Reasonable Adjustments and Special Considerations Policies.

**Process for making an allegation of malpractice or maladministration**

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the International Assessment Centre Directors, who in turn must inform the Awarding / End Point Assessment Organisation. In doing so they should put this in writing and enclose supporting evidence.

All allegations should include the International Assessment Centre name, address and centre number

* The name and position of any staff member(s) involved in the case.
* Details of the Awarding / End Point Assessment Organisations course/qualification/standard affected or nature of the service affected.
* Nature of the suspected or actual malpractice or maladministration.
* Details of any initial investigation carried out by the Centre or anybody else involved in the case, including any mitigating circumstances.
* Date of the report and the informant’s name, position and signature
* The learner’s name and Awarding Organisations registration number.
* The name and position of any Centre staff member(s) involved in the case.
* Nature of the suspected or actual malpractice or maladministration.
* Details of any initial investigation carried out by the International Assessment Centre or anybody else involved in the case, including any mitigating circumstances.
* Date of the report and the informant’s name, position and signature.

If the International Assessment Centre, due to the nature of the malpractice has conducted an initial investigation prior to formally informing the Awarding / End Point Assessment Organisation, it will ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is recognised that if the International Assessment Centre suspect malpractice or maladministration has occurred its accepts its responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice or maladministration reported, the International Assessment Centre will protect the identity of the ‘informant’ in accordance with the duty of confidentially and/or any other legal duty.

**Confidentiality and whistle blowing (see also whistle blowing policy)**

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal the identity and contact details, if a person is concerned about any possible adverse consequences, the person may request the International Assessment Centre not to divulge any identity.

While the International Assessment Centre is prepared to investigate issues which are reported anonymously, the organisation will always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates. For example, where appropriate:

* The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
* The courts (in connection with any court proceedings).
* Other third parties such as the relevant regulatory authority (e.g. Ofqual in England).

**Responsibility for investigations**

In accordance with regulatory requirements all suspected cases of malpractice and maladministration will be examined promptly by the International Assessment Centre to establish if malpractice or maladministration has occurred and all reasonable steps will be taken to prevent any adverse effect from occurring as defined by the regulator Ofqual.

All suspected cases of malpractice and maladministration will be passed to the IAC directors who will acknowledge receipt, as appropriate, to external parties within 2 working days and will advise who will investigate the suspected cases of malpractice and maladministration and for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and may allocate a relevant member of staff (or an independent) to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and will review any supporting evidence received or gathered by the International Assessment Centre (and partners).

At all times the International Assessment Centre will ensure that personnel assigned to the investigation will have the appropriate level of training, competence and support and that they have had no previous involvement or personal interest in the matter(s) under investigation.

**Investigation and timelines**

The International Assessment Centre aims to action and resolve all stages of the investigation within 20 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if an Awarding / End Point Assessment Organisation advises that it is to become involved.

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 broad objectives:

* To establish facts relating to allegations in order to determine whether any irregularities occurred.
* To identify the cause of the irregularities and those involved.
* To establish the scale of the irregularities and whether other qualifications may be affected.
* To evaluate any action already taken by the Centre.
* To determine whether remedial action is required to reduce the risk to current registered candidates / apprentices and to preserve the integrity of the qualification.
* To ascertain whether any action is required in respect of certificates already issued.
* To obtain clear evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with the Sanctions Policy.
* To identify any adverse patterns or trends.

The International Assessment Centre reserves the right to withhold exam scripts, assignment scripts, portfolios of evidence, observation or technical discussion reports until any investigation is completed and outcomes / actions determined.

**Allegations involving the International Assessment Centre staff, associates or consultants**

Where allegations of malpractice and/or maladministration relate to a member of the International Assessment Centre staff or director, an investigation will be undertaken by the other director and a nominated ‘independent’ third party in accordance with the investigation procedure.

**Investigation Report**

After an investigation, the International Assessment Centre will produce a draft report for the parties concerned, and to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned. The report will:

* Identify the breach of the regulatory conditions, if any, that occurred.
* Confirm the facts of the case.
* Identify who is responsible for the breach (if any).
* Confirm an appropriate level of remedial action to be applied.

The International Assessment Centre will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

**Investigation outcomes**

If the investigation confirms that malpractice or maladministration has taken place. The International Assessment Centre will consider what action to take 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 and maladministration.
* Impose actions with specified deadlines in order to address the instance of malpractice or maladministration and to prevent it from reoccurring. For example, by:
* Undertaking additional observations on staff provide them with a greater level of support and/or monitoring depending on their needs and performance.
* Requiring specific staff to undergo additional training and/or scrutiny by the Centre if there are concerns about their ability to undertake their role in the delivery of qualifications offered by the Awarding Organisation.
* Not permitting specific staff to be involved in the delivery or assessment of qualifications offered by The International Assessment Centre (e.g. not permitting an individual to assess).
* Altering the way, and the period in which The International Assessment Centre receive assessment materials from Awarding / End Point Assessment Organisations, if there are concerns around their ability to maintain the security and confidentiality of such materials.
* Appointing independent invigilators to observe an examination when appropriate at the Centre if there are concerns around the Centre’s arrangements and/or the Centre is unable to resource particular examinations.
* Impose sanctions on Centres – if so, these will be communicated in accordance with the Sanctions Policy along with the rationale for the sanction(s) selected.
* Take action against a candidate / apprentice in relation to proven instances of cheating, plagiarism, fraud, as suggested by Ofqual in their guide to “Authenticity”, such as
* Loss of credits/ marks for the related work/unit.
* Disqualification from the unit(s)/qualification.
* Placing a ban for a set period of time from taking any further qualifications.
* In cases where certificates are deemed to be invalid, The International Assessment Centre will inform Awarding Organisations concerned and the regulatory authorities why they are invalid and to let the affected candidates / apprentices know the action being taken and that their original certificates are invalid.
* If staff or candidates / apprentices wish to appeal against the decision to impose sanctions, please refer to the Appeals Policy.

**Monitoring**

The International Assessment Centre will be responsible for monitoring the effectiveness of the appeals process. Summary reports will be submitted to enable the Awarding / End Point Assessment Organisations to review the effectiveness of the process and, where appropriate, monitor changes to the policy and procedures, which will be submitted annually to the IAC Directors for monitoring and appropriate action.

Paul Wicks

IAC Director