

Malpractice and Maladministration Policy

1. Introduction

This policy explains the processes required to prevent, identify and to deal with potential and actual incidences of malpractice and maladministration.

1.1. This document aims to:

- define malpractice in the context of assessment
- set out the rights and responsibilities of One Awards, Centre staff and learners in relations to such matters
- describe the procedures to be followed in cases where there is reason to suspect that the regulations have been broken and there is evidence of potential malpractice or maladministration

1.2. All Centres must ensure that all staff involved in the management, assessment and quality assurance of One Awards programmes and units are fully aware of the contents of this policy and that there are arrangements in place to prevent and investigate instances of malpractice and maladministration.

1.3. Centres must report all incidences of suspected malpractice and/or maladministration to One Awards. Failure to do so may result in certificates not being issued, registrations not being accepted or sanctions applied (see Sections 14 and 15). The Head of Centre or designated Centre Officer, responsible for the programmes and units, is expected to supervise all investigations resulting from an allegation of malpractice and/or maladministration.

1.4. One Awards reserves the right to withhold the issuing of results of assessment while investigations are on-going. Depending on the outcome of the investigation results may be released or permanently withheld.

2. Definitions

2.1. Malpractice is deemed to be those actions and practices which threaten the integrity of assessment and certification.

2.2. Maladministration is any activity or practice, including persistent mistakes, which result in non-compliance with administrative regulations.

3. Centre Staff Malpractice

3.1 The following are examples of malpractice or maladministration by Centre staff:

- fraudulent claim for certificates
- obtaining unauthorised access to assessment material prior to assessment
- a loss, theft, or a breach of confidentiality in any assessment materials
- failing to keep learner, computer or other files secure
- failure to maintain appropriate auditable records
- failing to abide by the conditions of supervision designed to ensure the security of assessment

Malpractice and Maladministration Policy

- failure to carry out internal assessment or internal verification in accordance with One Awards requirements
- intentional withholding of information which is critical to maintaining the rigour of quality assurance
- inaccurate claim for certificates
- misuse of One Awards logo

4. Learner Malpractice

4.1. The following are examples of malpractice by learners. Other instances of malpractice may be considered by One Awards at their discretion:

- plagiarism
- copying from another learner (including using IT to do so)
- introduction of unauthorised material into the assessment room, for example, notes, calculators
- the inclusion of inappropriate, offensive or obscene material in assessment tasks
- the deliberate destruction of another's work
- behaving in such a way as to undermine the integrity of the assessment.

5. Procedures for Investigating Alleged Malpractice and/or Maladministration

- 5.1. Allegations of malpractice and/or maladministration may be reported to One Awards by assessors, External Quality Assurers, tutors, managers, learners or members of the public. When dealing with allegations, One Awards will deal primarily with the Head of Centre or his/her nominated representative.
- 5.2. One Awards will seek to establish the full facts and circumstances of any alleged malpractice and/or maladministration and review any supporting evidence received or gathered by One Awards
- 5.3. When dealing with suspected cases of maladministration/ malpractice One Awards will take all reasonable steps to prevent any adverse effect from occurring.

6. Malpractice and/or Maladministration is Discovered by the Centre

- 6.1. If malpractice is discovered by the Centre, full details of the case must be submitted at the earliest opportunity to One Awards Head of Quality.

7. Malpractice and/or Maladministration Discovered by One Awards

- 7.1. If malpractice and/or maladministration is discovered by One Awards Quality Reviewer/External Quality Assurer, or has been reported to One Awards by a learner or member of the public, full details of the allegations will be reported to the Centre.

Malpractice and Maladministration Policy

- 7.2. The Head of Centre or their designated Centre Officer will be required to conduct a full investigation into the allegations and to submit a written report to the One Awards Head of Quality.
- 7.3. To avoid conflicts of interest any investigation can only be delegated to an appropriate and independent member of staff with no connection to the case. Depending on the nature, seriousness and focus of the allegation, One Awards reserves the right to lead the investigation.

