



Malpractice and Maladministration Policy

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| Date of Policy | February 2021 |
| Lead for Review | Provost |

This policy describes how to deal with instances of suspected or actual malpractice.

The policy sets out the steps to be followed when reporting suspected or actual cases of malpractice or maladministration. It also sets out the responsibilities in dealing with such cases.

CSVPA will report cases of malpractice or maladministration to the relevant Awarding Body who in turn will act upon the report of suspected or actual cases of malpractice or maladministration which may affect the integrity of the Awarding Body qualification(s).

All staff involved in the management, assessment, moderation or verification of qualifications will be made aware of their responsibilities in relation to malpractice, maladministration and misconduct.

We will review this policy and revise it as and when required in response to stakeholder feedback, changes in our practices or changes in legislation.

Malpractice

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process, and/or the validity of certificates. 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.

“Failure by a centre to deal with identified issues as a result of UAL Awarding Body external moderation may in itself constitute malpractice”.

Centre Staff malpractice – malpractice committed by a member of staff or contractor at a centre, or an individual appointed as a practical assistant to a learner.

Candidate malpractice – malpractice committed by a learner in the course of any examination or assessment. This includes the preparation, presentation and authentication of any work, plagiarism, and the compilation of portfolios of assessment evidence.

The list below contains some examples of malpractice:

- Contravention of Awarding Body centre and qualification approval conditions
- Failure to satisfactorily implement conditions of approval within stated timescales
- Denial of access to resources (premises, records, information, learners and staff) by any authorised Awarding Body representative and/or Ofqual
- Actions required by External Moderators or External Verifiers not being met within agreed timescales
- Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with Awarding Body requirements
- Failure to adhere to learner registration and certification procedures. Failure to continually adhere to qualification/centre approval criteria. Failure to maintain auditable records, eg certification claims. Fraudulent claim for certificates

- Intentional withholding of information which is critical to maintaining robust quality assurance mechanisms
- Deliberate misuse of Awarding Body logo and Investing in Quality trademark
- Forgery of evidence
- Plagiarism of any nature by learners.

Allegations of malpractice may be brought to attention by a range of sources. These may include:

- A member of staff may report instances of malpractice
- A learner may have a legitimate complaint about a centre's personnel or practices that he or she raises with the either the school or awarding body
- An employer or parent (on behalf of the learner) may report an incident
- Whistleblowers may report allegations of malpractice to CSVPA or the Awarding Body (their identity must not normally be disclosed without their permission)
- Anonymous allegations may be reported; however, the allegation can only be acted on if there are sufficient details to identify the material evidence

Maladministration

Maladministration is defined as any activity, neglect, default or other practice that results in the centre or candidate not complying with the specified requirements for the delivery of the qualifications.

CSVPA will investigate cases of maladministration and report to the Awarding Body. If an investigation results in evidence of maladministration, we will take the necessary steps to ensure that the learners' interests are protected as far as is reasonably possible. This may include making arrangements for re-assessment or certification as appropriate.

Reporting suspected or actual cases of malpractice or maladministration

Where malpractice or maladministration is suspected this must be reported in writing to CSVPA Rector and/or the Awarding Body.

It should be sent to the CSVPA Student Services and the Awarding Body Quality Assurance and Enhancement team via the contact details at the end of this document.

Reviewing reports of suspected or actual cases of malpractice or maladministration

CSVPA will:

- Acknowledge receipt of reports within 5 working days
- Agree proposed actions and timescales with the Awarding Body
- Investigate all alleged cases of malpractice and misconduct
- Ensure that the investigation is carried out rigorously and effectively by persons of appropriate competence who have no personal interest in the outcome
- Aim to action and resolve all investigations within 30 working days of receipt of the

report

- Advise the complainant and of the outcome of our investigation within 10 working days of making our decision.
- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes
- Submit the findings of the investigation report to the Awarding Body

Where we conduct our own centre investigation before submitting a report to the Awarding Body, we will notify the Awarding Body Quality Manager of the suspected malpractice or maladministration prior to the investigation.

Awarding Body notification of suspected or actual cases of malpractice or maladministration

If an Awarding Body External Moderator or External Verifier discovers suspected or actual cases of malpractice or maladministration when visiting our centre, they will inform us of their intention to report their findings.

Reports will include:

- • centre's name, address and number
- • learner's name and ULN
- • centre personnel's details (name, job role) if they are involved in the case
- • title of the Awarding Body qualification affected or nature of the service affected
- • date(s) suspected or actual malpractice occurred
- • full nature of the suspected or actual malpractice
- • contents and outcome of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- • written statements from those involved in the case, e.g. witness statements
- • date of the report and the informant's name, position and signature.

The investigation

We expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with the review panel.

During the investigation the panel's review may involve:

- a request for further information via interviews (face to face or by telephone) with personnel involved in the investigation
- arranging for Awarding Body authorised personnel to carry out a centre visit.

We will make informed decisions based on the evidence.

In the case of centre malpractice or maladministration, the Awarding Body will offer support and guidance to help us investigate the matter and reach the appropriate conclusions.

In the case of learner malpractice or maladministration, CSVPA will investigate the issue in liaison with own personnel.

We will protect the identity of the informant or whistleblower as required.

We will share information with other external parties as required.

At the point of notification of a suspected or actual case of malpractice or maladministration, or at any time during the investigation, we reserve the right to suspend any claims for learner certification submitted to the Awarding Body.

We reserve the right to withhold a learner's results for all the qualifications they are studying at the time of the notification or investigation of suspected or actual malpractice or maladministration, if the case is deemed to be of a serious nature.

The outcome of the investigation

We will consider all factors put forward in determining the outcome of the investigation and, where appropriate, any sanctions.

If the investigation confirms that centre malpractice or maladministration has taken place, we may impose one or more sanctions. The list below provides some examples of possible sanctions:

- Suspension of member of staff
- Training for centre staff
- Other appropriate measure to prevent recurrence of the malpractice or maladministration.

It is our responsibility to inform staff and learners affected of the implications of the sanctions.

Learner malpractice or maladministration

If the investigation confirms that learner malpractice or maladministration has taken place, we may impose one or more of the following sanctions on the learner. Please note that this list is not exhaustive:

- Disallowing all or part of the learner's internal assessment evidence
- Disallowing all or part of the learner's external assessment evidence
- Not issuing the learner's certificate(s)
- Not accepting any further registrations for the learner
- Other appropriate measure to prevent recurrence of the malpractice or maladministration.

In cases of malpractice or maladministration by learners, you should make your learners aware that their final results may be void if the case is proven. All certificates already issued will be deemed to be invalid and must be returned to the Awarding Body.

Reporting the outcome

After an investigation, CSVPA will produce a report.

Any subsequent amendments will be agreed with the awarding body.

CSVPA will make the final report available to you/learner and to other external agencies as required.

If an independent/third party notified us of the suspected or actual case of malpractice or maladministration, we will inform them of the outcome.

If we believe that the occurrence of malpractice or maladministration, or any connected occurrence may affect another awarding organisation or qualification, we will inform that awarding organisation and any other affected parties.

Appeals against an outcome decision

Appeals against an outcome decision, should follow the Appeals Procedure.