

Malpractice & **Maladministration Policy**

Version 2.2

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Responsible Person: Director – Shebul Ali

Introduction

This policy applies to the malpractice/maladministration of College staff and higher education students and details the procedure to be followed if an allegation of malpractice/maladministration is made.

Malpractice refers to any deliberate act or practice which compromises or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certification awarded.

Maladministration refers to any non-deliberate activity, neglect, default or other practice which compromises or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certification awarded.

It is the responsibility of all College staff and students to be vigilant with regard to any events which may lead to malpractice/maladministration occurring, and report promptly to the Quality & Standards Manager where they suspect malpractice/maladministration has or may occur so that appropriate action can be taken to address this in line with the Student Charter and the Staff Disciplinary Policy.

The Quality & Standards Manager and Management are responsible for notifying relevant awarding bodies of cases of alleged/actual malpractice and maladministration to ensure the appropriate action may be taken.

Objectives:

- to minimise the risk of malpractice/maladministration by students;
- to minimise the risk of malpractice/maladministration by staff;
- to standardise and record any investigation to ensure openness and fairness;
- to impose appropriate penalties and/or sanctions on students and/or staff where incidents (or attempted incidents) are proven;
- to protect the integrity of the College and awarding bodies;

In order to do this, the College will:

- communicate the Malpractice and Maladministration Policy to students at offer, during induction, website and programme handbooks;
- communicate the Malpractice and Maladministration Policy to staff during induction;
- show students the appropriate formats to record cited texts and other materials or information sources;
- ask students to declare that their work is their own;
- conduct any investigations in a form commensurate with the nature of any allegation;
- ensure the handling of individual cases takes account of the needs of the individual, including those arising from protected characteristics.

Expectations

All Students are expected to:

- attend induction
- attend study skills sessions that are relevant to developing their note-taking, paraphrasing, synthesising and referencing skills;
- avoid sharing electronic versions of their work and passwords with other students;
- only submit work for assessment that is their own original work.

All Assessors are expected to:

- declare conflict of interest;
- communicate the Malpractice and Maladministration Policy to students during course induction with emphasis on plagiarism and essay mills;
- keep candidate coursework/portfolios of evidence secure;
- work within the professional teaching standards in relation to assessment practices;
- check for malpractice/maladministration when assessing or moderating work;
- comply with awarding bodies procedures;

All Centre Staff are expected to:

- declare conflict of interest;
- comply with the invigilation code of practice;
- communicate the Malpractice and Maladministration Policy to staff (including agency staff) during induction;
- comply with awarding bodies procedures;

Examples of Malpractice/Maladministration by Students

This list is not exhaustive and other instances of malpractice/maladministration may be considered by the College at its discretion:

- plagiarism of any nature, including submissions from suspected essay mills;
- collusion by working collaboratively with other students to produce work that is submitted as individual student work;
- deliberate destruction of another's work;
- fabrication of results or evidence;
- false declaration of authenticity in relation to the contents of a portfolio or coursework;
- impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment/examination/test

- inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language and having an unauthorised electronic device that causes a disturbance in the examination room;
- 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;
- frivolous content - producing content that is unrelated to the examination paper/question in scripts or coursework;
- unauthorised aids - physical possession of unauthorised materials (including mobile phones, electronic devices, etc) in the examination room, unless a concession has been agreed in advance.

Examples of Malpractice/Maladministration by Assessors

This list is not exhaustive and other instances of malpractice/maladministration may be considered by the College at its discretion:

- failure to communicate the Malpractice and Maladministration Policy to students during induction;
- failure to communicate to students the risk of using essay mills;
- failure to provide information on improper assistance to candidates;

- inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made;
- failure to keep candidate coursework/portfolios of evidence secure;
- fraudulent claims for certificates;
- assisting students in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves assessors producing work for the student;
- producing falsified witness statements, for example for evidence the student has not generated;
- allowing evidence, which is known by the staff member not to be the student's own, to be included in a student's assignment/task/portfolio/coursework;
- misusing the condition for special student requirements e.g. support;
- falsifying records/certificates, for example by alteration, substitution, or by fraud;
- failure to comply with awarding organization's procedures for managing and transferring accurate student data.

Examples of Malpractice/Maladministration by Centre Staff

This list is not exhaustive and other instances of malpractice/maladministration may be considered by the College at its discretion:

- failure to communicate the Malpractice and Maladministration Policy to staff (including agency staff) during induction;
- facilitating and allowing impersonation;
- misusing the condition for special student requirements e.g. support;
- falsifying records/certificates, for example by alteration, substitution, or by fraud;
- fraudulent certificate claims, that is claiming for a certificate prior to the student completing all the requirements of assessment;
- failure to comply with awarding organization's procedures for managing/transferring and storing accurate student data;
- failure to distribute certificates.

Reporting alleged malpractice/maladministration

All College staff have a responsibility for reporting any alleged malpractice/maladministration of staff to the Quality & Standards Manager.

All College staff have a responsibility for reporting any alleged malpractice/maladministration of students to the Quality & Standards Manager.

