

	Malpractice & Maladministration	Reference: VPOL-TC-010
		Version: 2.0
		Issue Date: 24-06-2024
	Document Owner: Head of Learning, Development & Talent	Review Date: 30-11-2029

1. Introduction

- 1.1 This policy is aimed at our customers, including learners, who are registered on programmes or courses, approved qualifications and who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.
- 1.2 It sets out the steps our centre, and learners or other staff must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps Via will follow when reviewing the cases.

2. Centre's Responsibility

- 2.1 It is important that all staff involved in the management, assessment and quality assurance of our qualifications, and learners are fully aware of the contents of the policy and Via have arrangements in place to prevent and investigate instances of malpractice and maladministration.

3. Definition of Malpractice

- 3.1 Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates.
- 3.2 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 of certificate
 - The reputation and credibility of Via East Midlands
 - The qualification or the wider qualifications community
- 3.3 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.
- 3.4 Examples of centre malpractice:
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
 - Deliberate failure to adhere to our learner registration and certification procedures.
 - Deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned
 - Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
 - Fraudulent claim(s) for certificates
 - Intentional withholding of information which is critical to maintaining the rigour of



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- quality assurance and standards of qualifications
- Permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made

3.5 Learner Malpractice is any action by the learner which has the potential to undermine the integrity and validity of the assessment of the learner's work. (plagiarism, collusion, cheating, etc.)

3.6 Examples of learner malpractice:

- 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
- 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/smart phones, MP3 players, notes, etc) in an examination room.

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

4. Definition of Maladministration

4.1 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.

4.2 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)

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- 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, which is required to assure quality

5. Process for Making an Allegation of Malpractice or Maladministration

5.1 Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the Training Manager or Head of HR of VIA East Midlands. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

5.2 All allegations must include (where possible):

- Learner's name and registration number
- The staff members 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 malpractice 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

5.3 The Training Manager/Head of HR 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.

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

6. Confidentiality and Whistle-blowing

6.1 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 Training Manager/Head of HR do not divulge your identity.

6.2 While Via are prepared to investigate issues, which are reported to us anonymously Via shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those the allegation relates.

7. Responsibility for the Investigation

7.1 In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly 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 Ofqual.

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

7.3 Our Training Manager/Head of HR 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.

8. Notifying Relevant Parties

8.1 Where applicable, Via East Midlands's Training Manager/Head of HR will inform the appropriate regulatory authorities if Via 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.

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

9. Investigation Timelines and Summary Process

9.1 Via aims to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

9.2 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 Via East Midlands and the qualification.
- To identify any adverse patterns or trends

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

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

9.5 Where a member of Via East Midlands staff is under investigation, the company may suspend them or move them to other duties until the investigation is complete.

9.6 Throughout the investigation the Training Manager/Head of HR 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.

10. Investigation Report

10.1 After an investigation, Via will 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.

10.2 Via will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

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

10.4 If it's an internal investigation against a member of the Via staff the report will be agreed by the Training Manager/Head of HR, along with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

11. Investigation Outcomes

11.1 If the investigation confirms that malpractice or maladministration has taken place Via 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.

11.2 The action we take may include:

- Imposing actions in order to address the instance of malpractice/maladministration

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and to prevent it from reoccurring

- In cases where certificates are deemed to be invalid, inform the Awarding Organisation 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. Via will also let the affected learners know the action that will be taken and that their original certificates are invalid and ask – where possible – to return the invalid certificates to Via East Midlands.
- Informing relevant third parties (e.g. awarding and funding bodies) of Via's findings in case they need to take relevant action in relation to the centre.

11.3 In addition, to the above the Training Manager/Head of HR 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.

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

12. Record Retention

12.1 Records on any investigations relating to suspected malpractice or maladministration will be kept by the centre and will be made available to SQA, City & Guilds or any other awarding body on request.

12.2 Where an investigation of suspected malpractice is carried out, the centre must retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications. Records should include any work of the candidate and assessment or verification records relevant to the investigation.

12.3 In the case of an appeal to SQA, City & Guilds or any other awarding body against the outcome of a malpractice investigation, assessment records must be retained for six years.

12.4 In an investigation involving a potential criminal prosecution or civil claim, records and documentation should be retained for six years after the case and any appeal has been heard. If the centre is in any doubt about whether criminal or civil proceedings will take place, records should be kept for the full six year period.