



Malpractice and Maladministration Policy

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Public

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Version control

This policy applies to all Apprenticeships

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Version 1.3	Addition of QA Disciplinary and Appeals policy

Document Approval		
Name	Position	Viewed / comments
Naomi Lavender	Quality Director	Approved

Revision History			
Version	Issue date	Author	Description of change
1.0	September 2022	Naomi Lavender, Quality Director	Updated Policy
1.1	June 2023	Naomi Lavender, Quality Director	Various minor updates to terminology and phrasing, minor grammatical changes. No substantive updates to the policy itself.
1.2	June 2024	Naomi Lavender, Quality Director	Various minor updates to terminology, phrasing, and grammar. Additional malpractice examples added to learner and staff sections. Added references to university partner policies and academic regulations. Investigation process updated to clarify process.
1.21	June 2024	Naomi Lavender, Quality Director	Updated for new branding, updated reference to Supplier Governance Policy in conflict of interest section.
1.3	January 2025	Emma Hambidge / Clare Dunne	Addition of QA Disciplinary and Appeals policy

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Policy statement

QA actively works to promote and ensure that instances of malpractice and maladministration are not permissible in any aspects of its work. It will minimise occurrences through effective detection of irregularities and rigorous reporting and investigation of any malpractice. QA does not tolerate actions or attempted actions of malpractice by learners or employees.

Scope

The scope of this policy is to confirm that:

- QA is committed to ensuring that instances of malpractice and/or maladministration across all areas of its business, including partnerships, are minimised.
- QA will be proactive in promoting its policy against malpractice and maladministration to all service users.
- QA will thoroughly investigate any malpractice and/or maladministration allegations, as required.

Commitment

Our commitment to minimising and appropriately dealing with any malpractice within the business includes:

- Seeking to create a supportive and relevant learning and working environment, in which malpractice and maladministration are fully understood.
- Providing information and guidance to all staff and learners regarding the implementation of this policy.
- Developing resources to educate learners about appropriate formats with which to reference cited texts and other materials or information sources, including websites.
- Ensuring that access controls are installed to prevent learners from accessing and using other people's work when using networked computers.
- Developing robust procedures to assess work in a manner that reduces or identifies instances of malpractice.

Legislation

The following legislation applies:

- Copyright, Designs and Patents Act 1988 c.48
- Copyright and Related Rights Regulations 2003
- Copyright Act 1956
- Copyright Act 1911
- Copyright and Rights in Performances Regulations 1995
- Awarding Organisation requirements

Responsibilities and duties

The Senior Management Team (SMT) has overall responsibility for the implementation of this policy. It is the responsibility of all persons connected with QA. to contribute to the effective implementation of this policy.



Managers at every level are responsible for ensuring that the Malpractice and Maladministration Policy is upheld.

QA Staff are responsible for ensuring that learners fully understand the Malpractice and Maladministration Policy.

The Senior Management Team

It is the responsibility of senior managers to:

- Ensure that QA complies with its statutory obligations regarding malpractice and maladministration.
- Develop strategies and set targets for implementing effective assessment and quality assurance practices.
- Ensure that staff have access to appropriate training and development opportunities.
- Ensure that all learners are made aware of the QA Malpractice and Maladministration Policy.
- Carry out the responsibilities of line managers regarding malpractice and maladministration.
- Produce an annual impact assessment for the organisation.

Operational Managers

It is the responsibility of all line managers to:

- Ensure that QA complies with its Malpractice and Maladministration Policy..
- Carry out regular impact assessments.
- Ensure that learners and staff are made aware that any occurrence of malpractice and maladministration will be treated as disciplinary offences and dealt with under the appropriate procedures.
- Ensure that any allegations of malpractice and maladministration are properly investigated, and that appropriate action is taken.
- Ensure that sufficient records are kept enabling the effective monitoring of malpractice and maladministration issues.

Employees

It is the responsibility of all QA employees to:

- Comply with QA statutory requirements regarding malpractice and maladministration.
- Comply with QA Malpractice and Maladministration Policy.
- Undergo training on malpractice and maladministration issues.
- Maintain, where applicable, sufficient records to enable the effective monitoring of equality and diversity issues.
- Bring any allegations of malpractice or maladministration to the attention of the appropriate manager, in accordance with QA procedures.

Learners

It is the responsibility of all learners to:

- Comply with QA statutory requirements regarding malpractice and maladministration.



- Be aware of policies and processes related to malpractice and maladministration.
- Bring any allegations of malpractice and maladministration to the attention of a Digital Learning Consultant, Skills Coach or Account Manager

Procedures

For QA staff, if there is a breach of the Malpractice and Maladministration Policy, the disciplinary process will be followed. For learners, processes described in the Code of Conduct and Cheating and Plagiarism Policy will be followed, and reference will be made to the adherence to the awarding organisation's own malpractice and/or maladministration policies and processes.

