



Malpractice Policy

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Malpractice Policy and Procedure

Policy and Procedures for dealing with alleged or suspected Malpractice

Policy

In this policy the word Academy and college is used to mean the same thing for the purpose of delivering our programmes.

1. General Scope

This document covers malpractice, academic misconduct and maladministration for all activities within South London Academy (SLA) relating to all awarding bodies for which the college is accredited.

It sets out the college policy and procedures for responding to allegations of malpractice and maladministration and for action where the allegations are upheld. It is intended to assist staff and the college to enable them to deal with all malpractice and maladministration investigations in a consistent manner.

2. Regulatory authorities

The relevant regulatory authorities are ATHE, City & Guilds, Ofqual, QAA GPhC and GDC. Every attempt has been made to ensure that the provisions of this document are consistent with the requirements of the regulatory authorities. Where the requirements of the regulatory authority change, or where inadvertently these procedures conflict with those of the regulatory authority, the latter shall apply. Where the requirements of the regulatory authority are amended and require changes to this document, such changes will be made as soon as practicable.

3. Definitions

According to ATHE, 2016 (v3), 'Malpractice' is defined as:

'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'.

The following other definitions shall apply

Malpractice	<p>For the purposes of this policy it is defined as: Any deliberate activity, act, neglect, default or other practice by an individual that deliberately or wilfully contravenes or ignores the requirements of the regulatory authorities, or deliberately or wilfully subverts or compromises the integrity, validity or reliability of any assessment process and/or the validity of any awarded certificates.</p> <p>For the purposes of this policy it also includes some forms of misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.</p>
Maladministration	<p>For the purposes of this policy this is defined as: Any administrative act, neglect, default or other practice by the college (or its employees), or by an organisation, that fails to comply with the requirements of the regulatory authorities or that otherwise act to the detriment of the interests of a learner.</p> <p>For the purposes of this policy it also includes persistent mistakes or poor administration within the college.</p>

4. Examples of actions that may constitute malpractice

Examples of actions that may constitute malpractice are listed below. These are examples and the college reserves the right to consider as malpractice other actions not listed but falling under the general definitions above.

4.1 Learners

Dishonesty in presenting work for assessment, including

- Cheating - This includes communicating with or copying the work of another learner during an examination; introducing written or printed material into an examination room; possession of any materials not permitted in the room, regardless of whether they are relevant to the assessment such as electronic devices including mobile phones, personal organisers, books, dictionaries / calculators (when prohibited).
- Plagiarism, including the copying of work of another learner and presenting it as their own work without acknowledging the true source
- Collusion between two or more learners
- Deliberate destruction of another learner's work for assessment
- Behaving in such a way as to undermine the integrity of the assessment for themselves or others
- Acting in a disruptive manner during an assessment

4.2 College employees

- Unfair discrimination in assessment (for example, on the grounds of age, sex, ethnicity, marital status etc.)
- Deliberate or wilful failure to assess in accordance with the assessment criteria or other assessment requirements the agreed timetable for assessment and certification
- Assisting or prompting learners with the production of answers
- Obtaining unauthorised access to assessment material prior to or after assessment
- Failure to abide by the conditions of supervision designed to ensure the security of assessment.

4.3 College

- Failure to continually meet ATHE centre recognition and qualification approval requirements e.g. failure to advise ATHE of centre changes related to the delivery of ATHE qualifications; external verifier action plans repeatedly not implemented within agreed timescales (<https://www.athe.co.uk/PDF/Policies/ATHE%20Malpractice%20Policy.pdf>) to be read in conjunction with the full policy document.
- Failure to provide appropriate facilities for the security of assessment and of assessment records
- Failure to keep externally set assessment papers secure prior to or after assessment
- Failure to keep learner, computer or other files secure
- Failure to provide assessment records of learners to the appropriate awarding body or any person acting on behalf of the awarding body
- Failure to register learners with the appropriate awarding body, such that learners are prevented from obtaining the units or qualifications that they are taking
- Denial of access to premises, records, information, learners and staff to any authorised Awarding body representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with awarding body requirements
- Deliberate and persistent failure to adhere to awarding body learner registration and certification procedures.
- Deliberate and persistent failure to adhere to centre recognition and/or qualification approval requirements or actions assigned to the centre.
- Deliberate failure to maintain appropriate auditable records, e.g. for certification claims and/or forgery of evidence
- Fraudulent claim for certificates
- Permitting the unauthorised use of inappropriate materials or equipment in assessment settings (e.g. mobile phones)
- Intentional withholding of information from awarding bodies that is critical to maintaining the rigour of quality assurance and standards of qualifications

- Deliberate misuse of logos and trademarks of any accreditation or awarding bodies or misrepresentation of a centre's relationship with those bodies.
- Collusion or permitting collusion in exams or assessments
- Learners still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the centre
- Deliberate contravention by the college or students of the assessment arrangements specified by an awarding body for its qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by learners or staff
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by centre staff (e.g. 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.
- Failure to comply with awarding body requirements on conflict of interest in assessment

4.4 Any persons (including acts by those listed above or by members of the public)

- Forgery of certificates
- Threats or inducements to any person involved in the assessment process intended to influence the outcomes of assessment

4.5 College employees or contracted lecturers

- Any of the above

5. Examples of actions that may constitute maladministration

Examples of actions that may constitute maladministration are listed below. These are examples and the college reserves the right to consider as maladministration other actions not listed but falling under the general definition of maladministration.

