



# **Malpractice and Maladministration Policy**

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## Version Control

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## 1. Introduction

- 1.1. Assessu is committed to upholding the integrity of its end point assessment practices. It is also committed to ensuring that all apprentices taking tests or exams either at their workplace or our approved venues; do so under similar conditions and therefore have an equal opportunity to demonstrate their knowledge, skills and behaviours.
- 1.2. Accordingly, Assessu will not tolerate any act or omission, or any attempted act or omission, that is or results in cheating, unfair practice or a breach of its rules and regulations.
- 1.3. Apprentices found to have committed any of the above may, at Assessu's discretion, be disqualified from the exam/test or made to reproduce evidence of knowledge or competency under a controlled assessment
- 1.4. Assessu colleagues or associate colleagues found to have committed any of the above, may be suspended pending investigation and receive disciplinary action in line with the policies and procedures of Assessu

## 2. Policy Scope and Purpose

- 2.1. This policy applies to all apprentices undertaking assessment of learning with Assessu, whether this is via contracted colleagues of Assessu, on programme trainers employed by training providers or freelance/sub-contracted personnel
- 2.2. This policy also applies to all contracted colleagues of Assessu, on programme trainers employed by training providers, or associate colleagues
- 2.3. The purpose of this policy is to:
  - Define malpractice and maladministration
  - Set out the procedure for reporting alleged or suspected malpractice or maladministration
  - Describe the procedure for investigation of alleged or suspected malpractice or maladministration

## 3. Definition of Malpractice and Maladministration

- 3.1. For the purpose of this policy, malpractice is defined as; any deliberate activity, act, neglect, default or other practice by an individual that deliberately or wilfully contravenes or ignores the requirements of the regulatory authorities, or deliberately or wilfully subverts or compromises the integrity, validity or reliability of any assessment process and/or the validity of any awarded certificates
- 3.2. Maladministration is defined as any activity, neglect, default or other practice (not deliberate) that results in the centre or candidate not complying with the specified requirements for delivery of the qualifications as set out in the relevant codes of practice, where applicable.
- 3.3. For the purposes of this policy, it also includes some forms of misconduct and forms of unnecessary malpractice discrimination or bias towards certain groups of learners. For the purpose of this policy, this is defined as; any administrative act, neglect, default or other practice by an Assessu Colleague,

or its representatives, or by an organisation, that fails to comply with the requirements of the regulatory authorities or that otherwise act to the detriment of the interests of a learner

## 4. Apprentice Malpractice

4.1. Examples of actions that may constitute malpractice are listed below. These are examples and Assessu reserves the right to consider as malpractice other actions not listed but falling under the general definitions above

- Dishonesty in presenting work for assessment
- Introduction of unauthorised material, aids, instruments or devices into the assessment room
- Plagiarism, including the copying of work of another
- Collusion between two or more learners
- Deliberate destruction of another learner's work for assessment
- Behaving in such a way as to undermine the integrity of the assessment for themselves or others
- Acting in a disruptive manner during an assessment
- Assuming another apprentice's identity or arranging for someone else to assume the apprentice's identity in an assessment

## 5. Assessu colleague Malpractice

5.1. Examples of actions that may constitute malpractice are listed below. These are examples and Assessu reserves the right to consider as malpractice other actions not listed but falling under the general definitions above

- Unfair discrimination in assessment (for example, on the grounds of age, sex, ethnicity, marital status etc.
- Deliberate or wilful failure to assess in accordance with the assessment criteria or other assessment requirements, assessment strategy or certification
- Assisting or prompting students with the production of answers
- Obtaining unauthorised access to assessment material prior to or after assessment.
- Failure to keep externally set assessment papers secure prior to or after assessment
- Failure to keep learner, computer or other files secure
- Failure to provide assessment records of learners to the appropriate awarding organisation or any person acting on behalf of the awarding organisation

- Failure to carry out assessment, internal quality assurance or certification in line with the requirements of the external quality assurance organisation
- Failure to maintain appropriate auditable records; e.g. for certification claims and/or forgery of evidence
- Fraudulent claims for certificates
- Permitting the unauthorised use of inappropriate materials or equipment in assessment settings (e.g. mobile phones)
- Intentional withholding of information from awarding organisations that is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in exams or assessments
- Learners still working towards qualifications after certification claims have been made
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Inappropriate assistance to learners (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 Reasonable Adjustments and Special Consideration Policy from the awarding organisation
- Failure to comply with awarding organisation requirements on conflicts of interest in assessment

## 6. Procedure for Reporting Alleged or Suspected Malpractice

6.1. Reporting of alleged or suspected malpractice may be reported by a number of sources, such as;

- By the employer, in feedback provided to Assessu
- By the apprentice, e.g. in a letter or feedback to Assessu
- By the End Point Assessor or Centre Manager/LIQA as part of assessment and/or internal quality assurance activity

6.2. Suspicion of malpractice may arise when assessing an apprentice's work, but may also arise under other circumstances, for example, when analysing assessment records, carrying out internal quality assurance activities or as part of routine compliance audits

6.3. Allegations may be made by any person having knowledge of the assessment process, including apprentices, on programme trainer, colleagues of Assessu or other stakeholders

6.4. Allegations should normally be made in writing via [epa@assessu.co.uk](mailto:epa@assessu.co.uk) Where an allegation is made verbally, the receiver of the allegation should attempt to obtain written confirmation from the person making the allegation, but if this is not possible, should make a written record. In such cases, some care will need to be taken in considering the case

