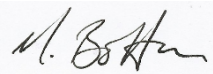


MALPRACTICE & MALADMINISTRATION POLICY AND PROCEDURE



Policy Review					
Author/Owner	Position	Approved by SMT Signed:	Approval date	Review Cycle/Date	Published on Website Y/N
Susie Peart	Quality Manager		13.07.23	Every 2 years June 2025	Y

Document Control – Revision History (Policies only)

Author	Summary of Changes	Date	Version	Recommend to SED Y/N
Kate Hill	New Policy	29.04.16		Y
Derrick Goddard/Kate Wills	No amendments required	13.04.18		N
Susie Peart	Minor changes to reflect change of job title	13.05.21		
Susie Peart	Removal of sections which duplicated Academic Misconduct Procedure Change to combined Policy and Procedure in line with other similar documents Addition of access arrangements for those requiring support or reasonable adjustment Reformatting in line with updated template format	19.06.23	V1	
Mark Bolton Scott Austin	Format changes References to other policies edited	13/7/23		

Initial Equality Impact Screening

Has anyone else been consulted on this policy and/or procedure?
What evidence has been used for this impact screening (e.g. related policies, publications)?

Declaration (please tick one statement and indicate any negative impacts)

I am satisfied that an initial screening has been carried out on this Policy and/or Procedure and a full Equality Impact Assessment is not required. There are no specific negative impacts on any of the Protected Characteristics groups.

I recommend that an Equality Impact Assessment is required by the Equality and Diversity group, as possible negative impacts have been identified for one or more of the Protected Characteristics groups as follows:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage & civil partnership
- Pregnancy & maternity

Completed by:	Susie Peart	Position:	Quality Manager	Date:	19.06.23
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Reviewed by Equality & Diversity Group: YES/NO

If Yes: Date:

I confirm that any recommended amendments have been made

Summary of Comments including Recommendations from Equality & Diversity Group Review:

Amended by Author:		Position:		Date:	
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1. PURPOSE OF THE POLICY

- 1.1 Incidents of malpractice and maladministration can potentially lead to learners being disadvantaged, can require the conducting of costly and time-consuming investigations and may cause reputational damage to Yeovil College. It is, therefore, desirable to prevent malpractice or maladministration from occurring, whenever possible.
- 1.2 Where it is not possible to prevent this, cases of suspected or actual malpractice and/or maladministration should be dealt with quickly, thoroughly and effectively.
- 1.3 This policy has been prepared with reference to the rubric and terminology contained in Ofqual's General Conditions of Recognition¹, and policy guidance from Awarding Organisations.
- 1.4 Yeovil College is committed to pursuing the highest standards of probity and the elimination of malpractice/maladministration in the management of our organisation and aims to promote accountability and a climate of openness, to encourage the disclosure of allegations of malpractice/ maladministration. Staff, learners and individuals must report allegations to the Quality Manager.
- 1.5 Allegations of malpractice and maladministration may apply to all staff involved with assessment at Yeovil College (academic and business support). Learners should be aware of this policy in terms of their right to make an allegation if they believe the college to have committed malpractice or maladministration.
- 1.6 Arrangements in place offer individuals a safe and accessible procedure for reporting allegations of malpractice in a confidential manner, on the basis that Yeovil College will take appropriate steps to ensure that individuals reporting allegations of malpractice are not penalised and are protected and that individuals accused will be protected against false, malicious or anonymous accusations. Yeovil College is keen to encourage staff, learners and individuals to report allegations without fear, and will ensure that any disclosure is treated with the utmost confidentiality.
- 1.7 Anonymous allegations will only be considered if they are of a serious nature and the evidence is sufficient to warrant an investigation and for appropriate action to be taken

¹ <https://www.gov.uk/guidance/ofqual-handbook>

(this can follow the Whistleblowing Policy² route if applicable). Where appropriate, allegations will be recorded and submitted to the awarding organisation for investigation.

2. SCOPE

- 2.1 All college staff (academic, business/service support and all echelons within the organisation) and learners have the right to allege malpractice or maladministration. This policy applies to internal and external summative assessments, assignments and examinations, administration and their reporting.
- 2.2 Instances of learner academic misconduct (which may include malpractice/maladministration) are not covered by this policy. Academic Misconduct will be dealt with under the separate Academic Misconduct Procedure³.
- 2.3 It is the responsibility of all Yeovil College staff to be vigilant with regard to any events which may lead to malpractice and maladministration occurring, and report promptly to the Quality Manager where they suspect malpractice and/or maladministration has and/or may occur so that appropriate action can be taken to address this with immediate effect.

