

MALPRACTICE & MALADMINISTRATION POLICY



PURPOSE OF THE POLICY

Incidents of malpractice and maladministration can potentially lead to learners being disadvantaged, can require the conducting of costly and time-consuming investigations and may cause reputational damage to Yeovil College. It is, therefore, desirable to prevent malpractice or maladministration from occurring, whenever possible.

Where it is not possible to prevent this, cases of suspected or actual malpractice and/or maladministration should be dealt with quickly, thoroughly and effectively.

This policy has been prepared with reference to the rubric and terminology contained in Ofqual's General Conditions of Recognition, and policy guidance from Awarding Organisations.

Yeovil College is committed to pursuing the highest standards of probity and the elimination of malpractice/maladministration in the management of our organisation, and aims to promote accountability and a climate of openness, to encourage the disclosure of allegations of malpractice/maladministration. Staff, learners and individuals must report allegations to the Head of Quality Assurance, Teaching, Learning & Assessment.

It is ultimately the responsibility of the Principal to ensure that this policy is published and accessible to all Staff, Learners and any relevant third parties. However, the Head of Quality Assurance, Teaching, Learning & Assessment is responsible for ensuring this information is fully understood by all staff within Yeovil College and by the learners who commence courses/programmes (qualifications) with Yeovil College (including sub-contracted provision where applicable).

Information contained within this document applies to all staff, learners and individuals involved with Yeovil College. Arrangements in place offer individuals a safe and accessible procedure for reporting allegations of malpractice in a confidential manner, on the basis that Yeovil College will take appropriate steps to ensure that individuals reporting allegations of malpractice are not penalised and are protected and that individuals accused will be protected against false, malicious or anonymous accusations. Yeovil College is keen to encourage staff, learners and individuals to report allegations without fear, and will ensure that any disclosure is treated with the utmost confidentiality.

Anonymous allegations will only be considered if they are of a serious nature and the evidence is sufficient to warrant an investigation and for appropriate action to be taken. All allegations will be recorded and submitted to the awarding organisation for investigation. (This can follow the Whistleblowing Policy route if applicable).

SCOPE

All college staff (academic, business/service support and all echelons within the organisation) and learners. This policy applies to internal and external summative assessments, assignments and examinations, administration and their reporting.

It is the responsibility of all Yeovil College staff to be vigilant with regard to any events which may lead to malpractice and maladministration occurring, and report promptly to the Head of Quality Assurance, Teaching, Learning & Assessment where they suspect malpractice and/or maladministration has and/or may occur so that appropriate action can be taken to address this with immediate effect.

The Head of Quality Assurance, Teaching, Learning & Assessment is responsible for notifying the relevant Awarding Organisation(s) of cases of suspected/actual malpractice and maladministration to ensure that appropriate action may be taken, and regulatory principles are followed.

Objectives:

- To identify and minimise the risk of malpractice by staff or learners;
- To identify and minimise the risk of maladministration by staff;
- To respond to any incident promptly and objectively;
- To standardise and record any investigation to ensure openness and fairness;
- To impose appropriate penalties and/or sanctions on learners or staff where incidents (or attempted incidents) are proven;
- To protect the integrity of Yeovil College, Awarding Organisations and Qualifications.

Malpractice

The term 'malpractice' covers any deliberate actions, neglect, default or other practice associated with the examples below; it 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.

Instances of malpractice that may be committed by Staff or Learners include:

- Committing plagiarism by copying and passing off the whole or part(s) of another person's work, with or without the originator's permission and without appropriately acknowledging the source.
- Failing to comply with the assessor's/invigilator's instructions and/or an Awarding Organisation's regulations in relation to the assessment and security.
- Misusing assessment material.
- Impersonating other learners by pretending to be someone else, in order to produce the work for another, or arranging for another to take one's place in an assessment.
- Fabricating and/or altering results and/or evidence, documents and/or certificates.
- Using unauthorised material in relation to the requirements of supervised assessment.
- Behaving in such a way as to undermine the integrity of the assessment.

