

Business School England

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Purpose

Business School England will take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available. Where it has not been possible to prevent this, it is in everyone's interest to ensure that all cases of suspected or actual malpractice/maladministration are dealt with quickly, thoroughly and effectively.

Introduction

The policy requires the school to establish and maintain procedures for dealing with malpractice and maladministration on the part of Learners, school approved staff or any others involved in providing the qualifications, and to take appropriate action to maintain the integrity of school qualifications. This document fulfils that requirement.

This document:

- Defines malpractice and maladministration in the context of delivery and assessments
- Provides examples as to the types of incidents that may occur
- Sets out the rights and responsibilities of school, school approved staff and Learners in relation to such matters

Regulatory Requirements and definitions

This policy meets the regulatory requirements set out by the Ofqual/CCEA Regulation/Qualifications Wales General Conditions of Recognition (August 2018):

Condition A8 Malpractice and maladministration

Preventing malpractice and maladministration

A8.1 An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.

Investigating and managing the effect of malpractice and maladministration

A8.2 Where any such malpractice or maladministration is suspected by an awarding organisation or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding organisation must (a) so far as possible, establish whether or not the malpractice or maladministration has occurred, and (b) promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.

Procedures relating to malpractice and maladministration

A8.3 For the purposes of this condition, an awarding organisation must –

(a) establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and
(b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

A8.4 Where a Centre undertakes any part of the delivery of a qualification which an awarding organisation makes available, the awarding organisation must take all reasonable steps to keep under review the arrangements put in place by that Centre for preventing and investigating malpractice and maladministration.

A8.5 An awarding organisation must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with malpractice and maladministration.

A8.6 Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to –

- (a) prevent that malpractice or maladministration from recurring, and
- (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence –

- (a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and
- (b) may affect another awarding organisation, it must inform that awarding organisation.”

This Policy also meets the requirements of the SQA Accreditation Regulatory Principles (2014):

“SQA Principle 14. The awarding body and its providers shall ensure that it has safeguards to prevent and manage cases of malpractice and maladministration.

The awarding body and its providers must have clearly defined processes to deal with malpractice and maladministration. The awarding body must inform SQA Accreditation when any cases, or suspected cases, of malpractice and/or maladministration are discovered.

The awarding body and its providers must develop and implement corrective action plans to prevent further occurrence.”

Definition of Malpractice and Maladministration

Malpractice

The term malpractice covers any deliberate actions, neglect, default or other practices that compromise, or could compromise:

- The assessment process
- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of school
- The qualification or the wider qualifications community
- The confidentiality of assessment materials

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 or gain school Centre approval.

Failure by a school Centre to deal with an identified issue may in itself constitute malpractice.

Maladministration

The term maladministration relates to any activity, neglect, default or other practice by a school Centre that results in the school Centre or Learners not complying with the specified requirements for delivery of the qualifications.

Types of Malpractice

The following list gives some examples of the types of incident that may occur (noting that the list is not exhaustive):

school Centre Malpractice

Examples of school Centre malpractice could include:

- Insecure storage of assessment instruments and marking guidance
- Misuse of assessments, including inappropriate adjustments to assessment decisions

- Failure to comply with requirements for accurate and safe retention of Learner evidence, assessment and internal verification records
- Failure to comply with Awarding Body procedures for managing and transferring accurate Learner data
- Deliberate falsification of records in order to claim certificates
- Deliberate falsification of records or misuse of data to gain school centre approval

The above would normally be attributable to the failure of systems and processes operated by the Centre, rather than the fault of individuals.

school Centre staff malpractice

This means malpractice committed by a current (or former) member of staff (or contractor) at a school Centre. It can arise through, for example:

- A breach of security (e.g. failure to keep material secure, tampering with coursework etc.)
- Excessive direction from assessors to Learners (e.g. prompting Learners in assessments by means of signs or verbal or written prompts)
- A breach of confidentiality (e.g. failure to maintain confidentiality of assessment materials or personal data)
- Deception (e.g. manufacturing evidence of competence, fabricating assessment or internal verification records)
- The provision of improper assistance to Learners (e.g. permitting the use of a reasonable adjustment over and above the extent permitted by school policy)
- Provision of inaccurate or misleading information by Centre staff about school qualifications
- Failure to adhere to regulations/school stated requirements.

