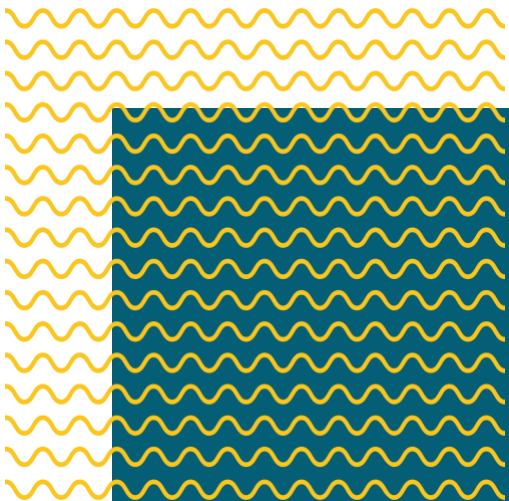


Malpractice and Maladministration Policy



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1. Introduction

1.1 Purpose of the policy

Skills and Education Group Access¹ (the AVA) 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

This policy defines Malpractice and Maladministration, clarifies the role of the AVA, providers and students, and outlines the process to be followed when suspected or actual Malpractice or Maladministration is identified.

The policy also includes the process to be followed in the event of disclosure by whistleblowers of any act or behaviours that are considered to undermine the integrity of the Access to HE Diploma or place students in danger or at serious disadvantage.

The AVA seeks to ensure the avoidance of Malpractice and Maladministration in the delivery, administration, and award of Access to HE Diplomas, 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.

1.1 Intended benefits

This policy aims to ensure that all stakeholders are clear about the AVA's requirements and those in positions of responsibility are able to discharge their responsibilities in full. This aims to ensure the maintenance of regulatory compliance and integrity in the award of Access to HE Diplomas.

1.2 Intended audience

All those involved in the management, quality assurance, assessment delivery of Access to HE Diplomas, AVA moderators and AVA staff. The policy is also relevant to students studying the Access to HE Diploma.

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 Mapping to other documents

- The Skills and Education Group Access Centre Recognition Agreement
- The Skills and Education Group Access to HE Provider Handbook
- The QAA Grading Scheme Handbook.

2. Definitions

2.1 Maladministration

Maladministration is defined as 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, record keeping, administration and effective management of diplomas and units. (See Appendix 1 for examples of Maladministration).

2.2 Malpractice

Malpractice is defined as any act of dishonesty or any practice that is wilfully negligent which compromises, or threatens to compromise, the validity of the assessment process and which brings the AVA reputation, the reputation of our Access to HE Diplomas or the Access to HE recognition scheme into disrepute. (See Appendix 1 for examples of Malpractice).

3. Responsibilities and process in relation to cases of Maladministration

3.1 All providers³ are accountable for the administrative processes that support student achievement of regulated unit(s) and diplomas and are responsible for all staff or persons who contribute to and take part in these processes.

3.2 Providers must ensure, therefore, that all staff and students are aware of their responsibilities to prevent Maladministration and to follow provider and AVA procedures. If an incidence of Maladministration by provider staff is identified, the provider should notify the AVA immediately using the Maladministration' form on SharePoint sending to accesstohe@skillsedugroup.co.uk. The form requires the provider to outline the nature of the Maladministration and plans to address any risks and ensure the avoidance of any future cases.

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.

3.3 The AVA will acknowledge receipt of the notification within 2 working days. Within 5 working days the AVA will acknowledge the provider's plan of action or outline additional actions required, including the provision of additional information.

3.4 Providers should fully cooperate with the AVA's requests and timescales. If the issues are not addressed the incident of Maladministration may be deemed to present sufficient risk to require escalation to Malpractice or the imposition of a sanction – see the AVA Risk Monitoring and Sanctions Policy for further details.

3.5 Cases of student Maladministration should be managed by the Provider in line with their published guidance and policy. All cases must be recorded, and those records made available to the Centre Moderator upon request.

4. Responsibilities in Relation to Malpractice

4.1 AVA Responsibilities

4.1.1 Ensure that all reasonable steps are taken to prevent the occurrence of Maladministration. The AVA has policies and procedures in place that aim to reduce the risk of Malpractice, to safeguard the integrity of the diploma and assessment process and to protect the interests of providers and students.

4.1.2 Support External Moderators and providers in dealing with suspected or actual cases, including investigation and action.

4.1.3 Acknowledge and act upon the information given by whistleblowers and protect their anonymity when requested.

4.1.4 Carry out AVA duties in line with our procedures and without undue delay.

4.1.5 Observe appropriate levels of confidentiality at all times.

4.1.6 Take appropriate and proportionate action against those responsible for Malpractice by applying proportionate sanctions in line with our Risk Management and Sanctions Policy.

4.1.7 Report incidents to the appropriate Regulators and other stakeholders as required.

4.2 Provider Responsibilities in relation to Malpractice

4.2.1 All providers⁴ are accountable for the processes that lead to student achievement of regulated unit(s) and diplomas and are responsible for all staff or persons who contribute to and take part in these processes. Providers must therefore have in place a current Malpractice Policy which provides clear definitions and guidance for provider staff and students so that responsibilities and consequences of Malpractice are clear and understood.

4.2.2 Providers must ensure, therefore, that all staff are aware of their responsibilities to prevent Malpractice and to follow provider and AVA procedures.

4.2.3 Providers must report any suspected or actual Malpractice in writing immediately they are discovered using the 'Malpractice and Maladministration' form on SharePoint sending to accesstohe@skillsedugroup.co.uk.

4.2.4 The AVA expects 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 informed of the process throughout any ensuing investigation.

4.2.5 Where suspected irregularities are reported other than by the provider, the AVA will notify the provider's Quality Contact, who must acknowledge a request, either to carry out an investigation or provide information to the AVA, within 5 working days of receiving that request.