Specific examples of Malpractice by Learners

This list is not exhaustive and other instances of malpractice may be considered by Yeovil College at its discretion:

- Copying (including the use of ICT to aid copying);
- Deliberate destruction of another's work;
- Fabrication of results or evidence;
- False declaration of authenticity in relation to the contents of a portfolio or coursework;
- Impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment/examination/test;
- 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;
- 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;
- 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.

Staff and/or learners who commit malpractice/maladministration and who fail to comply with the guidance on regulations for assessment could lead the Awarding Organisation to withhold the learner's results. Withholding information or failing to report promptly any suspected cases of

malpractice/maladministration or non-compliance by centre Staff and/or learners may result in the imposition of sanctions/penalties on Yeovil College, with a possible outcome being the suspension of certification/registration or even recognised centre status (including staff).

Learners are required to be aware of the penalties for/consequences of breaching regulations, which may include one or more of the following:

- Written warning.
- Disqualification from entering one or more (re)assessments.
- Disqualification from the whole qualification.

Learners must understand that if the allegations are proven, Certificates may be invalid and those already issued may be withdrawn.

Staff who commit malpractice, which is confirmed after investigation, may be subject to penalties, including:

- Exclusion from the delivery of the qualification.
- Exclusion from the assessment of the qualification.
- Exclusion from the internal verification/moderation of the qualification.
- Exclusion from the financial/quality management/administration of the qualification.
- Temporary suspension.
- Work only under supervision.
- Undertake specific training.
- The disciplinary procedure may be invoked.

Examples of Malpractice by Centre Staff

This list is not exhaustive and other instances of malpractice may be considered by this centre at its discretion:

- Improper assistance to Learners;
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the learner's achievement to justify the marks given or assessment decisions made;
- Failure to keep learner's coursework/portfolios of evidence secure;
- Fraudulent claims for certificates;
- 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 centre staff producing work for the learner;
- Producing falsified witness statements, for example for evidence the learner has not generated;
- Allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/coursework;
- Facilitating and allowing impersonation;
- Misusing the conditions for special learner requirements, for example where learners are permitted support, such as an amanuensis, this is permissible up to the point where the support has the potential to influence the outcome of the assessment;
- 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;
- Failure to comply with awarding organisation procedures for managing and transferring accurate learner data.

Maladministration

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

Examples include (this is not an exhaustive list):

- Failing to ensure that learners coursework or work to be completed under controlled conditions is adequately monitored and supervised;
- Inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed by the JCQ regulations (where required);
- Failure to use current assignments for assessments;
- Failure to train invigilators adequately, leading to non-compliance with JCQ regulations;
- The introduction of unauthorised material into the examination room, either during or prior to the examination; (NB this precludes the use of the examination room to coach learners or give subject-specific presentations, including power-point presentations, prior to the start of the examination/assessment).
- Granting access arrangements to learners which do not meet the requirements of the JCQ publication Access Arrangements, Reasonable Adjustments and Special Consideration;
- Failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding organisation as soon as possible after such an instance occurs or is discovered;
- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding organisation;
- The inappropriate retention or destruction of certificates.

The Reporting of Malpractice

In order to make an allegation of malpractice, you are required to contact:

Yeovil College's Head of Quality Assurance, Teaching, Learning & Assessment
Derrick Goddard
Yeovil College, Mudford Rd, Yeovil BA21 4DR
Derrick.Goddard@yeovil.ac.uk

The Head of Quality Assurance, Teaching, Learning & Assessment is required to report allegations of malpractice to the appropriate Awarding Organisation by completing the specific Awarding Organisation documentation and submitting it with any relevant evidence.

It is recognised that for any formal follow-up or investigation the Head of Quality Assurance, Teaching, Learning & Assessment will follow the specific guidance from the Awarding Organisation, and JCQ (Malpractice). However, the following principles will be the moral compass that Yeovil College will adhere to.

Investigations

It is understood that in certain cases, awarding organisations may wish to allocate their own staff to join or lead an investigation.

Investigations will adhere to the following principles:

- **Confidentiality** – by their very nature investigations usually necessitate access to information that is confidential to a centre or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators or the police, where appropriate).