Learner Malpractice

Malpractice by a Learner in internal assessment could occur in:

- portfolios of internal assessment evidence
- presentation of practical work
- preparation and authentication of coursework
- conduct during an internal assessment
- conduct during an external assessment

Examples of Learner malpractice could include:

- Plagiarism - failure to acknowledge sources properly and/or the submission of another person's work as if it were the Learner's own
- Collusion with others when an assessment must be completed by individual Learners and/or evidence must relate to that individual Learner
- Copying from another Learner (including using ICT to do so)
- Impersonation - assuming the identity of another Learner or a Learner asking another person to assume their identity during an assessment
- Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia)
- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behavior or language and having an unauthorised electronic device that causes a disturbance in the examination room
- Frivolous content - producing content that is unrelated to the question in scripts or coursework.
- The procurement of evidence from a third party (e.g. essay mill, ghost writing) which is submitted as the Learner's own work

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to delivery and assessment need to be investigated in order to protect the integrity of the school qualification and to be fair to the school Centre and all Learners.

Types of Maladministration

Examples of maladministration may include the school Centre:

- not submitting Learner work for marking or moderation within a reasonable timescale of that work being completed (and, where relevant, marked and internally verified)
- taking fees from individuals but not registering those individuals with school within 6 weeks (when the reasonable expectation and understanding of the individual was that this was to happen)
- providing incorrect or inaccurate information to Learners regarding the school qualifications, progress within a school qualification or similar
- incorrectly claiming a unit or qualification for a Learner
- knowingly presenting a Learner's work for assessment or moderation when it is not the work of that individual
- presenting CVs of uncontracted staff during the school centre approval application process

Preventing and Dealing with Malpractice and Maladministration

Roles and Responsibilities

school is responsible for:

- Taking all reasonable steps to prevent any malpractice or maladministration
- Ensuring it has written up to date procedures in place for the investigation of suspected or alleged malpractice or maladministration
- Carrying out or overseeing investigations of cases (or suspected cases) of malpractice/maladministration to establish whether it has occurred
- Promptly taking all reasonable steps to prevent (or mitigate) any adverse effects arising from the malpractice/maladministration
- Keeping under review the arrangements put in place by school Centres for preventing and investigating malpractice and maladministration
- Providing guidance to school Centres (upon request) as to how best to prevent, investigate, and deal with malpractice and maladministration
- Taking steps to prevent any malpractice or maladministration from recurring
- Taking appropriate and proportionate action against those who are responsible for the malpractice/maladministration
- Applying appropriate sanctions in line with its published sanctions policy
- Informing school Centres and other Awarding Bodies of the malpractice/maladministration, as appropriate
- Notifying regulators where there is the potential for an Adverse Effect or strong grounds for suspected malpractice and maladministration
- Reporting the matter to the police, where they believe a criminal act has been committed (especially where the malpractice has led to fraud).

school Centres/school approved staff are responsible for:

- Immediately notifying school of any incidents, or suspected incidents, of malpractice/maladministration as required by school policies
- Complying with published school malpractice procedures
- Taking reasonable steps to prevent malpractice/ maladministration from arising
- Advising Learners of the school policy on malpractice/maladministration during their induction
- Being vigilant to possible instances of malpractice and maladministration
- Assisting with any school requests for information
- Co-operating with school malpractice/maladministration investigations
- Carrying out investigations of malpractice under the guidance of school
- Implementing any actions required during and after investigation into a case of malpractice
- Taking action required to prevent the recurrence of malpractice/maladministration.

