

Malpractice and Maladministration Policy

1 General

- 1.1 Skills and Education Group Access¹ is committed to offering access to fair assessment for all students, to protecting the integrity of the Access to HE Diplomas we award and to be fully compliant with the expectations of our Regulators.²
- 1.2 To meet this objective, this policy defines malpractice and maladministration, clarifies our role and the roles of providers and students, and signposts the procedures to be followed when suspected malpractice or maladministration is identified.
- 1.3 This policy covers:
- 1.3.1 Malpractice or maladministration by students, provider staff or any other party involved in the delivery and assessment process, and
 - 1.3.2 The disclosure by Whistle-blowers of any act or behaviours that are considered to undermine the integrity of our qualifications or place students in danger or at serious disadvantage.
- 1.4 What is malpractice and maladministration?

These are defined as follows:

- 1.4.1 Malpractice will be any acts of dishonesty or any practice that is wilfully negligent which compromises or threatens to compromise the validity of the assessment process and which brings our reputation, the reputation of our Access to HE Diplomas or the Access to HE recognition scheme into disrepute. (See Appendix for some examples of malpractice)

¹ Skills and Education Group Access is a recognised Access Validating Agency (AVA) and part of the Skills and Education Group.

² Which may include: QAA – the Quality Assurance Agency for Higher Education and any other stakeholder requirements to which we are subject.

- 1.4.2 Maladministration will be any activity, neglect, failure, or other practice that results in the provider or student not complying with the specified requirements for the delivery and assessment of Diplomas or units.
- 1.5 We seek to ensure the avoidance of malpractice in every aspect of the assessment process, to undertake careful review of any reports of malpractice/maladministration, and to take robust action to resolve any proven cases and prevent any Adverse Effects that may subsequently impact on students/candidates or standards.

2 Our Responsibilities

2.1 We will

- 2.1.1 ensure that we take all reasonable steps to prevent the occurrence of any malpractice or maladministration. We have policies and procedures in place that aim to reduce the risk of malpractice and maladministration, to safeguard the integrity of the qualification/assessment and to protect the interests of providers and students
- 2.1.2 support our External Moderators and providers in dealing with suspected cases and any ensuing investigation and action
- 2.1.3 acknowledge and act upon the information given by whistle-blowers and protect their anonymity when requested
- 2.1.4 carry out all our duties in line with our procedures and without undue delay
- 2.1.5 observe confidentiality at all time
- 2.1.6 take appropriate and proportionate action against those responsible for malpractice or maladministration by applying appropriate sanctions in line with our Sanctions Policy
- 2.1.7 report the incident to the appropriate Regulators and other stakeholders as required by law.

3 Provider Responsibilities

- 3.1 All providers³ are accountable for assessment arrangements that lead to the achievement of regulated unit(s) and Diplomas and are responsible for all staff or persons who contribute to and take part in the assessment process.
- 3.2 Providers must ensure, therefore, that all staff are aware of their responsibilities to prevent malpractice and to follow their own and our procedures regarding the delivery of both internal and independent assessments.
- 3.3 Centres must report any irregularities in respect of non-compliance with internal assessment or internal moderation procedures in writing immediately they are discovered using the 'Malpractice and Maladministration' form on CMS or by completing form AVA MM 04 - Notification of suspected Malpractice and sending to acesstohe@skillsedugroup.co.uk
- 3.4 We expect providers to co-operate fully including responding to requests to visit the provider and to discuss any cases with provider staff. In all cases providers must keep all affected staff and students/candidates informed of the process throughout any ensuing investigation.
- 3.5 Where suspected irregularities are reported other than by the provider, we will notify the centre's Quality Manager who must acknowledge a request, either to carry out an investigation or provide information to us, within 5 working days of receiving that request.
- 3.6 The time taken for a centre to investigate any suspected irregularities may vary but we will expect a timely and detailed response to ensure that their students/candidates and the integrity of our qualifications/assessments are not put at further risk.

4 Dealing with cases of suspected malpractice

- 4.1 Once a potential case of malpractice has been identified we will review the information available and determine one of the following courses of action:

³ A 'provider' in the context of this document applies to organisations, whether a training organisation, educational institution or employer that is approved to deliver Skills and Education Group Access-validated Access to Higher Education Diplomas and as such has a duty of care with respect to the individual as a student.

- Take no further action
- Ask the provider's Quality Manager to investigate the alleged malpractice
- Ask the provider's Quality Manager to provide information that may provide evidence to support/refute the alleged malpractice
- Consider whether the Regulators and other Awarding Organisations or Access Validating Agencies (AVA) should be notified
- Carry out a full investigation.

5 Investigations

- 5.1 Investigations are supervised by the Head of Access to HE or an appropriate delegate.⁴ Each case is judged on an individual basis in the light of the information made available.
- 5.2 Any investigation will endeavour to determine the facts and will include a review of our own documentation relating to our respective policies and procedures and/or to the delivery and assessment guidance provided for a particular qualification.
- 5.3 During an investigation interviews may be required with centre staff.
- 5.4 We may communicate directly with a student/candidate if circumstances dictate this is required.
- 5.5 We will provide a written report within one month of completing the investigation, detailing the circumstances of the alleged malpractice, details of any interviews with provider staff or students/candidates, and any remedial action which needs to be taken.
- 5.6 All reports will be approved and signed off by the Director of Awarding Services.