Monitoring

The Senior Management Team will monitor the implementation of this policy each year. Malpractice and maladministration data will be reviewed at all levels and objectives developed to address any issues identified during the review.

Impact assessment

QA will look to introduce an impact assessment to ensure issues are addressed at all levels and in all areas in the organisation. If any adverse impact is identified during the impact assessment process, an action plan will be developed to minimise its effects as quickly as practically possible.

Definitions

Malpractice / Maladministration

Malpractice is defined as the deliberate falsification of records in order to obtain qualification certification. Malpractice is distinguished from maladministration: the latter is the accidental claiming or issue of certificates, incompetence, or a simple mistake, while the former is a deliberate act to deceive in order to falsely obtain certification. Awarding Organisations do not tolerate actions, or attempted actions of malpractice by learners or QA staff.

Penalties and/or sanctions may be imposed on learners or QA where incidents of malpractice have been proven. As a centre, QA must be vigilant regarding assessment malpractice and where malpractice occurs it must be dealt with in an open and fair manner.

Preventing and Minimising Malpractice

QA will take positive action to prevent or minimise the occurrence of learner malpractice by taking a range of actions, including:

- Informing learners at induction of the QA policy on malpractice and maladministration, and the penalties for attempted or actual incidents of malpractice.
- Ensuring learners on degree apprenticeships are aware of, and adhere to, university partner academic regulations and academic misconduct policies.

- Ensuring learners on all L3-5 apprenticeships are aware of the QA Cheating and Plagiarism policy.
- Teaching learners the appropriate formats to reference cited texts and other materials or information sources including websites.
- Introducing procedures for assessing work in a way that reduces or identifies malpractice such as plagiarism, collusion, and cheating which may include:
 - Supervision sessions, during which evidence for assignments, tasks, or coursework is produced by the learner.
 - Alternating assessment assignments, tasks, or tools on a regular basis.
 - Assessing work for a single assessment or task in a single session for the complete cohort of learners.
 - Orally questioning learners to ascertain their understanding of the concepts, application, etc. within their work.
 - Ensuring assessors understand their learners' styles and abilities.
 - Ensuring that access controls are installed to prevent learners from accessing and using other people's work when using networked computers.

Learner malpractice

The following are examples of learner malpractice. The list is not exhaustive and other instances of malpractice may be considered:

- Plagiarism by copying and passing off, as the learner's own, the whole or part(s) of another person's work. This includes artwork, images, words, computer generated work, thoughts, inventions and/or discoveries whether published or not, with or without the originator's permission and without appropriately acknowledging the source.
- Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work. Learners should not be discouraged from teamwork, as this is an essential key skill for many sectors and subject areas, but the use of minutes, allocating tasks, agreeing outcomes, are an essential part of teamwork and this must be made clear to the learners.
- 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 or test.
- Fabrication of results and/or evidence.
- Failing to abide by the instructions or advice of an assessor, a supervisor, an invigilator in relation to the assessment, examination, test rules, regulations, and security.
- Misuse of assessment and/or examination material.
- Introduction and/or use of unauthorised material contrary to the requirements of supervised assessment/examination/test conditions, such as notes, study guides, personal organisers, calculators, dictionaries (when prohibited), personal stereos, mobile phones or other electronic device or media.
- Attempting to influence or direct another learner's assessment submission by sharing current learner work or successful past learner assessments.
- Contravening awarding organisation or university partner assessment policy, whether intentional or unintentional.

- Obtaining, receiving, exchanging, or passing on information which could be assessment, examination, test related (or the attempt to) through verbal or written communications during supervised assessment, examination and/or test conditions.
- Behaving in such a way as to undermine the integrity of the assessment, examination and/or test.
- The alteration of any results document, including certificates.
- The use of generative AI in any part of an assessment, without correctly referencing the use of AI in that assessment.
- Cheating in any way to gain an unfair advantage.

Staff malpractice

The following are examples of staff malpractice. The list is not exhaustive and other instances of malpractice may be considered:

- Failing to keep awarding organisation mark schemes secure.
- Alteration of awarding organisation mark schemes.
- Alteration of awarding organisation assessment and grading criteria.
- Producing falsified witness statements, for example for evidence the learner has not generated.
- Allowing evidence which is known not to be the learner's own to be included in a learner's assignment, task, portfolio, or coursework.
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, such as writing paragraphs within a portfolio on a learner's behalf.
- Attempting to influence or direct a learner's assessment submission by sharing current learner work or successful past learner assessments.
- Retaining learner's assessed work after submission.
- Contravening awarding organisation assessment policy, whether intentional or unintentional.
- Not following the End Point Assessment plan as set out by the relevant apprenticeship standard.
- Facilitating and/or allowing impersonation.
- Misusing the support provided through a summary of adjustments.
- Failing to keep learner electronic files secure.
- Falsifying records/certificates, for example by alteration or substitution.
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment.
- Failing to keep assessment/examination/test papers secure prior to the assessment/examination/test
- Obtaining unauthorised access to assessment/examination/test material prior to an assessment/examination/test.

