



Malpractice and Maladministration Policy



1. Introduction

Skills People Group consists of the following companies.

- *Construction Skills People*
- *C&G Assessments and Training Ltd*
- *Training Futures UK Ltd.*

The company is a private Training Provider who deliver a range of apprenticeships, nationally accredited qualifications and a selection of short accredited courses.

The company will not tolerate actions (or attempted actions) of malpractice and/or maladministration and as such is committed to investigating all cases where there are reasonable grounds for that suspicion or allegation. Where cases of suspected malpractice and/or maladministration are proven, the company is fully committed to take appropriate action, including applying punitive measures and reporting suspected malpractice and/or maladministration to maintain the integrity of assessment and certification.

Adverse effects could lead to results of learners being called into question and certificates being revoked. An adverse effect is defined as an incident(s) or event(s) which has the potential to disadvantage the assessment or certification of learners through no fault of their own. The company will take all reasonable steps to prevent any potential adverse effect. An IQA will be appointed to sample test all portfolios, prior to certification, to ensure the authenticity and validity of evidence.

All employees have a professional duty to ensure that they uphold this policy. Whilst the policy sets out general principles in addition employees must also ensure that they abide by the specific assessment requirements for each course as laid down by the awarding organisation for each subject specification.

The policy steps out the companies process learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases

2. Scope

This policy is aimed at learners registered on courses or approved qualifications who are involved in suspected malpractice or alleged malpractices. It is also aimed at employees who are involved in suspected or alleged malpractice.

3. Purpose

The purpose of this policy is to reduce the risk of malpractice and/or maladministration by:

- *Increasing awareness and understanding of the actions that constitute malpractice and/or maladministration by learners, teachers, trainers, and other employees;*
 - *to reduce risk of breach of regulations through ignorance*
 - *to aid detection of any irregularities*
- *Explaining how learners and employees will be made aware of this policy*
- *Identifying strategies to be employed to minimise risk of malpractice*
- *Describing how instances of alleged malpractice will be dealt with*

4. Malpractice and Maladministration

Definitions

- **Malpractice** refers to any deliberate act or practice which compromises or threatens to compromise the process and integrity of assessment, and thus the validity of the result or certificate awarded. Malpractice may be defined as deliberate wrong doing or misconduct.
- **Maladministration** is any act, practice or omission that results in non-compliance of the specified regulations and requirements for assessment processes and outcomes. Maladministration may be defined as inefficient, bad or dishonest management or administration. This may or may not be deliberate. The two can overlap.

Joint Council for Qualifications (JCQ) defines 'Malpractice', which includes maladministration and non-compliance with the Regulations, means any act, default or practice which is a breach of the Regulations or which:

- *Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; **and/or***
- *Damages the authority, reputation or credibility of any awarding organisation or Centre or any officer, employee or agent of any awarding organisation or Centre*

Failure by a Centre to notify, investigate and report to an awarding organisation all allegations of malpractice or suspected malpractice constitutes malpractice in itself.

Examples of Employee (staff/associates) Malpractice / Maladministration

The list below is not exhaustive and is at the discretion of the company who, may consider other instances of malpractice:

- *Giving deliberately misleading information*
- *Failing to carry out assessments as required for the qualification concerned*
- *Breach of confidentiality of assessment materials (including loss or theft)*
- *Copying test papers without authorisation*
- *Failing to carry out adequate internal quality assurance procedures*
- *Submitting false claims for certificates or skills identity cards*
- *Failing to co-operate with anyone carrying out quality assurance checks*
- *Misusing the awarding organisations logo or materials. Awarding organisations include but are not limited to: HABC, Pearson, CITB, Proqual, Lantra, HESA, SQA, City & Guilds.*
- *Failing to act in accordance with the conditions of approval as an instructor, trainer, assessor or centre*
- *Improper assistance to candidates*
- *Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made*
- *Failure to keep candidate coursework/portfolios of evidence secure*
- *Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves producing work for the learner*
- *Producing falsified witness statements, for example for evidence the learner has not generated*
- *Allowing evidence to be included for assessment which is known by the employee not to be the learner's own*
- *Facilitating and allowing impersonation*
- *Misusing the conditions for special learner requirements*
- *Falsifying records/certificates, for example by alteration, substitution, or by fraud*

- *Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment*
- *Persistent mistakes or poor administration resulting in the failure to keep appropriate learner assessment records*
- *Failure to retain records for a specified timescale*
- *Non-compliance with the company's associated policies and procedures*
- *Non-compliance with awarding organisations or associated requirements, policies and procedures*
- *Failure to keep examination papers secure prior to and after examinations*