Alleged malpractice/maladministration may be reported to the College by awarding bodies.

The College will consider allegations that are made verbally but will request in all cases that allegations are put in writing with any supporting evidence that is available.

Investigations

All investigations will adhere to the following principles:

- Confidentiality – by their very nature investigations usually necessitate access to information that is confidential to a Centre or individuals. All material collected as part of an investigation must be kept secure.
- Impartiality - investigations will be undertaken by a nominated investigating officer and assessed against the specific facts/evidence of the case in arriving at a decision about intention and culpability.
- Rights of individuals – where an individual is alleged of malpractice/maladministration they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to. They should also be informed of what the possible consequences could be if the malpractice/maladministration is proven and of the possibility that other parties may be informed e.g. the regulators, the police, the funding agency and professional bodies. The appeals process should also be communicated to them.
- Staff Interviews - these interviews should be carried out in line with Group College's Staff Disciplinary Policy and Procedure. College staff may request that they are accompanied by a friend or colleague.
- Candidate Interview - students may request that they are accompanied by a friend or colleague.

- Retention and storage of evidence and records – all relevant documents and evidence should be retained in line with awarding organisations policy and procedures.
- Decisions and action plans – all conclusions should be based on evidence. A course of proposed action should be identified, agreed between the College and awarding organisations.
- Proportionality – any decision on the outcome must reflect the weight of evidence and the nature of the case – the staff member or student does not have to admit malpractice.
- Sanctions – any sanctions applied should be proportionate to the extent of maladministration/malpractice identified (and evidenced) during the investigation.

Investigation of alleged malpractice/maladministration by Assessors/Centre Staff

If malpractice/maladministration is alleged by Assessors/Centre staff there will be a process of investigation, commissioned by the Quality & Standards Manager to establish the full facts and circumstances of any allegations or evidence.

Such an investigation will usually be under the terms of the College's Staff Disciplinary Policy and Procedure given the potential seriousness of the matter.

The Quality & Standards Manager will nominate an investigating officer. In order to avoid conflicts of interest investigations into alleged malpractice/maladministration should not be delegated to the team or department involved in the alleged malpractice.

Any disciplinary investigation will proceed as described in the Staff Disciplinary Policy and Procedure and include provision for:

- The member of staff to be informed about the concerns and possible consequences;
- Possible suspension depending on the circumstances of the case;
- The member of staff to be allowed to be accompanied to interviews;
- Collection of evidence related to the alleged malpractice/maladministration;
- The review of evidence and production of a report;
- A decision to be made on whether or not to proceed to a formal disciplinary hearing;
- If necessary a formal hearing with a right of representation.

Possible Actions Taken by the College

In cases where it is believed, following an investigation and hearing, that there is clear evidence of malpractice/maladministration:

- The appropriate awarding organisations will be informed by the college of the malpractice and they will be given the supporting evidence;
- The College may take internal disciplinary action in line with Staff Disciplinary Policy. This action will be commensurate with the seriousness of the malpractice/maladministration.

Investigation of alleged malpractice/maladministration by Students

If malpractice/maladministration is alleged by students there will be a process of investigation undertaken by the Nominated investigator to establish the full facts and circumstances of any allegations or evidence.

Investigations will proceed through the following stages:

- The student will be informed about the issues, possible consequences and right of appeal;
- Collection of evidence related to the alleged malpractice/maladministration;
- The review of evidence and production of a report;
- A formal interview between the Quality & Standards Manager and the student against whom an allegation has been made.

Possible Actions Taken by the College

In cases where it is believed that there is clear evidence of malpractice/maladministration:

- The appropriate awarding organisations will be informed by the college of the malpractice/maladministration and they will be given the supporting evidence;
- The College may take internal disciplinary action in line with Student Charter. This action will be commensurate with the seriousness of the malpractice/maladministration.

Reporting alleged malpractice/maladministration to Awarding Organisations

The College accepts the responsibility to report any staff or student assessment malpractice/maladministration to the appropriate awarding organisation. The only exception to this relates to assessment malpractice/maladministration in coursework or controlled assessment which is discovered prior to the student signing the declaration of authentication. In these cases the incident need not be reported to awarding organisations, but will be dealt with in accordance with the College's the Student Charter.

Any work which is not the student's own will not be given credit; in addition a note will be added to the cover sheet to detail any assistance that has been given. In all other instances of alleged malpractice/maladministration the Nominated investigator (with the approval of the Quality & Standards Manager) will submit the fullest details of the case at the earliest opportunity to the relevant awarding organisations as per awarding organisations regulations. It is understood that in certain cases, awarding bodies may wish to allocate their own staff to join or lead an investigation.

Appeals

Assessors and Centre Staff have the right to appeal against the decision and/or any penalty imposed as a result of a malpractice/maladministration investigation through the Staff Disciplinary Policy process.

Students have the right to appeal against the decision and/or any penalty imposed as a result of a malpractice/maladministration investigation directly to the Quality & Standards Manager. Appeals should be made within 10 days of the date they were notified of the decision detailing the fact that they are appealing and their grounds for doing so. Appeals will be dealt with within 10 days.