Reporting suspected malpractice or maladministration

Centres

All school Centres are required to adhere to set procedures in the management, delivery, assessment and awarding of school qualifications. Centre staff should be fully aware of the Centre's own procedures for preventing malpractice and maladministration. They should also be aware that they must report any such cases to school immediately. They should carry out an initial investigation and complete the Centre Report of Suspected Malpractice Form (this form can be found at the end of this document for this purpose) and sent to school enclosing any supporting evidence within 5 working days of the notification.

On receipt of an allegation of suspected malpractice or maladministration at a Centre, school will apply an immediate Level 3 sanction in line with its Sanctions Policy to stop Learner registrations and certifications, where appropriate. This action is taken to prevent any possibility of an Adverse Effect and will remain in place until the outcome of the investigation is known.

Failure to report any such issues may result in further sanctions being applied in line with school's Sanctions Policy.

Guidance may be given to Centres on how to prevent, investigate or deal with any cases of suspected malpractice or maladministration.

Staff or persons involved in the assessment, delivery and awarding of qualifications

Moderators, Markers, Quality Managers, Centre Staff or Learners who suspect cases of malpractice or maladministration should report their suspicions immediately to school's Head of Awarding Body or in their absence the Senior Quality Manager. This should be followed with a full written account and any supporting evidence within 5 working days.

Third Parties and Confidentiality

If a suspected case of malpractice or maladministration is brought to school's attention by a third party or 'whistleblower', school will take the below steps to establish the facts of the alleged case.

- This will be done in writing to the third party seeking permission to use their name, to communicate the details of the allegation with the school Centre, and to find out whether the Centre's internal procedures have been exhausted
- If the 'whistleblower' does not grant permission to use their name, and the allegation still merits investigation, school will advise the 'whistleblower' that the scope of the investigation may be impaired and that school will strive to preserve their anonymity in bringing the matter to the attention of the Centre Programme Director.

Where suspected malpractice/maladministration is brought to the attention of school verbally (e.g. by telephone) then school will request that the allegation is presented in writing (including by email) before instigating a full investigation.

Where suspected malpractice/maladministration is brought to the attention of school by a member of Centre staff or a Learner, school will consider, if relevant, how best to protect the informant during and after any investigative activity.

school Review

In a case of suspected malpractice/maladministration the Head of the Awarding Body and/or Senior Quality Manager will review the information presented and, if there are reasonable grounds, will decide on the most appropriate course of action. The action taken will depend on the nature and severity of the case, but could include:-

- Consideration of whether the information provided is sufficient to make a judgement
- Requiring the school Centre Programme Director to carry out a more in-depth investigation and to provide a written report within a set timescale. This will be in suspected cases of lesser immediate risk or severity such as an isolated plagiarism incident
- Implementing the school Investigation Procedure, for example in the case of alleged fraud or in a case of serious threat to the integrity of school qualification or where a Centre does not have the capacity to conduct a full investigation
- Consider whether there is a risk of an Adverse Effect and the steps that should be taken to prevent this

- Consider whether the Regulators should be notified of the matter
- Consider whether further sanctions should be applied against a Centre until the investigation is complete
- Inform the originator of the case of progress and timescales.

The review will take place as soon as possible after receipt of the information and no later than 5 working days after receipt.

Notifying the Regulators

The regulators are to be notified of an event in accordance with Condition B3, or as soon as possible thereafter. The notification is to include information of any steps that have been taken, or intend to take, to prevent the event having an Adverse Effect or to correct or mitigate the Adverse Effect if it occurs.

In cases where there is the potential for an Adverse Effect or strong grounds for suspected malpractice and maladministration (e.g. cases with alleged fraud or serious threat to the integrity of school qualifications or school as an organisation), school is required to inform the appropriate regulatory bodies immediately after this becomes apparent. School and the school Centre are required to co-operate in full, providing information and taking any appropriate action.

school Investigation

The investigation will be carried out in line with school's Investigation Procedure. Where possible it will be conducted by someone who is independent of the normal day to day working relationship with the Centre and who is competent to do so. It will be conducted to a specified timescale. The timescale will depend on the scale of the case but will be as soon as is practically possible. An investigation, a report and a decision must all be made within 28 working days of receipt of the case information.