Examples of Candidate (Learner) Malpractice / Maladministration

- *The alteration or falsification of any results document, including certificates;*
- *Impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;*
- *Failing to disclose a medical condition which might jeopardise the safety of themselves or other people*
- *Selling, lending or otherwise misusing skills identity cards*
- *Cheating during assessment*
- *A breach of the instructions or advice of an invigilator, supervisor, or the awarding organisation in relation to the examination or assessment rules and regulations;*
- *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 technology to aid the copying);*
- *Allowing work to be copied e.g. posting work on social networking sites prior to an examination/assessment;*
- *The deliberate destruction of another candidate's work;*
- *Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);*
- *Failing to report to the centre or awarding organisation the candidate having unauthorised access to assessment related information or sharing unauthorised assessment related information on-line;*
- *Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication;*
- *Making a false declaration of authenticity in relation to the authorship of controlled assessment, coursework, non-examination assessment or the contents of a portfolio;*
- *Allowing others to assist in the production of controlled assessment, coursework, nonexamination assessment or assisting others in the production of controlled assessment, coursework or non-examination assessment;*
- *The misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. exemplar materials);*
- *Being in possession of unauthorised confidential information about an examination or assessment;*
- *Bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations);*
- *The inclusion of inappropriate, offensive, obscene, homophobic, transphobic, racist or sexist material in scripts, controlled assessments, coursework, non-examination assessments or portfolios;*
- *Plagiarism: unacknowledged copying from or reproduction of published sources or incomplete referencing;*
- *Theft of another candidate's work;*

- *Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators (when prohibited), dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, MP3/4 players, pagers, Smartwatches or other similar electronic devices;*
- *The unauthorised use of a memory stick or similar device where a candidate uses a word processor;*
- *Facilitating malpractice on the part of other candidates;*
- *Behaving in a manner so as to undermine the integrity of the examination.*

Plagiarism

Plagiarism refers to the misappropriation of another person's work, ideas or expressions and the representation of them as one's own original work. Plagiarism may be intentional or unintentional. The company is committed to preventing plagiarism through effective education and communication with its learners and employees.

This list below is not exhaustive and the company at its discretion may consider other instances of plagiarism:

- *Making use of notes or text books during a time constrained in class assessment, other than when such means are permitted*
- *Copying from another candidate's script or work*
- *Communicating during a time constrained in class assessment with another candidate*
- *Having prior access to assessment questions unless permitted to do so the employee*
- *Submission of work under the learner's name which is the work of another individual*
- *Impersonation of someone who is not the person intended to undertake an assessment*
- *Copying from published or unpublished works of another person except where brief and suitably attributed. The use of material from the internet is specifically included in this provision*
- *Any deliberate attempt to deceive*

Material submitted for assessment as part of coursework must be the learner's own efforts and must be their own work. Learners are required to ensure that all submitted work is their own and valid for assessment purposes

Collusion

Collusion is an example of unfair means because, like plagiarism, it is an attempt to deceive by disguising the true authorship of an assignment, or part of an assignment. Its most common version is that learner A copies, or imitates in close detail, learner B's work with learner B's consent. But it also includes cases in which two or more learners divide the elements of an assignment among themselves, and copy, or imitate in close detail, one another's answers.

It is an unfair means offence to copy, or imitate in close detail, another learner's work, even with his or her consent, in which case it becomes an offence of collusion. It is also an offence of collusion to consent to having one's work copied or imitated in close detail. Learners are expected to take reasonable steps to safeguard their work from improper use by others.

Collusion should not be confused with the normal situation in which learners learn from one another, sharing ideas, as they generate the knowledge and understanding necessary for each of them successfully and independently undertake an assignment. Nor should it be confused with group work on an assignment where this is specifically authorised in the assignment brief.

5. Implementation

Informing Learners

The company will communicate this policy to learners through the following means:

- Within the learner handbook
- During feedback sessions
- Delivery staff are responsible for ensuring that learners are made aware of this policy before undertaking any assessment activities.

Implementing Assessment Practices

Assessors/ tutors / delivery specialists and IQA's are responsible for implementing assessment practices that reduce the opportunity for malpractice and/ or maladministration, including for example:

- Periods of supervised sessions during which evidence for assessments is produced by the learner
- Altering assessment assignments/tasks/tools on a regular basis
- Using oral questions with learners for a single assignment/task in a single session for the complete cohort of learners
- Ensuring access controls which prevent learners from accessing and using another person's work when using networked computers
- Requiring learners to sign to declare that their work is their own when submitting assessments

6. Reporting suspected or alleged Malpractice and / or Maladministration

Allegations made by learners – staff / associates have a responsibility to ensure that any allegations made to them in their professional capacity are taken seriously and reported

Staff are responsible for reporting any suspected incidences of employee or learner malpractice and/or maladministration to their line manager to investigate.

The company will consider allegations that are made verbally but will request in all cases that allegations are put in writing to **The Quality Team** who will submit to the relevant investigating manager.