4.2.6 The time taken for a provider to investigate any suspected irregularities may vary but the AVA will expect a timely and detailed response to ensure that students and the integrity of Diploma qualifications/assessments are not put at further risk.

5. Dealing with cases of suspected Malpractice

Once the AVA has been notified of a case of suspected or actual Malpractice, the AVA will review the information available and determine one of the following courses of action:

- Take no further action
- Ask the provider's Quality Contact to investigate the alleged Malpractice
- Ask the provider's Quality Contact 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.

⁴ 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.

6. Investigations

6.1 AVA investigations are supervised by the AVA Access to HE Quality Manager or an appropriate delegate.⁵ Each case is judged on an individual basis in the light of the information made available.

6.2 Any investigation will endeavour to determine the facts and will include a review of AVA documentation relating respective policies and procedures and/or to the delivery and assessment guidance provided for a particular qualification.

6.3 During an investigation, interviews may be required with provider staff.

6.4 The AVA may communicate directly with a student if circumstances dictate this is required.

6.5 The AVA will provide a written report within 15 working days 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.

6.6 All reports will be approved by the AVA Director of Access to HE.

7. Dealing with proven cases of Malpractice and Maladministration

7.1 Where Malpractice is established, the AVA will endeavour to protect the interests of all students who, through no fault of their own, have been, or are at risk or being, adversely affected.

7.2 Any decisions made by the AVA will be commensurate with the risk and impact associated with the Malpractice identified.

The AVA may:

7.2.1 Impose sanctions⁶ and apply conditions on the future involvement of any designated provider staff in the conduct, supervision, or administration of its assessments

7.2.2 Not award certificates, and if already issued, may declare them invalid

7.2.3 Revoke a provider's approval or recognition.

7.3 The AVA will report the outcome to the regulatory authorities and to any other relevant Awarding Organisation or AVAs.

⁵ For example the Director of Access to HE

⁶ cf. Risk Management and Sanctions Policy

7.4 Any suspected criminal activity will be reported to the police.

8. Whistleblowers

8.1 Whistleblowing is defined as the disclosure of information relating to Malpractice or wrongdoing and/or the covering up of Malpractice or wrongdoing related to the management and/or award of Access to HE Diplomas or units by an individual or group of individuals. It is distinct from expressions of personal dissatisfaction which should be addressed through the AVA complaints or enquiries and appeals procedures.

8.1.1 Examples of whistleblowing to the AVA include:

- A member of provider staff making a disclosure to the AVA that the approved provider has committed Malpractice which has been identified internally but not been reported to the AVA
- A member of provider staff making a disclosure to the AVA that suspected Malpractice has been ignored by the provider
- A student or parent/guardian making a disclosure about a provider's Malpractice.

8.2 The AVA will act upon any disclosure received from provider staff, students or members of the public who consider that Malpractice has taken place within a provider.

8.3 Any person who believes that a provider or an individual staff member has committed an offence or has breached AVA procedures in the past, or is now or likely to in the future, may disclose information by contacting the AVA Access Quality Manager or Director of Access to HE, or by completing an AVA Whistleblower Report Form, which is available on the Skills and Education Group Access website.

8.4 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.

8.5 Anonymous reports will only be acted upon if there is supporting evidence, or if the nature of the report warrants it.

9. Confidentiality

9.1 Any disclosure will be dealt with in confidence wherever possible, but we may need to disclose a whistleblower'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.

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

9.2 Where possible, whistleblowers 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.

9.3 The AVA will not normally withhold from the Provider, any evidence relevant to cases of suspected Malpractice. 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 the AVA will provide summaries of evidence and a statement as to why evidence itself cannot be presented in its original form.

9.4 It is at the discretion of the Provider as to the means by which evidence is presented to the individuals suspected of Malpractice. The AVA requires that individuals subject to a Malpractice investigation have access to all evidence against them and are provided with sufficient time in order to allow them to prepare full responses.

10. Provider Appeals against AVA Decision

Providers may appeal against any decisions taken because of a Malpractice or Maladministration investigation in line with the Enquiries and Appeals Policy published at acesstohe@skillsedugroup.co.uk.

11. Provider Monitoring following Malpractice or Maladministration

11.1 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.

11.2 There will be a requirement that providers review relevant policies and procedures in the light of any proven Malpractice and/or Maladministration

12. Policy Review

12.1 This policy will be reviewed biennially to meet regulatory compliance or following any case of confirmed Malpractice or Maladministration.

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 assessments⁷
- Inappropriate adjustments to assessments or assessment decisions
- Deliberate/consistent failure to comply with AVA 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 AVA assessment procedures and QAA Grading Scheme requirements
- Deliberate falsification of records to claim certification
- Manufacture of evidence
- Allowing reasonable adjustments without the appropriate evidence or without notifying AVA.
- Inaccurate use of the Skills and Education Group or QAA logos

1.2 Provider Maladministration

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

- Late registration of students
- Incorrect registration of students
- Incorrect recording of students results
- Incorrect checking and distribution of diploma and/or unit certificates
- Repeated failure to respond to AVA requests and communications
- Repeated delays in paying invoices

⁷ 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.

1.3 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
- Inappropriate use of Artificial Intelligence

1.4 Student Maladministration

This list is not exhaustive, but examples of student Maladministration would include:

- Repeated failure to meet provider requirements for organising and submitting work
- Failure to provide updated contact information
- Failure to provide correct personal details, including any name changes

Change History Record

Version	Description of change	Approval	Date of Issue
3	Text amendments - addition of guidance on Maladministration and artificial intelligence	12.08.2024	01.09.2024
2	Minor modifications to wording	02.05.2024	03.05.2024
1	Original	10.10.2022	11.10.2022