



Morecambe Road School



Malpractice & Maladministration Policy

Introduction

This policy relates to suspected or actual malpractice and maladministration on the part of candidates, centre staff and any others involved in providing the qualification under consideration. It sets out the steps which Morecambe Road (learners or other personnel) must follow when reporting suspected or actual cases of malpractice/maladministration and the centre's responsibilities when dealing with such cases.

Useful Definitions:

▪ **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 within a centre (e.g. inappropriate learner records).

▪ **Malpractice**

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. 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 or certificate
- the reputation and credibility of the Awarding Body concerned
- the qualification or the wider qualifications community

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

Examples of maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework and examinations or malpractice in the conduct of the examinations/assessments and/or the handling of examinations papers, candidate scripts, mark sheets, cumulative assessment records, results and certifications claim forms etc.

- failing to ensure that candidates' coursework or work to be completed under controlled conditions is adequately monitored and supervised
- under-qualified or non-qualified or unauthorised members of staff assessing candidates for access arrangements
- failure to use current assignments for assessments
- failure to train invigilators adequately
- failing to issue to candidates the appropriate notices and warnings
- failing to post notices relating to the assessment in all rooms where assessments are held
- not ensuring that the assessment venue conforms to awarding body requirements
- the introduction of unauthorised material into the assessment room, either during or prior to the examination
- failing to ensure that mobile phones are placed outside the assessment room and failing to remind candidates that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the assessment starting
- failure to invigilate in accordance with the specific Awarding Bodies Instructions for Invigilators
- failure to keep accurate records in relation to very late arrivals and overnight supervision arrangements
- failure to keep accurate and up to date records in respect of access arrangements
- granting access arrangements to candidates which do not meet the requirements of the specific Awarding Bodies publication on Reasonable Adjustments and Special Consideration
- granting access arrangements to candidates where prior approval if required has not been obtained from the specific Awarding Body
- failure to supervise effectively the printing of computer based assignments when this is required;
- failing to retain candidates' controlled assessments or coursework in secure conditions
- failing to maintain the security of candidate scripts prior to despatch to the specific Awarding Body or moderator
- failing to despatch candidate scripts / controlled assessments / coursework to the specific Awarding Body or moderators in a timely way
- failing to report an instance of suspected malpractice to the appropriate awarding body as soon as possible after such an instance occurs or is discovered
- failure to maintain appropriate auditable records e.g. certification claims and / or forgery of evidence
- failing to conduct a thorough investigation into suspected assessment malpractice when asked to do so by the Awarding Body concerned

- failing to use the current Awarding Bodies' qualification specification
- the inappropriate retention or destruction of certificates
- persistent failure to adhere to learner registration and certification procedures.
- persistent failure to adhere to centre recognition and/or qualification requirements and/or associated actions assigned to the centre
- late learner registrations (both infrequent and persistent)
- unreasonable delays in responding to requests and/or communications from the Awarding Body
- inaccurate claim for certificates
- misuse of the Awarding Bodies' logo or misrepresentation of a centre's relationship with said Awarding Body and / or its recognition and approval status
- withholding of information, by deliberate act or omission, which is required to assure the Awarding Body concerned, of the centre's ability to deliver qualifications appropriately

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance for Morecambe Road staff.

Examples of malpractice by centres

- 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 the Awarding Bodies' requirements
- deliberate failure to adhere to learner registration and certification procedures
- deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned to the centre
- deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- fraudulent claim for certificates
- the unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
- intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of qualifications
- deliberate misuse of the Awarding Bodies' logo and trademarks or misrepresentation of a centre's relationship with the Awarding Body and/or its recognition and approval status with them
- permitting collusion in exams/assessments

- learners still working towards qualification after certification claims have been made
- persistent instances of maladministration within the centre
- deliberate contravention by a centre and/or its learners of the assessment arrangements specified for the qualifications
- a loss, theft of, or a breach of confidentiality in, any assessment materials
- plagiarism by learners/staff
- unauthorised amendment, copying or distributing of 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 Awarding Bodies' Reasonable Adjustments and Special Considerations Policy
- false ID used at the registration stage
- impersonation of a learner for an assessment
- creation of false records
- cash for certificates (e.g. the selling of certificates for cash)
- selling papers/assessment details

Examples of malpractice by learners

- the alteration or falsification of any results document, including certificates
- a breach of the instructions or advice of an invigilator, examiner, or Awarding Body in relation to the assessment rules and regulations
- failing to abide by the conditions of supervision designed to maintain the security of the assessments
- collusion: working collaboratively with other candidates, beyond what is permitted
- copying from another candidate (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 assessment
- the deliberate destruction of another candidate's work
- disruptive behaviour in the assessment 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
- the misuse, or the attempted misuse, of assessment materials and resources (e.g. Exemplar materials)
- being in possession of confidential material in advance of the assessment
- bringing into the assessment room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations)
- the inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework or portfolios
- impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment
- plagiarism: unacknowledged copying from published sources or incomplete referencing; theft of another candidate's work
- bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, mp3 players, pagers or other similar electronic devices
- the unauthorised use of a memory stick where a candidate uses a word processor
- behaving in a manner so as to undermine the integrity of the assessment

