

Malpractice and Maladministration Policy

1 General

1.1 BIIAB Qualifications Limited¹ is committed to offering access to fair assessment for all learners, to protecting the integrity of the qualifications which we award and to be fully compliant with the expectations of our Regulators.²

1.2 To meet this objective, this policy defines malpractice and maladministration, clarifies our role and the roles of centres and learners, and signposts the procedures to be followed when suspected malpractice or maladministration is identified.

1.3 This policy covers

1.3.1 Malpractice or Maladministration by learners/candidates, Centre staff or any other party involved in the delivery and assessment process, and

1.3.2 The disclosure by Whistle-blowers of any act or behaviours that are considered to undermine the integrity of our qualifications or place learners in danger or at serious disadvantage.

1.4 What is Malpractice and Maladministration?

These are defined as follows:

1.4.1 Malpractice will be any acts of dishonesty or any practice that is wilfully negligent which compromises or threatens to compromise the validity of the assessment process and which brings our reputation or the reputation of our awards into disrepute. (See Appendix for some examples of malpractice.)

1.4.2 Maladministration will be any activity, neglect, failure or other practice that results in the centre or learner not complying with the specified requirements for the delivery and assessment of qualifications or standards.

1.5 We seek to ensure the avoidance of malpractice in every aspect of the assessment process, to undertake careful review of any reports of malpractice / maladministration. We will take robust action to resolve any proven cases and

¹ BIIAB Qualifications Limited, a recognised awarding organisation and part of the Skills and Education Group.

² Ofqual in England; Qualifications Wales; CCEA in NI; SQA in Scotland; IfA for Apprenticeships and any other stakeholder requirements to which we are subject.

prevent any Adverse Effects³ that may subsequently impact on learners / candidates or standards.

2 Our Responsibilities

2.1 We will

- 2.1.1 ensure that we take all reasonable steps to prevent the occurrence of any malpractice or maladministration. We have policies and procedures in place that aim to reduce the risk of malpractice and maladministration, to safeguard the integrity of the qualification / assessment and to protect the interests of centres and learners / candidates;
- 2.1.2 support our approved sub-contractors and centres in dealing with suspected cases and any ensuing investigation and action;
- 2.1.3 acknowledge and act upon the information given by whistle-blowers and protect their anonymity when requested;
- 2.1.4 carry out all our duties in line with our procedures and without undue delay;
- 2.1.5 observe confidentiality at all time;
- 2.1.6 take appropriate and proportionate action against those responsible for malpractice or maladministration by applying appropriate sanctions in line with our Sanctions Policy;
- 2.1.7 report the incident to the appropriate Regulators and other stakeholders as required by law.

3 Centre Responsibilities

- 3.1 All approved Centres⁴ are accountable for assessment arrangements that lead to the achievement of regulated unit(s) and qualifications or Apprenticeship Standards and are responsible for all staff or persons who contribute to and take part in the assessment process.

³ Definition: Conditions of Recognition J1.8

⁴ A 'Centre' in the context of this document applies to organisations, whether a training organisation, educational institution or employer that deliver BIIAB Qualifications Limited qualifications and / or assessments to individuals and as such has a duty of care with respect to the individual as a learner.

- 3.2 Centres must ensure, therefore, that all staff are aware of their responsibilities to prevent malpractice and follow their own and our procedures regarding the delivery of both internal and independent assessments.
- 3.3 Centres must report any irregularities in respect of non-compliance with internal assessment, internal moderation or independent assessment procedures in writing immediately they are discovered using Form MM2⁵ - Notification of suspected Malpractice to complianceandregulation@BIIAB.co.uk
- 3.4 We expect Centres to co-operate fully including responding to requests to visit the centre and to discuss any cases with centre staff. In all cases centres must keep all affected staff and learners / candidates informed of the process throughout any ensuing investigation.
- 3.5 Where suspected irregularities are reported other than by the centre, we will notify the Centre's Quality Manager who must acknowledge a request, either to carry out an investigation or provide information to us, within 5 working days of receiving that request.
- 3.6 The time taken for a Centre to investigate any suspected irregularities may vary but we will expect a timely and detailed response to ensure that their learners / candidates and the integrity of our qualifications / assessments are not put at further risk.

4 Dealing with cases of suspected Malpractice

- 4.1 Once a potential case of malpractice has been identified we will review the information available and determine one of the following courses of action:
 - Take no further action;
 - Ask the Centre's Quality Manager to investigate the alleged malpractice;
 - Ask the Centre's Quality Manager to provide information that may provide evidence to support / refute the alleged malpractice;
 - Consider whether the Regulators and other Awarding / Apprenticeship Assessment Organisations should be notified;
 - Carry out a full investigation.

⁵ MM2 available via the Information Hub on our website

5 Investigations

- 5.1 Investigations are supervised by the Director of Quality and Compliance, or someone of equivalent authority. Each case is judged on an individual basis in the light of the information made available.
- 5.2 Any investigation will endeavour to determine the facts and will include a review of our own documentation relating to our respective policies and procedures and / or to the delivery and assessment guidance provided for a particular qualification.
- 5.3 During an investigation interviews may be required with Centre staff.
- 5.4 We may communicate directly with a learner / candidate if circumstances dictate this is required.
- 5.5 We will provide a written report within one month of completing the investigation, detailing the circumstances of the alleged malpractice, details of any interviews with centre staff or learners/candidates, and any remedial action which needs to be taken.
- 5.6 All reports will be approved and signed off by the Director of Quality and Compliance, or someone of equivalent authority.

6 Dealing with proven cases of Malpractice and Maladministration

- 6.1 Where malpractice or maladministration is established, we will endeavour to protect the interests of all learners / candidates who through no fault of their own have been caught up in an incident.
- 6.2 Any decisions made by us will be commensurate with the gravity of the malpractice / maladministration identified and associated risk.