Investigation

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration by QA staff or learners must immediately report their concerns in writing, including appropriate supporting evidence, to an appropriate senior member of staff.



When an allegation is being made against a QA staff member or learner the following information should be provided:

For QA Staff

- Staff member name.
- Job title.
- Date(s) of suspected malpractice.
- Full nature of the suspected or actual malpractice.
- Written statements and testimonies, including signatures (where possible) from those making the allegation.

For Learners

- Learner's name
- QA staff details (name, job role) if necessary.
- Course affected, or nature of the service affected.
- Date(s) suspected or actual malpractice occurred.
- Full nature of the suspected or actual malpractice.
- Written statements from those involved in the case, e.g., witness statements.
- Date of the report and the informant's name, position, and signature where possible.

The following communications will be sent to all relevant parties involved in the investigation:

- Confirmation that the member of staff leading the investigation is independent of the staff/learners/function being investigated.
- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes.
- Submit the findings of the investigation with the report.
- Inform those accused of any sanctions placed against them if they have been deemed to have committed a deliberate or other serious act of malpractice or maladministration.

Confidentiality and whistle blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. However, it is always preferable to reveal their identity and contact details, and if they are concerned about possible adverse consequences, they can request that QA does not disclose their identity. At all times QA will investigate such allegations from whistle-blowers in accordance with relevant whistle blowing legislation.

Conflict of interest

Fairness and transparency of process in assessment is very important. For example, the Skills Coach or Digital Learning Consultant (DLC) is responsible for ensuring that there is no potential for a conflict of interest to arise when learners are undertaking an assessment. Reference should be made to the QA Supplier Governance Policy (Section 12) for the procedures governing conflict of interest at QA.

Responsibility for the investigation

All suspected cases of maladministration and malpractice will be examined promptly, and all reasonable steps taken to prevent any adverse effect from occurring. All suspected cases of malpractice and maladministration will be thoroughly investigated whether the accused is a



member of QA staff or a learner on programme. QA will provide a transparent and fair investigation of all allegations without fear or favour.

Where necessary the relevant awarding body will be informed in a timely and effective manner, in line with their stated policies and procedures.

Notifying relevant parties

In all cases of suspected or actual malpractice, the staff member involved in the allegation and/or the learner suspected of malpractice will be notified of the investigations in writing. There will also be the opportunity for cases to be heard, evidence to be reviewed and narrative to be given by all concerned parties.

Investigation timelines and process

The aim is to action and resolve all stages of the investigation within 20 working days of receipt of the allegation. In some cases the investigation may take longer; for example, if an on-site visit is required. In such instances, QA will advise all parties concerned of the likely revised timescale. The investigation may involve:

- a request for further information from the investigator or learner
- interviews (face to face, phone or video call) with parties involved in the investigation.
- arranging for authorised parties to carry out an on-site visit.

Investigation outcome

After an investigation, a draft report will be issued for all parties concerned to review for factual accuracy, with any subsequent amendments to be agreed prior to finalisation. The final report will be made available to all parties concerned, and to regulatory authorities and/or other external stakeholders as required.

Investigation outcomes and sanctions

If the malpractice was conducted by a learner on programme QA retains the right to terminate the apprenticeship programme where malpractice has been proven.

Where the malpractice was conducted by a member of staff, QA will follow the disciplinary process. Depending on the findings of the investigation and the nature of the malpractice this could result in:

- Stage 1 First Written warning.
- Stage 2 Final Written warning.
- Stage 3 Termination of employment.

After a sanction is applied for malpractice and maladministration, the QAA Disciplinary and Appeals Policy will be followed to decide whether the learner should receive a further sanction.



Appeals – Learner

Learners retain the right to appeal the outcome of a malpractice decision against them, which will be carried out by the Director of Quality. The onus is on the learner to provide evidence based on the following grounds:

- There was an error in the investigation process.
- The sanctions imposed were unduly severe.
- There were mitigating factors unknown to the investigator during the original investigation which could not reasonably have been disclosed at the time.

Appeals – QA Staff

If this is in relation to a QA employee, then the People Team will be notified and necessary action will be taken internally, in line with internal company policies.

Policy Review

The next review of this policy will take place during June 2025

