

## MALPRACTICE & MALADMINISTRATION POLICY

### Policy Statement:

Incidents of malpractice/maladministration can potentially lead to learners being disadvantaged, can lead to conducting of time-consuming investigations and may cause reputational damage to the College. Therefore, it is the desire of the college to prevent malpractice or maladministration from occurring, whenever possible.

### Context

Malpractice refers to any deliberate act or practice which compromises, or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certificate awarded.

Assessment processes and outcomes can also be put at risk through maladministration; whilst malpractice is a deliberate act, maladministration may be accidental or a result of incompetence or a simple mistake.

The purpose of this policy is to reduce the risk of malpractice and/or maladministration by:

- increasing awareness and understanding of the actions that constitute malpractice and/or maladministration by learners, assessors, tutors, and other staff to reduce risk of breach of regulations through ignorance and to aid detection of any irregularities
- explaining how learners and staff will be made aware of this policy
- identifying strategies to be employed to minimise risk of learner malpractice
- describing how instances of alleged malpractice will be dealt with

JFC Training College will not tolerate actions of malpractice by staff or learners. The College is committed to investigating all cases of suspected malpractice and/or maladministration. Where cases of suspected malpractice are proven, the College is fully committed to take appropriate action, including reporting suspected malpractice in order to maintain the integrity of assessment and certification.

All staff has a professional duty to ensure that they uphold this policy. Whilst the policy sets out general principles in addition, staff must also ensure that they abide by the specific assessment requirements for each qualification as laid down by the awarding organisation for each subject specification.

### Examples of malpractice include:

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 learners coursework/portfolios of evidence secure;

- 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 producing work for the learner;
- Producing falsified witness statements, for example for evidence the learner has not generated;
- Allowing evidence to be included for assessment which is known by the staff member not to be the learner's own
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment

### **Examples of Learner Malpractice include:**

- A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments
- Collusion: working collaboratively with other learners, beyond what is permitted
- Copying from another learner (including the use of ICT to aid the copying)
- Allowing work to be copied e.g. posting written coursework on social networking sites prior to an examination/assessment
- Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language)
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio
- Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework
- Plagiarism: unacknowledged copying from published sources or incomplete referencing

### **Actions to Implement the Policy**

**Informing Learners:** The College will communicate the Learner Assessment Malpractice Policy to learners through the following means:

- Group Tutorials during the induction period
- Tutors and lectures have responsibility for ensuring that learners are made aware of this policy before undertaking any assessed work which has the potential to contribute to the awarding of a qualification.

In addition, information for learners relating to written examinations, onscreen tests, controlled assessment and coursework will be made available for the external quality assurer/moderator.

The Quality Team have responsibility for implementing assessment practices that reduce the opportunity for malpractice, including:

- Periods of supervised sessions during which evidence for assessments is produced by the learner
- Altering assessment assignments/tasks on a regular basis
- Using oral questions with learners for a single assignment/task in a single session for the complete cohort of learners
- Requiring learners to sign to declare that their work is their own when submitting assessments

### **Reporting suspected malpractice within College:**

All College staff has a responsibility for reporting any suspected incidences of staff or learner malpractice through the appropriate channels. Learners will be made aware of the procedure for reporting any allegations of suspected malpractice via Malpractice Policy.

**Allegations made by college staff:** Allegations of suspected staff / learner malpractice to be made to the relevant senior person within the college.

Allegations made by learners: All College staff have a responsibility to ensure that any allegations made to them in their professional capacity are taken seriously and reported through the correct channels: Allegations of suspected staff malpractice and/or learner malpractice to be reported to the relevant senior person.

The College will consider allegations that are made verbally but will request in all cases that allegations are put in writing with any supporting evidence that is available. The Quality Manager will be informed of any allegations.

### **To Awarding Organisations**

It is the responsibility of the college to report any suspicion of learner or staff assessment malpractice to the appropriate awarding organisation. In these cases the incident need not be reported to awarding bodies, but will be dealt with in accordance with the College's disciplinary procedures. Any work which is not the learner's own will not be given credit; in addition a note will be added to the cover sheet to detail any assistance that has been given.

In all other instances of suspected malpractice, the Quality Manager will submit the full details of the case at the earliest opportunity to the relevant awarding organisation.

### **Investigation of suspected malpractice**

If assessment malpractice is suspected by college staff, there will be a process of investigation, usually commissioned by the Director of Studies, to establish the full facts and circumstances of any allegations or evidence. Such an investigation will usually be under the terms of the College's Staff Disciplinary Policy and Procedure given the potential seriousness of the matter. The Director will usually nominate an investigating officer.

## **Possible Actions Taken by the College**

In cases where it is believed, following an investigation and hearing, that there is clear evidence of malpractice:

The appropriate awarding organisation will be informed by the college of the allegation of malpractice and they will be given the supporting evidence.

The College will take disciplinary action commensurate with the seriousness of the malpractice. There will be a right of appeal against any formal disciplinary warning or dismissal. In any instances where suspected malpractice will be reported to awarding bodies, the College will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Incidences of learner assessment malpractice will be investigated in a similar manner. As with staff malpractice potential conflicts of interest will be avoided by 3 nomination of an investigating officer who is external to the management of the learner and/or particular curriculum area.

### **Investigations will proceed through the following stages:**

- The learner will be informed about the issues, possible consequences and right of appeal
- Collection of evidence related to the alleged malpractice
- The review of evidence and production of a report
- A formal meeting between the Director of Studies and the learner against whom an allegation has been made.

### **Possible Actions Taken by the College**

In cases where it is believed that there is clear evidence of malpractice

- The appropriate awarding body will be informed by the college of the allegation of malpractice and they will be given the supporting evidence
- The College will take internal disciplinary action in line with its procedures. This action will be commensurate with the seriousness of the malpractice.

In any instances where suspected malpractice will be reported to awarding bodies the College will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

## **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. For example:

- Persistent failure to adhere to the awarding bodies learner registration and certification procedures.

- Persistent failure to adhere to the awarding bodies centre recognition and/or qualification requirements.
- failure to invigilate in accordance with the JCQ publication Instructions for conducting examinations;
- Late learner registrations (both infrequent and persistent)
- 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, from us which is required to assure Active

### **Examples of malpractice**

- Failure to carry out internal assessment, internal moderation or internal verification in accordance with awarding bodies requirements
- Deliberate failure to adhere to the awarding bodies learner registration and certification procedures.
- failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding body as soon as possible after such an instance occurs or is discovered
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body
- 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 from awarding bodies which is critical to maintaining the robust quality assurance and standards of qualifications
- Learners still working towards qualification after certification claims have been made
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so).

### **Process for making an allegation of maladministration**

Anybody who identifies or is made aware of suspected or actual cases of maladministration at any time must immediately notify the Directors of Studies. 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
- Staff name and job role - if they are involved in the case
- Details of the qualification affected or nature of the service affected
- Nature of the suspected and associated details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances

The Director 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, the college will protect the identity of the 'informant' in accordance with our duty of confidentiality.

### **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 the identity and contact details to the college; however if the person is concerned about possible adverse consequences, they may request that the Director of Studies do not divulge their 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.