If there has been a loss, theft or a potential breach of confidentiality in assessment materials:

If it is identified that there has been a loss, theft or a potential breach of confidentiality in live assessment materials, the centre must immediately contact the relevant Awarding Bodies' Quality Assurance Team and Morecambe Road must clearly identify the following information in the email:

- the nature of the breach
- the date the breach was discovered
- confirm the qualification title, mode and set of the assessment paper

It is important to note that in all instances Morecambe Road must immediately notify the Awarding Body concerned if they suspect malpractice or maladministration has occurred as the Awarding Bodies have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

Confidentiality and whistle blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. However, it is preferable for those individuals to reveal their identity and contact details to the Awarding Body concerned and then to request them not to divulge their identity if concerned about possible adverse consequences. Information by telephone must be followed by a written statement before it can be used in any investigation.

Centre's responsibility (Morecambe Road School)

The Whole School Assessment Lead and Examinations Officer (Mrs H Andrew) should be fully informed of any potential malpractice/maladministration issues in order to prevent and investigate instances of malpractice and maladministration.

A failure to report suspected or actual malpractice/maladministration cases, or to have effective arrangements in place to prevent such cases, may lead to sanctions being imposed on the centre (see the relevant Awarding Bodies' Sanctions policy for details of the sanctions that may be imposed). Should an investigation be undertaken into the centre, the head of Morecambe Road School (Mr P. E. Edmondson) must:

- respond speedily and openly to all requests relating to the allegation and/or investigation
- cooperate and ensure their staff cooperate fully with any investigation and/or request for information
- be responsible for ensuring those involved in the investigation, have no personal interest in the outcome.

Reporting suspected malpractice or maladministration

Heads of Centre (preferably) are required to inform Awarding Bodies' of any alleged or suspected malpractice before any investigation is undertaken.

Members of centre staff or learners who suspect malpractice must report this immediately to the relevant Awarding Body in writing, setting out a full account of the incident together with any supporting evidence.

All allegations must include:

- centre's name, address and number
- learner's name and the relevant Awarding Bodies' registration number
- centre/Awarding Bodies' personnel's details (name, job role) if they are involved in the case
- details of the Awarding Bodies 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.

All suspected cases of malpractice and maladministration should be reported to the relevant Awarding Bodies' Quality Assurance Managers and they should acknowledge receipt, as appropriate, to external parties within 48 hours.

Responsibility for the investigation

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be examined promptly by the Awarding Body concerned, to establish if malpractice or maladministration has occurred. All reasonable steps will be taken to prevent any adverse effect from occurring as defined by the regulators. All suspected cases of malpractice and maladministration will be passed to the Head of Compliance and Quality Assurance and the Awarding Body concerned should acknowledge receipt, as appropriate, to external parties within 48 hours. The Head of Compliance and Quality Assurance 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. A relevant member of staff (e.g. a Quality Assurance Manager or an External Quality Assurer) will be allocated to lead the investigation. They will review any supporting evidence received or gathered by the Awarding Body concerned and establish whether or not the malpractice or maladministration has occurred. On notification of a malpractice or maladministration incident, the Awarding Body will be responsible for the investigation. In some circumstances, they will require centres to gather evidence to support the investigation. The Awarding Body will always communicate with centres in relation to any requirements that need to be completed by the centre.

Consideration of the evidence

The evidence will be considered by appropriate Quality Assurance staff. Should they have a personal knowledge or interest in the case then nominees will be established to deal with the particular investigation.

At this stage the following are confirmed:

- correct procedures have been followed
- the information supplied by the centre is comprehensive – further information is requested if appropriate
- individuals involved have been given the opportunity to present a written statement
- the facts are established where there is conflicting information
- whether the Awarding Bodies' assessment regulations have been broken and who is responsible for the breach
- proposed measures to be taken to protect the integrity of the assessment and prevent future instances
- the nature of the proposed sanction to be applied.

Notifying relevant parties

In all cases of suspected, or actual, malpractice the Head of Morecambe Road School involved in the allegation process, will be informed (except when the head of the centre or management is under investigation; in which case communication will be with the Chair of Governors, Local Authority officials or other appropriate authorities) that the Awarding Body will be investigating the matter. In the case of learner malpractice, the centre may be asked to investigate the issue in liaison with the Awarding Bodies' personnel and in doing so they may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

The Awarding Body concerned may communicate directly with former members of centre staff who have been accused of malpractice, if appropriate (e.g. the staff member is no longer employed by the centre) and/or communicate directly with a learner or their representative (e.g. if there is a contradiction in the evidence provided during an investigation or where the centre is suspected of being involved in malpractice). Where applicable, the Responsible Officer, or the relevant Quality Assurance staff member, on behalf of the Responsible Officer, will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration.