- **Email:** quality@skillspeoplegroup.com
- **Post:** Skills People Group, (Quality Team), Unit 1, The Bridge Business Centre, Chesterfield, S41 9FG
- **Tel:** 01142 589444 (Quality Team)

Allegations of suspected malpractice and/ or maladministration may be made by external moderators, internal verifiers, examiners and reported to the company via the awarding organisation. **Awarding organisations** include but are not limited to: HABC, Pearson, CITB, Proqual, Lantra, HESA, SQA, City & Guilds.

The company accepts the responsibility to report any suspicion of learner or staff assessment malpractice and or maladministration to the appropriate awarding organisation.

The HESA must be informed of any cases of suspected malpractice and/or maladministration immediately. The HESA will inform the Awarding Body of any reported cases. HESA will investigate any allegations of malpractice. If objective evidence is found to support the allegation, then the HESA will take appropriate action and apply sanctions accordingly. In turn this will be reported through to the Awarding organisation and may also be reported to the Standards and Training Committee.

7. Investigation of Suspected Malpractice / Maladministration

Staff - where any instance of employee malpractice and/or maladministration is suspected there will be a process of investigation, usually commissioned by the relevant IQA, to establish the full facts and circumstances of any allegations or evidence. Such an investigation will usually be under the terms of the company Disciplinary Policy and Procedure given the potential seriousness of the matter.

The IQA will nominate a senior manager as an investigating officer. To avoid conflicts of interest investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice. The senior manager investigating the suspected malpractice will communicate their findings and final decision to all interested parties within **10 working days** of the beginning of the investigation.

Any disciplinary investigation resulting from the investigation will proceed as described in the company Disciplinary Policy and include provision for:

- The employee be informed about the concerns and possible consequences;
- Possible suspension depending on the circumstances of the case;
- The employee to be accompanied at any subsequent investigation meeting;
- Collection of evidence related to the alleged malpractice;
- The review of evidence and production of a report;

Learners - incidences of learner malpractice will be investigated in a similar manner by the IQA manager. Potential conflicts of interest will be avoided by nomination of a manager as an investigating officer who is external to the management of the learner and/or curriculum area.

Investigations will proceed through the following stages:

- The learner will be informed about the issues, possible consequences and **right of appeal**
- Collection of evidence related to the alleged malpractice
- The review of evidence and production of a report

The senior manager investigating the suspected malpractice will communicate their findings and final decision to all interested parties within **10 working days** of the beginning of the investigation.

In all cases where it is believed, following an investigation and hearing, that there is clear evidence of learner malpractice:

- Where applicable the company will inform the appropriate awarding organisation of the allegation of malpractice and provide supporting evidence within the specified timeframe given by that awarding organisation.
- The company will take disciplinary action commensurate with the seriousness of the malpractice. There will be a right of appeal against any formal disciplinary warning or dismissal

In any instances where suspected malpractice will be reported to awarding organisation, the company will provide the individual/s with a completed copy of the form or letter used to notify the awarding organisation of the malpractice.

Awarding organisations include but are not limited to: HABC, Pearson, CITB, Proqual, Lantra, HESA, SQA, City & Guilds.

**For further information on how to appeal refer to the Appeals Policy*

8. Confidentiality and Whistle Blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to us; however, if you are concerned about possible adverse consequences you may request that the investigating manager does not divulge your identity.

While we are prepared to investigate issues, which are reported to us anonymously we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those the allegation relates.

**For further information refer to the Whistleblowing Policy*

9. Retention

The companies' retention period is set out to comply with awarding organisation requirements and government guidance. After this period the documentation will be securely destroyed. Awarding organisations include but are not limited to: HABC, Pearson, CITB, Proqual, Lantra, HESA, SQA, City & Guilds.

10. Right to Access

Individuals have rights to access personal data that is being held about them either on computer or in manual files. Any person who wishes to exercise this right is required to submit a subject access request to The Data Protection Officer.

Head office number is 01246 589444

**For further information refer to the Subject Access Request Policy*

11. Review of this Policy

This policy will be reviewed on an annual basis by the Quality Manager and Centre Co-Ordinator at the commencement of the academic year or more frequently in line with changes.

12. Related Policies

- Appeals Policy
- Disciplinary Policy
- Subject Access Request Policy
- Data Protection Policy
- Whistleblowing Policy

Document Control

| Date of change | Version | Overview of amendment | Amended by / Job title | Approved by | Approval date |
|----------------|---------|---|--|-------------|---------------|
| 23-11-17 | 1 | Policy created | Sharon Lawrence (Quality Manager) | SMT | 29-01-2017 |
| 06-02-18 | 2 | Annual review | Sharon Lawrence (Quality Manager) | SMT | 08-02-2018 |
| 05-02-19 | 3 | Full policy review and restructure | Caroline Grayson (Auditor) / Julie Lawton (Quality Manager) | T Armstrong | 14-02-2019 |
| 03-07-19 | 4 | Awarding organisation details added throughout the policy | Julie Lawton (Quality Manager) | T Armstrong | 03-07-2019 |