

# MALPRACTICE & MALADMINISTRATION POLICY

<b>Family:</b>	Quality
<b>Reference Code:</b>	Q/1
<b>Line Manager Responsible:</b>	Director of Education & Quality
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## ***Purpose***

Incidents of malpractice/maladministration can potentially lead to learners being disadvantaged, can require the conducting of costly and time-consuming investigations and may cause reputational damage to Free2learn. It is, therefore, desirable to prevent malpractice or maladministration from occurring, whenever possible. Where it is not possible to prevent this, cases of suspected or actual malpractice/maladministration should be dealt with quickly, thoroughly and effectively.

This policy has been prepared with reference to the rubric and terminology contained in Ofqual's General Conditions of Recognition, and policy guidance from awarding bodies.

## ***Scope***

This policy applies to internal and external summative assessments, assignments and examinations and their reporting.

It is the responsibility of all Free2learn staff to be vigilant with regard to any events which may lead to malpractice / maladministration occurring, and report promptly to the Quality Nominee where they suspect malpractice / maladministration has and /or may occur so that appropriate action can be taken to address this with immediate effect.

The Director of Education and Quality is responsible for notifying relevant awarding bodies of cases of suspected / actual malpractice and maladministration to ensure the appropriate action may be taken.

## **Objectives:**

- To identify and minimise the risk of malpractice by staff or learners;
- To identify and minimise the risk of maladministration by staff;
- To respond to any incident promptly and objectively;
- To standardise and record any investigation to ensure openness and fairness;
- To impose appropriate penalties and/or sanctions on learners or staff where incidents (or attempted incidents) are proven;
- To protect the integrity of Free2learn and awarding bodies.

## **In order to do this, Free2learn will:**

- Seek to avoid potential malpractice by using the induction period and the learner handbook to inform learners of the 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 any investigations in a form commensurate with the nature of any allegation;

- Ensure the handling of individual cases takes account of the needs of the learner, including those arising from protected characteristics.

### ***Brief Definitions***

- **Malpractice:** Non-compliance with the regulations pertaining to the assessment process, which may adversely affect the integrity of a qualification, its assessment and the validity of learner certificates.
- **Maladministration:** Any activity, neglect, default or other practice that results in the centre not complying with the specified requirements for delivery and assessment of the qualifications as set out in the relevant regulatory and awarding body requirements.
- **Learner malpractice:** 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.)
- **Assessor malpractice:** Any deliberate action by an Assessor which has the potential to undermine the integrity of qualifications
- **Plagiarism:** The presentation of work by learners as their own, without appropriate acknowledgment that the source belongs to others.'
- **Minor acts of learner malpractice:** Handled by the Assessor by, for example, refusal to accept work for marking and learner being made aware of malpractice policy. Learner resubmits work in question
- **Major acts of learner malpractice:** Extensive copying/plagiarism, 2nd or subsequent offence, inappropriate for the Assessor to deal with.

### ***Malpractice***

The term 'malpractice' covers any deliberate actions, neglect, default or other practice associated with the examples below; it 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.

#### **Examples of Malpractice by learners:**

This list is not exhaustive and other instances of malpractice may be considered by Free2learn 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;
- 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 phones, MP3 players, notes, etc) in the examination room.

### **Examples 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;
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment;
- Failure to comply with awarding body procedures for managing and transferring accurate learner data.

### ***Maladministration***

Maladministration is any non-deliberate activity, neglect, default or other practice that results in Free2learn or learners not complying with the specified requirements for delivery, assessment or certification of the qualifications as set out in the relevant codes of practice, where applicable.

### **Actions and Responsibilities**

The **Director of Education and Quality** is expected to:

1. Establish the culture and overall values, placing academic issues at the centre of the discussions and any changes;
2. Appoint a named person responsible for ensuring the institution is dealing effectively with learner plagiarism;
3. Ensure policies and procedures are appropriate to the current situation;
4. Maintain systems for keeping records of all incidents and what action has been taken;
5. Identify the person or people responsible for monitoring and reviewing data;
6. Identify how and where the resulting information will be discussed;
7. Take steps to improve detection rates, including access to electronic detection tools;
8. Create communication systems that allow consultation, discussion and dissemination of information.
9. Inform awarding bodies of any acts of malpractice.

The **Examinations Manager** is expected to:

1. Ensure timely, accurate and valid registration, transfer, withdrawal and certificate claims for learners.

All **teaching staff** are expected to:

1. Provide learners with clear explanations of what is valued in academic work (integrity, honesty, wide-ranging research, choosing and using others' ideas etc.) and why academic conventions are important;
2. Make available a wide selection of exemplar materials on referencing, citations and assessment approaches, showing clearly the difference between acceptable and unacceptable practice; model integrity themselves when they cite sources in their lectures, or talk about selecting and using authoritative sources to support an argument;
3. Develop learners' study skills as an integral part of their course. These include note-taking, paraphrasing and summarising, and using in-text citations. In technical areas, learners need to know the difference between copying the model and applying it;

work closely with the tutors to ensure learners receive appropriate support in researching and interpreting text-based resources;

4. Ensure that all incidences of cheating and plagiarism, including the results of any conversations, meetings or feedback with learners, are properly reported and recorded;
5. Consult with colleagues, managers and awarding bodies on alleged misconduct offences and seek appropriate guidance, where needed, on managing the investigative process;
6. Internal Verifiers are expected to: make malpractice checks when internally verifying work.