Where the allegation may affect other awarding organisations or centres and their provision we may also inform them in accordance with the regulatory requirements and obligations imposed on the Awarding Body by the regulators. If we do not know the details of organisations that might be affected, we may ask the regulators to help us identify relevant parties that should be informed. If fraud is suspected and/or identified Morecambe Road may also notify the police.

Summary process

The Awarding Body concerned will aim to action and resolve all stages of the investigation within 28 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, they will advise all parties concerned of the likely revised timescale.

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 by Morecambe Road
- to determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification
- to ascertain whether any action is required in respect of certificates already issued
- to obtain clear evidence to support any sanctions to be applied to Morecambe Road, and/or to members of staff, in accordance with the Awarding Bodies' Sanctions Policy
- to identify any adverse patterns or trends.

Awarding Bodies may request further information from relevant parties and/or interviews with personnel involved in the investigation. Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, Awarding Bodies will reserve the right to impose sanctions on Morecambe Road in accordance with their Sanctions Policy, in order to protect the interests of learners and the integrity of the qualifications. The Awarding Body may also reserve the right to withhold a learner's, and/or cohort's, results for all the qualifications and/or units they are studying at the time of the notification or investigation of suspected or actual malpractice/maladministration.

Investigation outcome - notification

If the Awarding Body concerned, believes there is sufficient evidence to implicate an individual/centre in malpractice/ and/or maladministration they will:

- inform them (preferably in writing) of the allegation
- provide them with details of the evidence they found to support their judgment
- inform Morecambe Road of the possible consequences
- inform our centre that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
- provide Morecambe Road with an opportunity to consider and respond to the allegation and our findings
- inform Morecambe Road of their appeals policy should we wish to appeal against their decision.

The Awarding Body will make a final report available to the parties concerned and to the regulatory authorities and other external agencies as required. If it was an independent/third party who notified the Awarding Body of the suspected or actual case of malpractice, they will also inform Morecambe Road of the outcome (normally within 5 working days of making their decision.) In doing so they may withhold some details, if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our staff the report will be agreed by the Head of Compliance and Quality Assurance with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place, the Awarding Body concerned will consider the action to take 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

The actions the Awarding Body may take include (this list is indicative only and is not meant to form an exhaustive list):

- Impose actions in relation to Morecambe Road with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring such as: undertaking additional visits to the centre to provide them with a greater level of support and/or monitoring depending on their needs and performance requiring specific centre staff to undergo additional training and/or scrutiny by the centre if there are concerns about their ability to undertake their role in the delivery of the Awarding Bodies' qualifications, effectively not permitting specific centre staff to be involved in the delivery or assessment of their qualifications (e.g. not permitting an individual to invigilate their examinations or assessments) altering the way, and the period in which, centres receive assessment materials from the Awarding Body, if there are concerns around their ability to maintain the security and confidentiality of such materials, appointing independent invigilators to observe an assessment at the centre if there are concerns around the centre's arrangements and/or the centre is unable to resource particular assessments
- Impose sanctions on Morecambe Road – if so, these will be communicated to the centre in accordance with the Awarding Bodies' sanctions policy along with the rationale for the sanction(s) selected
- Take action against learners in relation to proven instances of cheating, plagiarism and fraud, such as directly and/or via the centre taking one or all of the following:
 - issuing a written warning that if the offence is repeated further action may be taken
 - loss of all marks/credits for the related work/unit
 - disqualification from the unit(s)/qualification
 - placing a ban for a set period of time from taking any further qualifications with us.

- In cases where certificates are deemed to be invalid, Morecambe Road will be informed (and the regulatory authorities) as to why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. The Awarding Body will also ask Morecambe Road to let the affected learners know the action they are taking and that their original certificates are invalid. In this circumstance, they will ask the centre to return the invalid certificates to the Awarding Body concerned.
- The Awarding Body may amend aspects of our qualification development, delivery and awarding arrangements and, if required, assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring
- They may also inform relevant third parties (e.g. funding bodies) of their findings in case they need to take relevant action in relation to Morecambe Road.

In proven cases of malpractice and/or maladministration by a centre, Awarding Bodies may reserve the right to charge the centre for any resits and reissuing of certificates and/or additional EQA visits. The fees for this will be the current Awarding Bodies' prices for such activities at the time of the investigation. In addition, to the above, the Quality Assurance staff member will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help the Awarding Body prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant party(ies) wishes to appeal against the Awarding Bodies decision to impose sanctions, please refer to their Appeals Policy.

Adapted from the Ascentis Malpractice and Maladministration Policy

Approved by the Full Governing Body on 13th November 2019

Signature: (Chair of Governors) Tony Bland_____

Signature: (Headteacher) Paul Edmondson