Centre Programme Directors carrying out investigations on behalf of school will be expected to use the same procedure.

Investigation Outcomes

Once the investigation (whether it be carried out by the Centre or by school) has been concluded the report will be considered by the Senior Quality Manager and/or Head of Awarding Body & Compliance and a decision made on any remedial or preventative actions to be taken and of any sanctions or penalties to be implemented.

If the report confirms that malpractice or maladministration took place school will first consider:-

- How to minimise any risk to the integrity of the certification now and in the future
- How to maintain public confidence in its delivery and awarding of qualifications
- How to ensure this same incident will not re-occur

Actions they may take could include:-

- Specific actions within set timescales for the school Centre to take to address the findings of this case
- Additional visits to school Centre including spot checks
- Additional training for school Centre staff and/or removing specific staff from their role in delivery or assessment
- Imposing sanctions
- Instigating a Centre Withdrawal process
- Taking action against Learners – for example if found guilty of plagiarism or fraud
- Reviewing confidentiality and/or security arrangements
- Reviewing and amending school systems and procedures if required
- Expanding the original investigation to look at other school qualifications or Centres

Outcomes on plagiarism and collusion cases are outlined within school's Plagiarism and Collusion Statement.

Appeals against Malpractice/Maladministration decisions

If the Centre or individuals found to be guilty of malpractice and/or maladministration do not agree with the outcome and/or the decision made they can make an appeal against that decision.

The appeal will review the processes taken to ensure that they were applied consistently and fairly.

Please refer to the school Appeals Policy and Procedure for more information.

Maintaining Records

All material collected during this process including the original information and any documents relating to the investigation will be kept secure on the Awarding Body Google Drive. Information will be retained for up to 5 years.

If the outcome leads to invalid certificates, criminal or civil prosecution, materials will be held until such time as the case is completed and time allowed for any appeals to take place.

Alerting other awarding bodies

Regulations require that school notifies other Awarding Bodies of cases of malpractice/maladministration where these cases are likely to impact on the other Awarding Bodies. In dealing with cases of malpractice/maladministration school must pay due regard to this requirement and notify other Awarding Bodies, as appropriate. This will usually be appropriate where:

- The school Centre where the malpractice/maladministration has occurred (or is suspected) is also approved with another Awarding Body (for the same or different qualifications) and the (suspected) malpractice could potentially impact on the activities undertaken on behalf of that other Awarding Body
- The school Centre where the malpractice/maladministration has occurred (or is suspected) is also approved with another Awarding Body for the same qualifications and there is the potential for the school Centre to move their operations to the other Awarding Body in an attempt to avoid sanctions and continue sub-standard practices
- The school Centre where the malpractice/maladministration has occurred (or is suspected) has indicated that they are seeking approval with another Awarding Body (for the same or different qualifications).

Monitoring and Review

Progress of all cases of suspected malpractice or maladministration will be monitored by the Quality Managers, Senior Quality Manager and Head of Awarding Body & Compliance at the monthly meetings. Reports on progress will be provided to the Regulation Compliance Committee (RCC) for review.

All cases using this procedure will be reviewed annually to ensure the appropriateness and approach is fit for purpose.

Report of Suspected Malpractice or Maladministration Form

This form must be completed by any school Centre, school member of staff or contractor or school-registered Learner when reporting an incident to school.

Centre Name	
Centre Number	
Contact Name (person reporting suspected malpractice or maladministration)	
Contact address, phone number and email	
Is anonymity required?	Yes/No

Please give the nature of the incident, date(s) of the incident and the names of those involved

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Describe the actions taken by the Centre (if any).

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If there are any other details you feel are relevant to this incident (including mitigating circumstances), please give further information below.

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Please describe in detail the actions that will be taken to prevent further similar incidents occurring (where relevant).

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Name:	Signature:	Date:
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