



Assessment Malpractice & Maladministration Policy

Aim:

- To identify and minimise the risk of malpractice by staff or learners
- To respond to any incident of alleged malpractice promptly and objectively
- To standardise and record any investigation of malpractice to ensure openness and fairness
- To impose appropriate penalties and/or sanctions on learners or staff where incidents (or attempted incidents) of malpractice are proven
- To protect the integrity of this centre

In order to do this, the centre will:

- Seek to avoid potential malpractice by using the induction period and the learner handbook to inform learners of the centre's policy on malpractice and the penalties for attempted and actual incidents of malpractice
- Show learners the appropriate formats to record cited texts and other materials or information sources
- Ask learners to declare that their work is their own
- Ask learners to provide evidence that they have interpreted and synthesised appropriate information and acknowledged any sources used
- Conduct an investigation in a form commensurate with the nature of the malpractice allegation. Such an investigation will be supported by the Director of Training and all personnel linked to the allegation
- Make the individual fully aware at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven
- Give the individual the opportunity to respond to the allegations made
- Inform the individual of the avenues for appealing against any judgment made
- Document all stages of any investigation

Where malpractice is proven, this centre will report the malpractice to the Awarding Body who will apply penalties / sanctions to the candidate.

Definition of Malpractice by Learners

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

- Plagiarism of any nature
- Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work
- 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

Definition 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 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
- Fraudulent claims for certificates
- Inappropriate retention of 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

Definition of Maladministration

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.

Examples of maladministration

- Persistent failure to adhere to our learner registration and certification procedures
- Persistent failure to adhere to our centre recognition and/or qualification requirements and/or associated actions assigned to the centre
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission

Process for making an allegation of malpractice and/or maladministration

Anybody who identifies or is made aware of suspected or actual cases of maladministration at any time must immediately notify the Directors of Peterborough Skills Academy. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Learner's name and registration number
- Peterborough Skills Academy's staff member name and job role - if they are involved in the case
- Details of the course/qualification affected, or nature of the service affected
- Nature of the suspected or actual maladministration and associated dates details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances

The Directors will then conduct an initial investigation prior to ensure that staff involved in the initial investigation is competent and have no personal interest in the outcome of the investigation.

In all cases of suspected maladministration reported we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

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 Directors do 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.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by Peterborough Skills Academy to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence as defined by our awarding body.

We will acknowledge receipt, as appropriate, to external parties within 48 hours.

Our Director will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered.

Notifying relevant parties

Where applicable, our Director will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation.

Where the allegation may affect another awarding organisation and their provision, we will also inform them in accordance with the regulatory requirements and obligations imposed by the awarding body. If we do not know the details of organisations that might be affected, we will ask Ofqual to help us identify relevant parties that should be informed.

Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

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 the facts relating to allegations/complaints in order to determine whether any irregularities have occurred
- To identify the cause of the irregularities and those involved
- To establish the scale of the irregularities
- To evaluate any action already taken

- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification
- To identify any adverse patterns or trends

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will:

- Ensure all material collected as part of an investigation must be kept secure
- If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to withhold a learner's, and/or cohort's, results.

Where a member of Peterborough Skills Academy's staff or an Associate is under investigation, we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our Director will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.

Investigation report

After an investigation, we'll produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- Identify where the breach, if any, 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

We'll make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we'll also inform them of the outcome – normally within 10 working days of making our decision - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it's an internal investigation against a member of our staff the report will be agreed by the Director, along with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take in order 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 or maladministration
- Ensure there has been no gain from compromising our standards

The action we take may include:

- Imposing actions in order to address the instance of malpractice/ maladministration and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid, inform the Awarding Body concerned and the regulatory authorities why they're invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We'll also let the affected learners know the action we're taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to Peterborough Skills Academy
- Informing relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre

In addition, to the above the Director will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant party (ies) wishes to appeal against our decision to impose sanctions, please refer to our Complaints Procedure.