3. RESPONSIBILITY AND AUTHORITY

- 3.1 It is ultimately the responsibility of the Principal to ensure that this policy is published and accessible to all Staff, Learners and any relevant third parties. However, the Quality Manager is responsible for ensuring this information is fully understood by all staff within Yeovil College and by the learners who commence courses/programmes (qualifications) with Yeovil College (including all provision types across full-time, part-time, Yeovil College University Centre, apprenticeship and work-based learning provision, and sub-contracted provision where appropriate.).
- 3.2 The Quality Manager is responsible for notifying the relevant Awarding Organisation(s) of cases of suspected/actual malpractice and maladministration to ensure that appropriate action may be taken, and regulatory principles are followed.

² Available at <https://www.yeovil.ac.uk/policies-reports/>

³ Available at <https://www.yeovil.ac.uk/policies-reports/>

4. MALPRACTICE/MALADMINISTRATION PROCEDURE

4.1 Objectives:

- 4.1.1 To identify and minimise the risk of malpractice and maladministration by staff
- 4.1.2 To respond to any incident promptly and objectively
- 4.1.3 To standardise and record any investigation to ensure openness and fairness
- 4.1.4 To impose appropriate penalties and/or sanctions on staff where incidents (or attempted incidents) are proven
- 4.1.5 To protect the integrity of Yeovil College, Awarding Organisations and Qualifications.

4.2 Malpractice

- 4.2.1 The term 'malpractice' covers any deliberate actions, neglect, default or other practice associated with the examples below; it 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.

4.3 Instances of malpractice that may be committed by Staff include:

- 4.3.1 Committing plagiarism by copying and passing off the whole or part(s) of another person's work, with or without the originator's permission and without appropriately acknowledging the source.
- 4.3.2 Failing to comply with the assessor's/invigator's instructions and/or an Awarding Organisation's regulations in relation to the assessment and security.
- 4.3.3 Misusing assessment material.
- 4.3.4 Impersonating a learner in order to produce the work for them.
- 4.3.5 Fabricating and/or altering results and/or evidence, documents and/or certificates.
- 4.3.6 Allowing unauthorised material in relation to the requirements of supervised assessment.
- 4.3.7 Behaving in such a way as to undermine the integrity of the assessment.

4.4 Examples of Malpractice by Centre Staff - This list is not exhaustive and other instances of malpractice may be considered by this centre at its discretion:

- 4.4.1 Improper assistance to Learners
- 4.4.2 Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the learner's achievement to justify the marks given or assessment decisions made
- 4.4.3 Failure to keep learner's coursework/portfolios of evidence secure;
- 4.4.4 Fraudulent claims for certificates
- 4.4.5 Assisting learners 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 centre staff producing work for the learner
- 4.4.6 Producing falsified witness statements, for example for evidence the learner has not generated
- 4.4.7 Allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/coursework
- 4.4.8 Facilitating and allowing impersonation
- 4.4.9 Misusing the conditions for special learner requirements, for example where learners are permitted support, such as a reader or scribe, this is permissible up to the point where the support has the potential to influence the outcome of the assessment
- 4.4.10 Falsifying records/certificates, for example by alteration, substitution, or by fraud
- 4.4.11 Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment
- 4.4.12 Failure to comply with awarding organisation procedures for managing and transferring accurate learner data.

4.5 Maladministration

4.6 Maladministration is any non-deliberate activity, neglect, default or other practice that results in Yeovil College not complying with the specified requirements for delivery of the qualifications as set out in the relevant codes of practice, where applicable.

4.7 Examples include (this is not an exhaustive list):

- 4.7.1 Failing to ensure that learner's coursework or work to be completed under controlled conditions is adequately monitored and supervised
- 4.7.2 Inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed by the Joint Council for Qualifications (JCQ)⁴ regulations (where required);
- 4.7.3 Failure to use current assignments for assessments;
- 4.7.4 Failure to train invigilators adequately, leading to non-compliance with JCQ regulations;
- 4.7.5 The introduction of unauthorised material into the examination room, either during or prior to the examination; (NB this precludes the use of the examination room to coach learners or give subject-specific presentations, including power-point presentations, prior to the start of the examination/assessment).
- 4.7.6 Granting access arrangements to learners which do not meet the requirements of the JCQ publication Access Arrangements, Reasonable Adjustments and Special Consideration⁵;
- 4.7.7 Failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding organisation as soon as possible after such an instance occurs or is discovered;
- 4.7.8 Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding organisation;

4.8 The inappropriate retention or destruction of certificates

- 4.9 Staff who commit malpractice/maladministration and who fail to comply with the guidance on regulations for assessment could lead the Awarding Organisation to withhold the learner's results. Withholding information or failing to report promptly any suspected cases of malpractice/maladministration or non-compliance by centre Staff may result in the imposition of sanctions/penalties on Yeovil College, with a possible outcome being the suspension of certification/registration or even recognised centre status.