**Heads of Teaching and Learning** is expected to:

1. Supervise the investigation and resolution of moderate and serious cases of academic misconduct;
2. Report on cheating and plagiarism issues as part of the self-assessment process;
3. Keep senior managers informed of case developments and progress.

**All learners are expected to:**

1. Submit work for assessment that is their own original work;
2. Seek advice on assessment practice and procedures from tutors prior to submitting work;
3. Avoid sharing electronic versions of their work with other learners.

### ***Investigations***

It is understood that in certain cases, awarding bodies may wish to allocate their own staff to join or lead an investigation.

**Investigations will adhere to the following principles:**

- **Confidentiality** – by their very nature investigations usually necessitate access to information that is confidential to a centre or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators or the police, where appropriate).
- **Impartiality** - investigations will be undertaken by a senior manager and assessed against the specific facts/evidence of the case in arriving at a decision about intention and culpability.
- **Rights of individuals** – where an individual is suspected of malpractice they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to. They should also be informed of what the possible

consequences could be if the malpractice is proven and of the possibility that other parties may be informed.

- **Staff Interviews** - these interviews should be carried out in line with Free2learn's policy and procedures. Free2learn staff may request that they are accompanied by a friend or colleague and these requests should be processed in line with Free2learn's and/or awarding body policy.
- **Learner Interview** - where a learner is to be interviewed and they are a minor or vulnerable adult, Free2learn should consider the need to have a parent or representative present or to have the permission of a parent prior to the interview taking place.
- **Retention and storage of evidence and records** – all relevant documents and evidence should be retained in line with the awarding body and Free2learn's stated policy and procedures.
- **Decisions and action plans** – all conclusions and decisions should be based on evidence. A course of proposed action should be identified, agreed between Free2learn and the awarding body, implemented and monitored to the point of completion. The actions should address the improvements that are required to the centre's policies and procedures as well as any action that is related to staff or other resources.
- **Proportionality** - any decision on the outcome must reflect the weight of evidence and the minor or major nature of the case – the learner does not have to admit malpractice.

### ***Procedures for investigation***

- Where Free2learn discovers or suspects an individual, or individuals, of malpractice/maladministration it will conduct an investigation in a form commensurate with the nature of the malpractice/maladministration allegation.
- Such an investigation will be initially undertaken by a member of the Senior Leadership Team who will interview all personnel linked to the allegation.
- Free2learn will make the individual(s) aware (preferably in writing) at the earliest opportunity of the nature of the alleged malpractice/maladministration and of possible consequences should malpractice/maladministration be proven.

The investigation will proceed through the following stages:

- Preliminary investigation, conducted by the Senior Leadership Team or their representative, into the allegation to determine whether a full investigation is necessary. If the allegation appears to have substance, then all assessments by this member of staff should be halted until the investigation is complete

- Should it be determined that a full investigation is necessary it shall be conducted by an independent Investigation Officer appointed by the Senior Leadership Team.
- During the investigation Free2learn will give the individual the opportunity to respond to the allegations made.
- All stages of the investigation shall be documented by the person leading the investigation.
- The individual will be informed of the avenues for appealing against any judgments made.
- The Investigation Officer shall produce a report of their findings for the attention of the SLT.
- For cases of staff malpractice/maladministration, the Director of HR will decide whether to invoke the Staff Disciplinary Procedure.
- For cases of learner assessment malpractice, reference should be made by the Investigation Officer to any other relevant policies.
- Where the Investigating Officer report indicates that the learner assessment is suspect or flawed, then the SLT will consider the appropriate penalties.

### ***Monitoring & Evaluation***

- Internal monitoring/verification of assessment activity will include malpractice/maladministration checks.
- Evidence of both assessment and internal verification/moderation must be available for auditing.

### ***Reporting suspected cases of Malpractice/ Maladministration***

- Free2learn must issue a report to the awarding body or investigating body containing a statement of the facts, a detailed account of the circumstances of alleged malpractice/maladministration, and details of any investigations carried out by the centre into the suspected case of centre malpractice/maladministration
- Free2learn must collect written statements from staff and learners involved — these should be signed by the interviewee(s) and dated.
- Free2learn must provide any work of the learner(s) and internal assessment or verification records relevant to the investigation
- Free2learn must provide details of any remedial action we have identified as necessary to ensure the integrity of our certifications now and in the future



- Free2learn must keep records of malpractice/maladministration for a minimum of 10 years

### ***Learner right to appeal***

- The learner can appeal any form of malpractice/maladministration to The Director of Education and Quality. If this proves insufficient, they can appeal to a panel formed of governors.
- The learner can appeal against the centre to any of our awarding bodies or any External agency if they feel an act of Malpractice/maladministration has taken place.