

Policy Relating to Issues of Malpractice and Maladministration

Scope of the Policy

This scope of this policy is to deal with instances of Malpractice and Maladministration which may occur within the Approved Training Centre and to outline how this will be dealt with – especially with regards to the affects this may have on Learners.

Malpractice refers to any deliberate act or practice which compromises, or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certificate awarded. Maladministration is essentially 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 an ATC/P (e.g. inappropriate learner records).

Assessment processes and outcomes can also be put at risk through maladministration; whilst malpractice is a deliberate act, maladministration may be accidental or a result of incompetence or a simple mistake.

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 staff
- to reduce risk of breach of regulations through ignorance;
- to aid detection of any irregularities;
- explaining how learners and staff will be made aware of this policy;
- identifying strategies to be employed to minimise risk of learner malpractice;
- describing how instances of alleged malpractice will be dealt with

LTC North East Ltd will not tolerate actions (or attempted actions) of malpractice by staff or learners. LTC North East Ltd is committed to investigating all cases of suspected malpractice and where cases of suspected malpractice are proven, we are fully committed to take appropriate action, including applying punitive measures and reporting suspected malpractice in order to maintain the integrity of assessment and certification.

All staff have a professional duty to ensure that they uphold this policy. Whilst the policy sets out general principles in addition staff 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. This policy should be read in conjunction with the corresponding Learner Assessment Malpractice Policy.

Examples of Staff Malpractice

This list below is not exhaustive and LTC North East, or other awarding bodies, may consider other instances of malpractice.

- 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 staff member 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.

Examples of Learner Malpractice

This list below is not exhaustive and LTC North East Ltd may consider other instances of malpractice.

- A breach of the instructions or advice of an invigilator, supervisor, or the awarding body 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 ICT to aid the copying);
- Allowing work to be copied e.g. posting written coursework on social networking sites prior to an examination/assessment;
- Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);
- 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 assessments, coursework or the contents of a portfolio;
- Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;
- 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 or obscene material in scripts, controlled assessments, coursework or portfolios;
- Impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;
- Plagiarism: unacknowledged copying from published sources or incomplete referencing;
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices;
- Behaving in a manner so as to undermine the integrity of the examination.

Implementing Assessment Practices

Course Tutors have responsibility for implementing assessment practices that reduce the opportunity for malpractice, 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 other people's work when using networked computers;

- Requiring learners to sign to declare that their work is their own when submitting assessments.

Procedure for dealing with allegations of malpractice

Reporting suspected malpractice;

All staff have a responsibility for reporting any suspected incidences of staff or learner malpractice through the appropriate channels.

In addition allegations of suspected malpractice may be made by external moderators, verifiers, examiners and reported to LTC North East Ltd via the awarding organisation.

Allegations made by staff:

- Allegations of suspected staff / learner malpractice to be made to the Company Director;

Allegations made by learners:

All staff have a responsibility to ensure that any allegations made to them in their professional capacity are taken seriously and reported through the correct channels:

- Allegations of suspected staff malpractice and/or learner malpractice to be reported to the Company Director;

LTC North East Ltd will consider allegations that are made verbally but will request in all cases that allegations are put in writing with any supporting evidence that is available

To Awarding Organisations

LTC North East Ltd accepts the responsibility to report any suspicion of learner or staff assessment malpractice to the appropriate awarding organisation. The only exception to this relates to assessment malpractice in coursework or controlled assessment which is discovered prior to the learner signing the declaration of authentication. Any work which is not the learner's own will not be given credit; in addition a note will be added to the cover sheet to detail any assistance that has been given.

In all other instances of suspected malpractice the Company Director will submit the fullest details of the case at the earliest opportunity to the relevant awarding body.

Investigation of Suspected Malpractice

If assessment malpractice is suspected by staff there will be a process of investigation, usually commissioned by the Company Director, to establish the full facts and circumstances of any allegations or evidence.

The Company Director may nominate an investigating officer. In order 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 member of staff to be informed about the concerns and possible consequences;
- Possible suspension depending on the circumstances of the case;
- The member of staff 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;
- A decision to be made on whether or not to proceed to a formal disciplinary hearing;
- If necessary a formal hearing with a right of representation.

Possible Actions Taken by LTC North East Ltd in cases where it is believed, following an investigation and hearing, that there is clear evidence of malpractice:

- The appropriate awarding body will be informed of the allegation of malpractice and they will be given the supporting evidence;
- 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 bodies LTC North East Ltd will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Incidences of learner assessment malpractice will be investigated in a similar manner by the Company Director. As with staff malpractice potential conflicts of interest will be avoided by nomination of an investigating officer who is external to the management of the learner and/or particular 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;
- A formal meeting between the Company Director and the learner against whom an allegation has been made.

Possible Actions Taken LTC North East Ltd - In cases where it is believed that there is clear evidence of malpractice:

- The appropriate awarding body will be informed by LTC North East of the allegation of malpractice and they will be given the supporting evidence;
- LTC North East Ltd will take internal disciplinary action commensurate with the seriousness of the malpractice. In any instances where suspected malpractice will be reported to awarding bodies LTC North East Ltd. will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Maladministration

The categories listed below are examples of ATC and learner maladministration. Examples provided are not exhaustive and intended as guidance purposes only.

- Persistent failure to adhere to Awarding Body learner registration and certification procedures.
- Persistent failure to adhere to Awarding Body recognition and/or qualification requirements and/or associated actions assigned to the ATC.
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from IQL or Awarding Body
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. assessment and certification documentation and/or any evidence of attempted forgery etc.
- Withholding of information, by deliberate act or omission, from us which is required to assure IQL UK or other Awarding Body of the ATCs ability to deliver qualifications appropriately
- Misuse of Awarding Body logo and trademarks or misrepresentation of an ATC's relationship with an Awarding Body and/or its recognition and approval status within that Awarding Body.
- Failure to adhere to, or to circumnavigate, the requirements of an Awarding Body's Reasonable Adjustments and Special Considerations Policy

Process for Investigating Maladministration

All investigations will be based around the following broad objectives.

- Establish the facts relating to allegations/complaints to determine whether any irregularities have occurred
- Identify the cause, scale of irregularities and those involved
- Evaluate any action taken and/or remedial action required to reduce risks
- Ascertain whether any action is required in respect of certificates already issued
- Obtain clear evidence to support any sanctions to be applied individuals/groups
- Identify any adverse patterns or trends
- Ensure 'Lessons learned' are recorded and incorporated into policy, practice and continual professional development (CPD)

For each case of maladministration, a senior member of staff from LTC North East Ltd will be appointed to conduct the investigation and report findings to the Company Directors as well as to the relevant Awarding Body. It will be up to the investigator and Company Directors to ensure that the appropriate processes from the affected Awarding Body are adhered to and that full compliance. The fundamental principles of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias.

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