

Malpractice and Maladministration

Malpractice is any act which deliberately intends to disregard regulations, policies or procedures. In relation to Assessor Training Ltd malpractice might be deliberate falsification of records in order to obtain certification without a proper assessment process.

Malpractice is essentially any activity or practice which deliberately contravenes regulations and/or procedures and 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 Awarding Organisation; or
- The qualification or the wider qualifications community.

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.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

Examples of malpractice

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

- Denial of access to premises, records, information, learners and staff to any authorised Awarding Organisation representative or the regulatory authorities;
- Threatening or abusive behaviour that threatens the safety of staff and/or is intended to put undue influence on the outcomes of an assessment or award;
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with Awarding Organisation requirements;
- Deliberate failure to adhere to Awarding Organisation learner registration and certification procedures;
- Deliberate failure to continually adhere to Awarding Organisation Centre recognition and/or qualification approval requirements or actions assigned to the Centre;
- Deliberate failure to maintain appropriate auditable records, for example certification claims and/or forgery of evidence;
- Fraudulent claim for certificates;
- The unauthorised use of inappropriate materials/equipment in assessment settings (for example mobile phones);
- Intentional withholding of information from an Awarding Organisation which is critical to maintaining the rigour of quality assurance and standards of qualifications;
- Deliberate misuse of an Awarding Organisation logo and trademarks or misrepresentation of a Centre's relationship with an Awarding Organisation, and/or its recognition and approval status;
- Collusion or permitting collusion in exams/assessments;
- Learners still working towards qualification after certification claims have been made;
- Persistent instances of maladministration within the Centre;

- Deliberate contravention of the assessment arrangements specified for qualifications;
- A loss, theft of, or a breach of confidentiality in, any assessment materials;
- Plagiarism by learners/staff;
- Copying from another candidate (including using ICT to do so);
- Impersonation - assuming the identity of another candidate or having someone assume your identity during an assessment;
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials;
- Inappropriate assistance to learners by Centre staff (for example unfairly helping them to pass a unit or qualification);
- Deliberate submission of false information to gain a qualification or unit;
- Deliberate failure to adhere to, or to circumnavigate, the requirements of the Reasonable Adjustments and Special Considerations Policy;
- False ID used at the registration stage;
- Creation of false records;
- Inappropriate use of technology during assessments (for example mobile phone);
- Cheating;
- Cash for certificates (for example the selling of certificates for cash);
- Selling papers/assessment details;
- Extortion;
- Fraud;
- Deliberate breach of Awarding Organisation or regulatory policies, procedures or practices; and
- Deliberately using an unapproved tutor to undertake training.

Maladministration is any act which results in non-compliance with regulations, but is not deliberate and usually happens through a genuine mistake or incompetence. In relation to Assessor Training Ltd, malpractice might be an accidental inappropriate claim of certification.

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 a Centre (for example inappropriate learner records).

Examples of maladministration

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

- Persistent failure to adhere to Awarding Organisation learner registration and certification procedures;
- Failure to adhere to Awarding Organisation and regulated policies, procedures and practices;

- Persistent failure to adhere to Awarding Organisation Centre Agreement and/or qualification requirements and/or associated actions assigned to the Centre;
- Failure to adhere to Awarding Organisation financial payment terms and/or plans (both infrequent and persistent);
- Late learner registrations (both infrequent and persistent);
- Unreasonable delays in responding to requests and/or communications from Awarding Organisation;
- Inaccurate claim for certificates;
- Failure to maintain appropriate auditable records, for example, certification claims and/or forgery of evidence;
- Withholding of information, by deliberate act or omission, from Awarding Organisation which is required to assure Awarding Organisation of the Centre's ability to deliver qualifications appropriately;
- Misuse of the Awarding Organisation logo and trademarks or misrepresentation of a Centre's relationship with Awarding Organisation and/or its recognition and approval status with Awarding Organisation.
- Failure to adhere to, or to circumvent, the requirements of Awarding Organisation's Reasonable Adjustments and Special Considerations Policy.

Any instance of suspected malpractice or maladministration must be notified to Assessor Training Ltd's CEO or other Director immediately as this can lead to serious concern about the integrity of the qualifications, and our valued status as an Approved Centre.

All Assessor Training Ltd staff and candidates should do everything that is reasonable to prevent malpractice and/or maladministration from occurring throughout the development, delivery and assessment of programmes and qualifications.

Process

1. All suspected or alleged cases of malpractice or maladministration must be reported to Assessor Training Ltd immediately they are discovered or suspected.
2. A formal report should be generated, and include the following information:
 - full nature of the act/situation (the suspected/alleged malpractice or maladministration)
 - staff and/or candidates involved (if known)
 - relevant dates and times
 - qualification/s affected
 - the reporter's name, signature and date of report
3. Assessor Training Ltd will acknowledge receipt of reports of malpractice within 5 working days. If the report is received verbally Assessor Training

Ltd will request that a written report is submitted within 5 working days of the verbal report.

4. In cases of malpractice, Assessor Training Ltd will appoint an investigator to investigate and prepare a response within 30 days. The company will consider all facts put forward and will determine any appropriate remedial action required.
5. The outcome of an investigation will be communicated in a report which will detail:
 - the origin or mode of discovery of the suspected or alleged act
 - details of the investigations carried out
 - details of the evidence found
 - conclusion drawn
 - recommendation made for action and resolution of the matter

The report will be produced within 10 days of the conclusion of the investigation and be communicated to the parties concerned, including, where appropriate, awarding organisations.

Consequences

If the investigation confirms that malpractice has taken place, dependent on the severity of the act, one or more of the following actions may be taken:

- Disallowing all or part of a candidate/s assessment evidence or marks
- The candidate/s certificates will not be claimed, or previously issued certificates for that candidate/s will be withdrawn as invalid
- No further registrations will be accepted for that candidate/s, or if an assessor, no further work offered to that assessor
- A report will be made to the relevant awarding organisation and may be shared with other awarding organisations and/or other agencies such as funding bodies or the police

Please refer to the Appeals Policy for details of how to Appeal against decisions and actions specified in the Investigation report.