6 Dealing with proven cases of malpractice and maladministration

- 6.1 Where malpractice or maladministration is established, we will endeavour to protect the interests of all students who through no fault of their own have been caught up in an incident.

⁴ For example the Head of Access to HE or the Deputy Director Awarding Services

- 6.2 Any decisions made by us will be commensurate with the gravity of the malpractice/maladministration identified and associated risk. We may:
- 6.2.1 impose sanctions⁵ and apply conditions on the future involvement of any designated provider staff in the conduct, supervision, or administration of its assessments
 - 6.2.2 not award certificates, and if already issued, may declare them invalid
 - 6.2.3 revoke a provider's approval or recognition
- 6.3 We will report the outcome to the regulatory authorities and to any other relevant Awarding Organisation or AVAs.
- 6.4 Any suspected criminal activity will be reported to the police.

7 Whistle-blowers

7.1 Whistleblowing is when an individual discloses information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing. It is distinct from expressions of personal dissatisfaction which should be addressed through our complaints or enquiries and appeals procedures.

7.1.1 Key examples of whistleblowing include:

- A worker for an AVA or awarding organisation making a disclosure about that organisation's malpractice or failure to comply with its conditions of recognition
- A worker for a provider making a disclosure about that provider's malpractice
- A worker for a provider making a disclosure that the AVA that approved the centre is involved in malpractice or failed to comply with the terms of its' licence
- A student or parent/guardian making a disclosure about a provider's malpractice.

7.2 We will act upon any disclosure received from any member of our staff, External Moderators, provider staff, students or member of the public

⁵ cf. S01 Sanctions Policy

who feels that any malpractice or maladministration has taken place within a provider.

- 7.3 Any person who believes that a provider, one of its staff or one of our External Moderators has committed an offence or has breached our procedures in the past, or is now or likely to in the future, may disclose information by contacting any of our managers or by completing an AVA MM 05 Whistle-blower Report Form available on the website.
- 7.4 Where information is provided over the telephone, we will request this is provided in writing and may ask for further information to enable a thorough investigation to take place.
- 7.5 Any disclosure will be dealt with in confidence wherever possible, but we may need to disclose a whistle-blower's identity to
- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
 - the courts (in connection with court proceedings)
 - another person to whom we are required by law to make a disclosure e.g. Health and Safety Executive; the LADO (local authority safeguarding staff)
 - QAA
 - or any other agencies to which we have an obligation e.g. the Charities Commission, Funding Agencies, etc.

Whistle-blowers should also be aware that they may be identifiable by others due to the nature or circumstances of the disclosure.

- 7.5 Where possible whistle-blowers will receive an update on any planned course of action. However, we have a responsibility to all concerned with respect to confidentiality and may not be entitled to divulge the details of any on-going investigation or its outcome. We will, however, confirm that action has been taken where required.

8 Provider Appeals against our Decisions

- 8.1 Providers may appeal against any decisions taken as a result of a malpractice or maladministration investigation in line with the Enquiries and Appeals Policy published at skillsandeducationgroupaccess.co.uk.

9 Provider Monitoring following Malpractice or Maladministration

- 9.1 Where suspected malpractice or maladministration has been proven and the provider has been allowed to retain its approval, we will consider the provider high risk and will monitor the provider on a regular basis until such time we are confident the provider no longer represents a risk to its students or the integrity of our Access to HE Diplomas.
- 9.2 There will be a requirement that providers review relevant policies and procedures in the light of any proven malpractice or maladministration and confirm that this review has taken place. Evidence of such a review may be requested immediately, or during external moderation activity at the centre.

10 Quality Assurance

- 10.1 This policy will be reviewed biennially to meet regulatory compliance or following any case of confirmed malpractice.

Appendix 1

1.1 Provider Malpractice

This list is not exhaustive but examples of provider malpractice would include:

- Not maintaining the security of externally set assessments⁶
- Inappropriate adjustments to assessments or assessment decisions
- Deliberate/consistent failure to comply with our assessment requirements including the retention of assessment evidence and internal moderation records
- Deliberately ignoring plagiarised/copied material
- Prompting/assisting students during assessments or giving the answers to such an extent that the evidence is no longer authentic i.e. does not represent the student's own achievement
- Consistent failure to comply with our assessment procedures
- Deliberate falsification of records to claim certification
- Manufacture of evidence
- Allowing reasonable adjustments without the appropriate evidence or without notifying us.

1.2 Student Malpractice

This list is not exhaustive but examples of student malpractice may include:

- Plagiarism;
- Collusion;
- Copying;
- Unauthorised aids during examinations or controlled assessments e.g. notes, mobile phone;
- Inappropriate behaviour during assessments;
- Inappropriate/abusive comments in assessment evidence.

⁶ At the time of publication, Skills and Education Group Access does not produce any externally set assessments for its' Access to HE Diplomas, however Skills and Education Group Access retains the right to develop new Diplomas and review existing Diplomas that are fit for the purpose of preparing a student for Higher Education. This includes externally set assessments, where Skills and Education Group Access believes them to be appropriate.