6.5. Any person who identifies or is made aware of suspected or actual cases of malpractice at any time must immediately notify either the Centre Manager or the Lead IQA, in doing so they should normally put them in writing (which may include email) and enclose appropriate supporting evidence. In line with ESFA conditions, all cases of assessment malpractice will be reported to EQA providers by the Head of Assessu

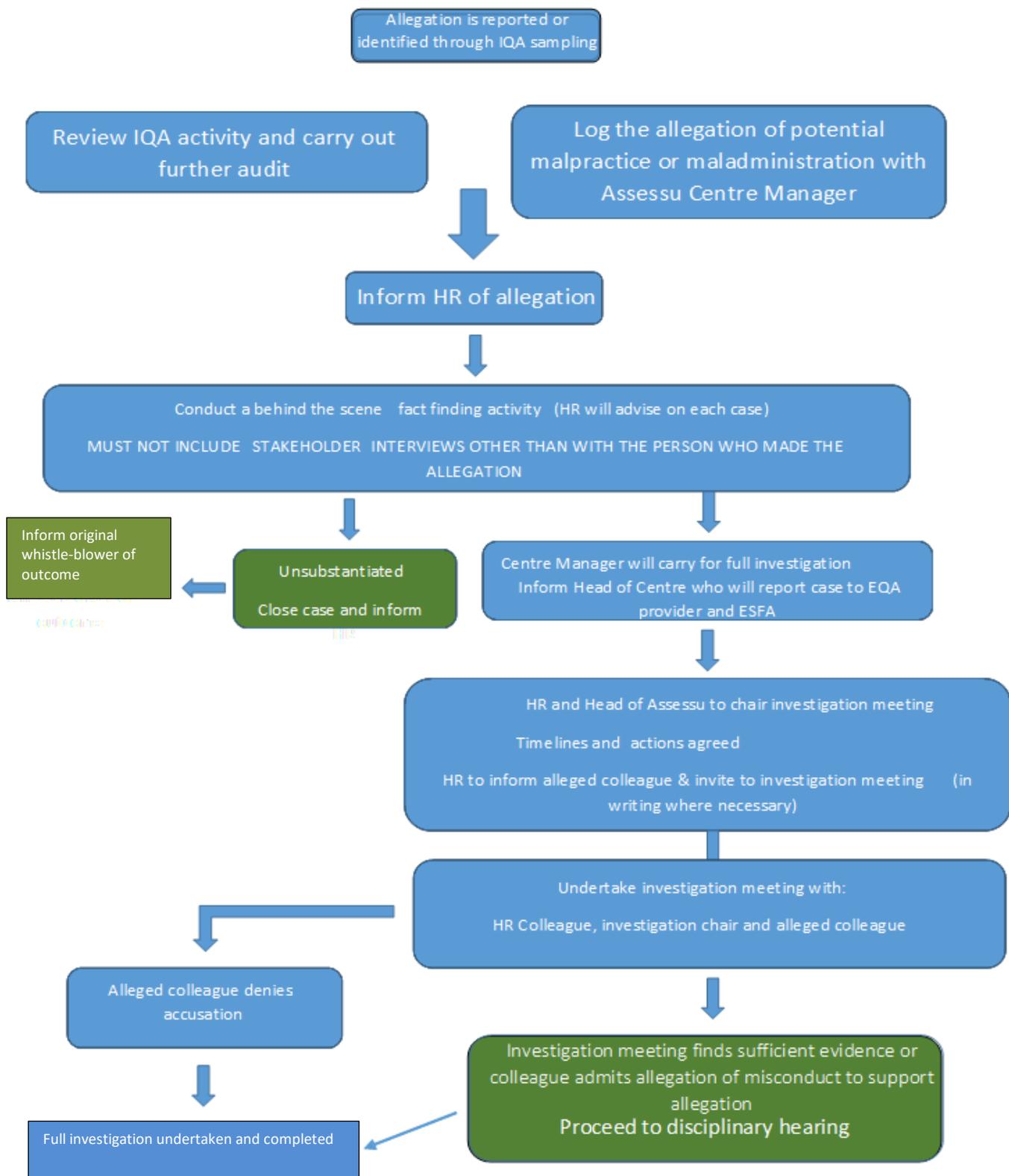
6.6. All allegations should include (where possible):

- Apprentice's name and their place of work
- Details of the Assessu colleague (name, job title) if they are involved in the case.
- Nature of the suspected or actual malpractice and associated dates.

6.7. In all cases of suspected malpractice reported to Assessu, it will protect the identity of the "informant" in accordance with its duty of confidentiality and/or any other legal duty

6.8. An anonymous allegation should normally only be acted upon if there is sufficient supporting evidence but may require investigation without such evidence depending on the nature of the allegation. Assessu will aim to confirm an allegation by means of separate investigations before taking up the matter further

## 7.0 Procedure for Investigation of Alleged or Suspected Malpractice



## 8 Records, External Reporting and Appeals

- 8.1. All reports, records, evidence of investigation and panel meeting minutes are to be held on the Assessu colleague's electronic HR file
- 8.2. Only the Head of Assessu will report externally any allegations or evidence of malpractice to the EQA provider or the IFATE
- 8.3. An apprentice may access their right of appeal by utilising the Appeals Procedure as set out in the Appeals Procedure
- 8.4. Assessu colleagues or associate colleagues may access their right of appeal through the terms and conditions of their contract of employment or service level agreement as appropriate. Appeals must be made within 30 calendar days of notice

## 9. Policy Review

- 9.1. This policy and procedure will be reviewed annually in September, and any necessary adjustments made after consultation with staff, apprentices, employers' representatives and other parties to ensure it is working effectively

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