- Administrative fault, such as making a mistake or not following rules or procedures
- Failure to comply with college procedures for registering learners
- Delay in registering learners, or in issuing certificates
- Unreasonable delay in responding to requests for information or other communications from awarding bodies
- Inaccurate claims for certificates
- Incorrect action or failure to take any action
- Failure to provide information when reasonably requested to do so
- Inadequate record-keeping
- Failure to investigate
- Misleading or inaccurate statements
- Providing inaccurate advice to learners

6. Relationship with appeals

A student submitting an assessment appeal, may allege malpractice or maladministration as the basis, or one of the bases of the appeal, or a suspicion of malpractice or maladministration may arise in the course of an appeal or an enquiry. In such cases these procedures will take precedence over the appeals procedures.

7. Investigation and actions

All allegations of malpractice or maladministration must be investigated. The nature of the investigation, and of the actions taken if malpractice or maladministration is proven, will be commensurate with the nature and the gravity of the malpractice or maladministration. The college regards all allegations and suspicions of malpractice or maladministration as potentially serious issues, and as such all must be investigated and recorded formally, no matter how trivial they may at first appear.

8. Responsibility

Overall responsibility for this policy and procedures rests with the Principal and/or the Managing Director

9. Monitoring and Review

An annual report will be made on any cases of malpractice or maladministration including those found not proven.

The college will review the policy annually as part of its annual self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback, changes in its practices, advice from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous instances of malpractice or maladministration.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

Procedures to be followed in cases of alleged or suspected malpractice or maladministration

1. Allegations of malpractice or maladministration

Allegations may be made by any person having knowledge of the assessment process, including learners, assessors, college employees and members of the public. Allegations should normally be made in writing. Where an allegation is made orally, the receiver of the allegation should attempt to obtain written confirmation from the person making the allegation, but if this is not possible should make a written record. In such cases, some care will need to be taken in considering the case.

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time **must immediately notify the either the academic head or principal**. In doing so they should normally put them in writing (which may include email) and enclose appropriate supporting evidence

All allegations should include (where possible):

- learner's name and registration number (where relevant)
- details of college employee (name, job role) if they are involved in the case
- details of the course or 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 college or anybody else involved in the case, including any mitigating circumstances

In all cases of suspected malpractice and maladministration reported to the college it will protect the identity of the 'informant' in accordance with its duty of confidentiality and/or any other legal duty.

3. Anonymous allegations

An anonymous allegation should normally only be acted upon if there is sufficient supporting evidence, but may require investigation without such evidence depending on the nature of the allegation, although the college will try to confirm an allegation by means of a separate investigations before taking up the matter further.

4. Suspected malpractice or maladministration

Suspicion of malpractice or maladministration may arise when assessing a learner's work, but may also arise under other circumstances, for example, when analysing assessment records.

5. Penalties

The application of penalties in all cases is at the discretion of the college and will reflect the particular circumstances of each case and any mitigating factors and penalties imposed will remain on record.

7. Alleged or suspected malpractice by learners

In conducting any preliminary investigation the centre must undertake the following actions:

- Inform the learner in writing at the earliest opportunity of the nature of the alleged or suspected malpractice, of the procedures that will be followed, and the possible penalties if malpractice is proved
- Undertake an investigation of the allegation or suspicion
- Provide the learner with an opportunity to contest or refute the allegation or suspicion, either in writing, or at a hearing, or both
- Allow the learner to be accompanied by a friend at any hearing
- Make a decision based on the investigation and hearing
- Ensure that the person or persons conducting the investigation, any hearing, and making any decision are not the same as the person making the allegation or raising the suspicion and have sufficient professional standing and authority, and, if necessary have appropriate subject knowledge.
- Inform the learner of the outcome in writing
- Where malpractice is proved, immediately inform the awarding body in writing
- Keep a full case record and make available on request
- Ensure that the assessed work is included in any sample of work considered by the Internal Verifier
- Ensure that the work is included in any sample of work provided to the awarding body authorised person (Quality Reviewer or Moderator) so that they can confirm the outcome.

7.1 Penalties: learner malpractice

The following penalties may be imposed, depending on the nature and gravity of the malpractice

- A written warning
- Loss of credit in the unit concerned
- Loss of credit in all units in the qualification concerned
- Disqualification from the qualification concerned
- Learner is barred from entering one or more assessments for a set period of time
- A combination of two or more of the above

7.2 Case records: learner malpractice

All relevant information must be recorded and kept for future reference (including sanctions) either by the awarding body or others within the college.

7.3 Appeals

A learner may appeal against the decision in line with the college policy on appeals against disciplinary action.

8. Alleged or suspected malpractice or maladministration by college employees

8.1 Initial response

Where a college employee is suspected of malpractice, or maladministration or is alleged (whether by another employee of the centre, a learner or a member of the public) to have committed malpractice or maladministration, the academic head or principal must be notified immediately in writing.

8.2 Centre investigation

Upon receipt of an allegation or suspicion, it is the responsibility of the college:

- to conduct an investigation
- to determine the outcome
- to determine the appropriate penalty
- to comply with the college's employment and disciplinary procedures

- to comply with appropriate employment legislation.
- to seek advice where necessary with the relevant awarding body

Where the malpractice or maladministration appears to involve a criminal offence, the college may consult about whether it is appropriate for the college to report the case to the police.