4.10 The Reporting of Malpractice or Maladministration

⁴ <https://www.jcq.org.uk/>

⁵ <https://www.jcq.org.uk/exams-office/access-arrangements-and-special-consideration/>

4.10.1 In order to make an allegation of malpractice, you are required to contact:

Yeovil College's Quality Manager

Yeovil College, Mudford Rd, Yeovil, BA21 4DR

feedback@yeovil.ac.uk

4.10.2 Reports and incidents of Malpractice or Maladministration will be logged by the Quality Manager and any investigations will be instigated and monitored by them.

4.10.3 Should the person submitting the allegation require any reasonable adjustments, such as support or assistance with a written statement, they should contact the Student Experience team.

4.10.4 The Quality Manager is required to report allegations of malpractice/maladministration to the appropriate Awarding Organisation by completing the specific Awarding Organisation documentation and submitting it with any relevant evidence.

4.10.5 It is recognised that for any formal follow-up or investigation the Quality Manager will follow the specific guidance from the Awarding Organisation, and Joint Council for Qualifications (JCQ)

4.10.6 If applicable, an allegation of malpractice/maladministration may be reported directly to the awarding organisation or exam board, particularly if the individual feels the Quality Manager may be the subject of the allegation.

4.11 Investigations

4.12 It is understood that in certain cases, awarding organisations may wish to allocate their own staff to join or lead an investigation.

4.13 Investigations will adhere to the following principles:

- 4.13.1 **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 and not normally disclosed to any third parties (other than the regulators or the police, where appropriate).
- 4.13.2 **Impartiality:** investigations will be undertaken by a senior manager (or appointed person) who has not been previously involved in the assessment or process in question. The investigating manager will assess the case against the specific facts/evidence presented in order to arrive at a decision about intention and culpability.
- 4.13.3 **Rights of individuals** – where an individual is suspected of malpractice/maladministration they will 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 will also be communicated to them.
- 4.13.4 **Staff Interviews** - staff who are the subject of the allegation may request that they are accompanied by a colleague and these requests should be processed in line with awarding organisation/JCQ policy.
- 4.13.5 **Witness Interviews** - where a learner is to be interviewed as part of the investigation (as a witness) and they are a minor or vulnerable adult, Yeovil College should consider the need to have a parent or representative present or to have the permission of a parent prior to the interview taking place.

4.14 **Retention and storage of evidence and records**

- 4.15 All relevant documents and evidence should be retained in line with Yeovil Colleges stated policy and procedures.

4.16 **Decisions and action plans**

4.17 All conclusions and decisions must be based on evidence. A course of proposed action shall be identified, agreed between Yeovil College and the awarding organisation (AO), implemented and monitored by the AO to the point of completion. The actions should address the improvements that are required to the centre's policies and procedures as well as any action that is related to staff or other resources.

4.18 **Proportionality**

4.19 Any decision on the outcome must reflect the weight of evidence and the minor or major nature of the case

4.20 **Sanctions**

4.21 Any sanctions applied should be proportionate with the level of non-compliance identified (and evidenced) during the investigation and should be in line with the Awarding Organisations and/or JCQ policy.

4.22 Staff who commit malpractice/maladministration, which is confirmed after investigation, may be subject to penalties, including:

4.22.1 Exclusion from the delivery of the qualification.

4.22.2 Exclusion from the assessment of the qualification.

4.22.3 Exclusion from the internal verification/moderation of the qualification.

4.22.4 Exclusion from the financial/quality management/administration of the qualification.

4.22.5 Temporary suspension.

4.22.6 Work only under supervision.

4.22.7 Undertake specific training.

4.22.8 The disciplinary procedure may be invoked.

5. **RELATED POLICIES, PROCEDURES, DOCUMENTS, DEFINITIONS⁶**

Ofqual General Conditions of Recognition⁷

Regulatory Policies in accordance with the Principles of qualification assessment

⁶ Published Yeovil College policies are available at <https://www.yeovil.ac.uk/policies-reports/>. Policies available for internal staff use (e.g. the Staff Disciplinary and Grievance Policy) are available to Yeovil College staff via the 'Policies and Procedures' section of the College SharePoint site.

⁷<https://www.gov.uk/guidance/ofqual-handbook>

JCQ Malpractice⁸ and JCQ Documentation/Policies⁹

Awarding Organisation's Malpractice/Maladministration Policy and associated QA arrangements.

Yeovil College's Academic Misconduct Procedure

Yeovil College's Internal Verification Procedure

Yeovil College's Assessment and APL-RPL Procedure

Yeovil College's Disciplinary and Grievance Policy (Staff and Learners)

Yeovil College's Whistleblowing Policy

⁸ <https://www.jcq.org.uk/exams-office/malpractice/>

⁹ <https://www.jcq.org.uk/>