- **Impartiality:** investigations will be undertaken by a senior manager (or appointed person) and assessed against the specific facts/evidence of the case in arriving at a decision about intention and culpability.
- **Rights of individuals** – where an individual is suspected of malpractice/maladministration they will 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/maladministration 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 will also be communicated to them.
- **Staff Interviews** - staff may request that they are accompanied by a colleague and these requests should be processed in line with awarding organisation/JCQ policy.
- **Learner Interview** - where a learner is to be interviewed and they are a minor or vulnerable adult, Yeovil College should consider the need to have a parent or representative present or to have the permission of a parent prior to the interview taking place.
- **Retention and storage of evidence and records** – all relevant documents and evidence should be retained in line with Yeovil Colleges stated policy and procedures.
- **Decisions and action plans** – all conclusions and decisions must be based on evidence. A course of proposed action shall be identified, agreed between Yeovil College and the awarding organisation (AO), implemented and monitored by the AO to the point of completion. The actions should address the improvements that are required to the centre's policies and procedures as well as any action that is related to staff or other resources.
- **Proportionality:** any decision on the outcome must reflect the weight of evidence and the minor or major nature of the case – the learner does not have to admit malpractice.
- **Sanctions** – any sanctions applied should be proportionate with the level of non-compliance identified (and evidenced) during the investigation and should be in line with the Awarding Organisations and/or JCQ policy.

RELATED POLICIES, PROCEDURES, DOCUMENTS, DEFINITIONS

- Ofqual General Conditions of Recognition
- Regulatory Policies in accordance with the Principles of qualification assessment
- JCQ Malpractice and JCQ Documentation/Policies
- Awarding Organisation's Malpractice/Maladministration Policy and associated QA arrangements.
- Yeovil College's Quality Assurance & Improvement Policy
- Yeovil College's Exam Access Arrangements Policy
- Yeovil College's Equality & Diversity Policy
- Yeovil College's Sub-Contracting Supply Chain Fees & Charges Policy
- Yeovil College's Assessment and APL-RPL Procedure
- Yeovil College's External Verification and Examination Procedure
- Yeovil College's Disciplinary Policy & Procedure.

RESPONSIBILITY AND AUTHORITY

Head of Quality Assurance, Teaching, Learning & Assessment
 Ultimate responsibility rests with the Principal.

Policy Review				
Author	Position	Approved by Corporation	Approval date	Review date
Kate Hill	Director of Teaching, Learning & Quality	Signed: 	07.07.16	July 2018

Document Control – Revision History (Policies only)

Author	Summary of Changes	Date	Recommend to SED Y/N
Kate Hill	New Policy	29.04.16	Y

Initial Equality Impact Screening			
Have you consulted on this policy, service, strategy, procedure or function? Yes Details: Consultation with the QA consultant. This is in accordance with Regulatory procedures, and with formal equality concerns taken into consideration.			
What evidence has been used for this assessment? E&D Policy, Regulatory Principles (Regulatory bodies), and AO Policies.			
Could a particular group be affected differently in either a negative or positive way? Indicate Y where applicable			
Group	Negative impact	Positive impact	Evidence
Age			
Disability			
Gender (incl. Transgender)			
Race (incl. Gypsy & Traveller)			
Religion or belief			
Sex			
Sexual orientation			
Marriage & civil partnership			
Pregnancy & maternity			
Other groups (see guidance)			
Please give details:			
If any negative impacts are identified, are there any related policies, services, strategies, procedures or functions that need to be assessed alongside this screening? If yes, please detail below:			
Should the policy, service, strategy, procedure or function proceed to a full Equality Impact Assessment? No If no, please give reasons: This is in accordance with Staff Malpractice & Maladministration, and as such is part of regulatory procedures as set by the independent qualification regulator/s and Awarding Organisation/s.			
Declaration We are satisfied that an initial screening has been carried out on this policy and a full Equality Impact Assessment is not required. We understand that the Equality Impact Assessment is required by the College and that we take responsibility for the completion and quality of this assessment			
Completed by Author: Patrick Tucker		Position: QA Consultant	Date: 29.04.16
Reviewed by Safeguarding, Equality & Diversity Group:			Date: 13.05.16
Comments from Safeguarding, Equality & Diversity Group Review:			