We may:

- 6.2.1 impose sanctions⁶ and apply conditions on the future involvement of any designated centre personnel in the conduct, supervision or administration of its assessments;
- 6.2.2 not award certificates, and if already issued, may declare them invalid;

⁶ Cf.3010-01 Sanctions Policy

- 6.2.3 revoke a Centre's qualification approval or recognition;
- 6.3 We will report the outcome to the regulatory authorities and to any other Awarding Organisation where there is known to be a relationship.
- 6.4 Any suspected criminal activity will be reported to the police.

7 Whistle-blowers

7.1 Whistleblowing is when an individual discloses information relating to malpractice or wrongdoing and / or the covering up of malpractice or wrongdoing. It is distinct from expressions of personal dissatisfaction which must be addressed through our complaints or enquiries and appeals procedures.

7.1.1 Key examples of whistleblowing include:

- A worker for an awarding organisation making a disclosure about that organisation's malpractice or failure to comply with its conditions of recognition;
- A worker for a Centre making a disclosure about that centre's malpractice;
- A worker for a Centre making a disclosure that the Awarding Organisation that approved the Centre is involved in malpractice or failed to comply with its Conditions of Recognition;
- A learner or parent / guardian making a disclosure about a Centre's malpractice.

7.2 We will act upon any disclosure received from any member of our staff, sub-contractors, approved Centre staff, learners / candidates or member of the public who feels that any malpractice or maladministration has taken place within an approved Centre.

7.3 Any person who believes that an approved Centre, one of its staff or one of our sub-contractors has committed an offence or has breached our procedures in the past, or is now or likely to in the future, may disclose information by contacting any of our managers or by completing an MM4 Whistle-blower Report Form⁷.

7.4 Where information is provided over the telephone, we will request this is provided in writing and may ask for further information to enable a thorough investigation to take place.

⁷ MM4 available on the Information Hub on the website

7.5 Any disclosure will be dealt with in confidence wherever possible, but we may need to disclose a whistle-blower's identity to

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud);
- the courts (in connection with court proceedings);
- another person to whom we are required by law to make a disclosure e.g. Health and Safety Executive; the LADO (local authority safeguarding staff);
- the Regulators⁸ responsible for regulating qualifications in England, Wales and Northern Ireland;
- or any other agencies to which we have an obligation e.g. the Charities Commission, QAA, Funding Agencies, IfATE.

Whistle-blowers should also be aware that they may be identifiable by others due to the nature or circumstances of the disclosure.

7.5 Where possible whistle-blowers will receive an update on any planned course of action. However, we have a responsibility to all concerned with respect to confidentiality and may not be entitled to divulge the details of any on-going investigation or its outcome. We will, however, confirm that action has been taken where required.

8 Centre Appeals against our Decisions

8.1 Centres may appeal against any decisions taken as a result of a malpractice or maladministration investigation. Any initial enquiry regarding decisions made will be investigated by an internal panel, which will review the evidence and the decisions made. If the outcome of this review is to uphold the original decision and the centre is still dissatisfied, the centre may make a formal appeal. Any appeal process will include a panel member who is independent of our organisation. The decision of this panel will be final. (See Enquiries and Appeals Policy⁹)

⁸ Which may include Ofqual in England; Qualifications Wales; CCEA Regulation in NI; SQA in Scotland

⁹ Available on the Information Hub/Policies on the website

9 Centre Monitoring following Malpractice or Maladministration

- 9.1 Where suspected malpractice or maladministration has been proven and the Centre has been allowed to retain its approval, we will consider the Centre high risk and will monitor the Centre on a regular basis until such time we are confident the Centre no longer represents a risk to its learners / candidates or the integrity of our qualifications.
- 9.2 There will be a requirement that Centres review relevant policies and procedures in the light of any proven malpractice or maladministration and confirm that this review has taken place. Evidence of such a review may be requested immediately, or during external moderation / audit activity at the centre.

10 Quality Assurance

- 10.1 This policy will be reviewed annually to meet regulatory compliance or following any case of confirmed malpractice as required.

Appendix 1

These lists are not exhaustive but examples of centre malpractice would include:

1.1 Centre Malpractice

- Deliberate falsification of CVs to gain qualification approval;
- Not maintaining the security of independent assessments;
- Inappropriate adjustments to assessments or assessment decisions;
- Deliberate / consistent failure to comply with our assessment requirements including the retention of assessment evidence and internal moderation records;
- Deliberately ignoring plagiarised/copied material;
- Prompting / assisting learners during assessments or giving the answers to such an extent that the evidence is no longer authentic i.e. does not represent the learner's own achievement;
- Consistent failure to comply with our assessment procedures;
- Deliberate falsification of records to claim certification;
- Manufacture of evidence;
- Allowing reasonable adjustments without the appropriate evidence or without notifying us.

1.2 Learner / Candidate Malpractice

- Plagiarism;
- Collusion;
- Copying;
- Unauthorised aids during external assessment e.g. notes, mobile phone;
- Inappropriate behaviour during assessments;
- Inappropriate/abusive comments in assessment evidence.

1.3 Sub-contractors (*including examiners who assess/mark, external moderators, auditors*)

- Deception
- Breach of security
- Improper assistance to candidates
- Failure to co-operate with an investigation
- Failure to comply with regulations/AO policies for Reasonable Adjustments or Special Consideration
- Examiner competency ¹⁰

¹⁰ Ofqual: Examiner competency is defined here as not having the experience/ qualifications that they are supposed to have or having out of date knowledge (e.g. Not being up to date with changes in requirements, legislation etc.)