8. Anonymous Reports

- 8.1. Anonymous reports will only be acted upon if there is supporting evidence, or if the nature of the report warrants it. In these cases the Head of Centre or designated Centre Officer will be informed and asked to comment or investigate.

9. Access to Evidence – Confidentiality of Evidence

- 9.1. One Awards will not normally withhold from the Centre any evidence relevant to cases of suspected malpractice and/or maladministration. Occasionally it may be necessary to do so, for example where it is necessary to protect the identity of an individual. In all such cases One Awards will provide summaries of evidence and a statement as to why evidence itself cannot be presented in its original form.
- 9.2. It is at the discretion of the Head of Centre or designated Centre Officer as to the means by which evidence is presented to the individuals suspected of malpractice/maladministration. Nevertheless One Awards requires that individuals subject to investigation have access to all evidence against them and are provided with sufficient time in order to allow them to prepare full responses.

10. Investigation by a Centre into Suspected Malpractice by Learners

- 10.1. It is the responsibility of the Head of Centre or designated Centre Officer to notify One Awards immediately prior to carrying out an investigation, to submit a full written report of the case and to provide supporting evidence to One Awards as agreed.
- 10.2. Learners suspected of malpractice should be made fully aware, in writing at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven.
- 10.3. Learners suspected of malpractice must be given the opportunity to respond, preferably in writing, to allegations made.
- 10.4. Learners suspected of malpractice must be made aware of the routes for appealing should a judgement be made against him or her. Full details of One Awards appeals procedure can be found in the One Awards Centre Handbook.

Malpractice and Maladministration Policy

10.5. In rare cases where it is necessary for One Awards to interview a learner/s in the pursuance of an investigation, One Awards undertake to only do this in the presence of the Head of Centre or designated Centre Officer, or other senior member of staff, and then only after ensuring that the learner has been given the opportunity to be accompanied by an advocate.

11. Investigation of Suspected Malpractice and/or Maladministration by Members of Staff

- 11.1. Investigations into any case of suspected malpractice and/or maladministration against a member of staff must normally be carried out in the first instance by the Head of Centre or designated Centre Officer.
- 11.2. Investigations into any case of suspected malpractice against the Head of Centre must be carried out by the Chair of the Governing Body of the Centre and reported to One Awards.
- 11.3. Any member of staff suspected of malpractice must be made fully aware, in writing, at the earliest opportunity of the nature of the suspected malpractice and the possible consequences should malpractice be proven.
- 11.4. Any member of staff suspected of malpractice must have the opportunity to respond, preferably in writing, to allegations made.
- 11.5. A member of staff suspected of malpractice must be aware of the routes for appealing.
- 11.6. A report on cases where members of staff are found to have committed malpractice, together with details of the action taken by the Head of Centre, designated Centre Officer, or the Governing Body, may be made available to others, for example, the Police or the relevant regulator, if One Awards decides that the circumstances of the case are sufficiently serious to warrant such reports being made.

12. Reporting

- 12.1. It is the responsibility of the Head of Centre or designated Centre Officer to submit to One Awards, immediately following the investigation a full written report of that investigation and to provide the following where appropriate:
 - a statement of the facts, a detailed account of the circumstances and details of any investigations carried out by the Centre
 - written statement(s) from any staff involved
 - written statement(s) from the learner(s) concerned
 - evidence of the Centre's procedures for advising learners and staff of One Awards regulations
 - any unauthorised material found in the assessment room
 - the work of the learner(s) and any associated material that is relevant to the investigation

Malpractice and Maladministration Policy

13. The Response of One Awards to Reports

- 13.1. Where an investigation indicates evidence of malpractice and/or maladministration, One Awards will appoint a panel, chaired by a member of the Senior Management Team and comprising of at least two other members of staff who have had no contact with the case or the Centre to scrutinise the alleged malpractice.
- 13.2. One Awards will ensure that personnel assigned to scrutinise the alleged malpractice and to carry out the investigations have the appropriate level of training and competence and that they have had no previous involvement or personal interest in the incident.
- 13.3. The panel may delegate responsibility for deciding certain straightforward cases to other named officers of One Awards.
- 13.4. The panel must establish that correct procedures have been followed in the investigation of all cases.
- 13.5. The panel, or officers acting under delegated authority, will determine:
 - whether the assessment regulations have been broken
 - where the culpability lies for the breach of regulations
 - to identify the cause and those involved
 - appropriate measures to be taken to protect the integrity of the assessment and to prevent future breaches
 - the nature of the sanctions to be applied/action to be taken
- 13.6. Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. All investigations will be conducted in a fair and reasonable manner ensuring that all relevant evidence is considered without bias.
- 13.7. One Awards will impose sanctions on individuals found guilty of breaking assessment regulations in order to:
 - maintain the integrity of the assessment and confidence in assessment
 - ensure that there is nothing to gain from breaking the regulations and deter other from doing likewise

14. Sanctions Applied Against Members of Staff and Centres

- 14.1. Where an investigation establishes malpractice and/or maladministration by a member of staff, any subsequent disciplinary action against the member of staff concerned must be the responsibility of the Head of Centre or the responsible employer.
- 14.2. One Awards will consider whether the integrity of its assessment might be jeopardised if a member of staff found to have indulged in unfair practice were to be involved in the conduct, supervision or administration of One Awards assessments in the future.

Malpractice and Maladministration Policy

- 14.3. Where a member of staff has been found guilty of malpractice and/or maladministration, One Awards has the right to impose special conditions on the future involvement in assessment by that member of staff, whether this involves the conduct, supervision or administration of assessments.
- 14.4. One Awards may withdraw Centre Recognition to deliver One Awards programmes and units where malpractice is established.

15. Sanctions Applied Against Learners

One Awards may, at its discretion, impose the following sanctions against learners found guilty of malpractice:

- the learner loses all credit gained for a unit
- the learner is barred from entering for one or more assessments for a set period of time.

16. Applying Sanctions

- 16.1. The application of sanctions is at the discretion of One Awards and will reflect the particular circumstances of each case and any mitigating factors.
- 16.2. Sanctions will be based only on the evidence presented.
- 16.3. All sanctions must be justifiable and reasonable in their scale and consistent in their application.
- 16.4. Sanctions applied will remain on record at One Awards.

17. Communicating Decisions to Learners, Staff and Centres

- 17.1. The Head of Centre, designated Centre Officer or responsible employer will be informed of decisions in writing as soon as possible after decisions are made. It is the responsibility of the Head of Centre, designated Centre Officer or responsible employer to communicate the decision to the individuals concerned and to pass on warnings in cases where this is indicated.

18. Exchange of Information with other Awarding Organisations, the Regulators and other Authorities

- 18.1. The majority of cases of malpractice and/or maladministration are essentially confidential between the individual Centre and One Awards, but there are certain cases that may have wider implications. In cases of serious malpractice, in order to preserve the integrity of the assessment, it may be necessary for information to be exchanged amongst other Awarding Organisations, the regulator and/or the Police.



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Malpractice and Maladministration Policy

19. Appeals

19.1. One Awards has established procedures for considering appeals arising from the outcomes of an investigation into malpractice. The Enquiries and Appeals Procedure can be found in the One Awards Centre Handbook and is available on our website or by contacting One Awards.

20. Review Arrangements

20.1. All One Awards Centres' compliance with the Malpractice and Maladministration Policy will be reviewed through Centre monitoring arrangements. Centres should contact One Awards for further advice and guidance on how to manage and implement this policy.

20.2. One Awards will review this policy and procedure as part of its annual self-evaluation process and revise it when necessary in response to customer and stakeholder feedback, changes in practice, requirements of the Regulators, external agencies or changes in legislation. The review will ensure that procedures continue to be consistent with the regulatory criteria and are applied properly and fairly.

Version 1.0		Page 7 of 7
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