

Staff and Student Malpractice and Maladministration

Contents

Document Change History	1
Purpose.....	2
Scope.....	2
Responsibility	2
Procedure	2
Student Malpractice	2
Defining Malpractice	2
Reporting suspected malpractice	4
Communication.....	4
Investigation of suspected malpractice.....	5
Appeals.....	5
Record retention	6
College Malpractice.....	7
Defining Malpractice	7
Reporting suspected malpractice	8
Communication.....	8
Investigation of suspected malpractice.....	9
Appeals.....	9
Record retention	10
Appendix 1 – Flow Chart	11

Document Change History

This version of the document replaces all previous versions. Changes to this version are summarised below;

Section	Summary of Change	Page
All	Reference to “Assistant Director” changed to “Curriculum Leader” throughout	All
Communication	Altered point at which SQA are advised of regulated qualification concerns based on updated guidance	4 & 8
Investigation	Added details of information to be provided to individuals under investigation	5 & 9

Purpose

This procedure provides staff and students with information about the steps which will be taken when it is suspected that malpractice or maladministration has occurred.

Scope

This procedure will be applied on all occasions where it is suspected that malpractice or maladministration has occurred on Further Education (FE) programmes.

Responsibility

The Quality Department is responsible for ensuring the procedure is updated. Curriculum Leaders are responsible for implementing the procedure.

Procedure

Student Malpractice

Defining Malpractice

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of awarding body assessment requirements including any act, default or practice which:

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any awarding body qualification or the validity of a result or certificate; **and/ or**
- Damages the authority, reputation or credibility of an awarding body or any officer, employee or agent of an awarding body.

Malpractice/maladministration can arise for a variety of reasons:

- Some incidents of malpractice are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance);
- Some incidents of maladministration arise due to ignorance of awarding body requirements, carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both maladministration in the assessment and delivery of awarding body qualifications and deliberate non-compliance with awarding body requirements.

Whether intentional or not, it is necessary to investigate and act upon any suspected instances of malpractice, to protect the integrity of the qualification and to identify any wider lessons to be learned.

Malpractice by a student can occur, for example, in:

- The preparation and authentication of coursework
- The preparation or presentation of practical work
- The compilation of a portfolio of assessment evidence
- The completion of an examination paper, or the controlled write-up stage of externally assessed coursework; and
- Conduct during or after an assessment

Examples of candidate malpractice include, but are not limited to:

- **Collusion** with others when an assessment must be completed by an individual.
- **Copying** from another candidate (including using ICT to do so) and/or working collaboratively with other candidates on an individual task.
- **Frivolous content** — producing content that is unrelated to the assessment.
- **Misconduct** — inappropriate behaviour in an assessment room that causes disruption to others. This includes talking, shouting and/or aggressive behaviour or language, and having a prohibited electronic device that emits any kind of sound in the assessment room.
- **Offensive content** — content in assessment materials that includes vulgarity and swearing that is outwith the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidates' rights to freedom of expression.
- **Personation** — assuming the identity of another candidate or a candidate having someone assume their identity during an assessment.
- **Plagiarism** — failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own.
- **Prohibited items** — physical possession of prohibited materials (mobile phones, electronic devices and handwritten notes etc) during a controlled assessment.
- **Breaching the security** of assessment materials in a way which threatens the integrity of any exam or assessment.

Reporting suspected malpractice

Staff and students should report suspected malpractice by a student to the Curriculum Leader responsible for the student.

Communication

The Curriculum Leader will notify the Director of Learning, Teaching and Quality (DLTQ) of any suspected malpractice within 1 working day and prior to undertaking any investigation.

The DLTQ will notify the awarding body of all cases of suspected malpractice within 48 hours and prior to undertaking any investigation (see individual awarding body policy for contact method).

The awarding body will advise if NHC or the awarding body will carry out an investigation into the suspected malpractice. Should the awarding body ask NHC to carry out the investigation on their behalf, the DLTQ will provide a report of findings, recommended actions and relevant documents to the awarding body once complete.

The exception is in relation to SQA awards. NHC will automatically be delegated to investigate suspected malpractice related to these awards. For qualifications subject to regulation by SQA Accreditation or Ofqual the DLTQ will notify SQA of the concern raised promptly by emailing gav@sqa.org.uk and will provide a report of the investigation and findings.

The DLTQ will liaise with the SQA Coordinator to ensure SQA are notified immediately of the following circumstances;

- There has been a breach/suspected breach to the security and integrity of assessment materials
- Results relevant to the suspected malpractice/investigation have already been submitted
- The student has appealed the outcome of the investigation and now wishes to also appeal to the awarding body.
- There are exceptional circumstances which the college believes the awarding body should be aware of, for example a criminal act.

Investigation of suspected malpractice

The investigation will be actioned in line with the Promoting a Positive Learning Environment Policy, where NHC have been tasked with doing so on behalf of the awarding body.

Awarding body guidelines regarding the conduct of investigations should also be consulted.

Candidates who are under investigation will be provided with;

- Information about the allegation made against them and information about the evidence there is to support that allegation
- Information about the possible consequences should malpractice be established
- The opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- The opportunity to consider their response to the allegations (if required)
- The opportunity to submit a written statement
- Information on the applicable SQA appeals procedure, should a decision be made against them

Results relevant to an investigation should not be submitted during the course of the investigation.

Appeals

Investigations conducted by the college

Appeals must first be actioned in line with the Promoting a Positive Learning Environment Policy, where NHC have investigated the suspected malpractice.

After having exhausted the college appeals process, students may have the right to appeal directly to the relevant awarding body (please refer to current awarding body guidance).

Where the awarding body is SQA, such appeals must be submitted to an SQA director, be clearly marked as an appeal and sent to The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ. Such appeals can be presented by the students, the college or an authorised representative of the student.

SQA Appeals must be;

- Submitted within 15 working days of being notified of the outcome of the college appeal
- Submitted in writing
- Provide an account of why the candidate thinks that the college appeal decision is wrong
- Address the reason for the original decision given by the college

For qualifications subject to regulation by SQA Accreditation or Ofqual (for example SVQ's) students may request the regulator reviews the awarding body process in reaching their decision.

Investigations conducted by the Awarding Body

Students can appeal the outcome of an investigation carried out by the Awarding Body (please refer to current awarding body guidance).

Where the awarding body is SQA, such appeals must be submitted to an SQA director, be clearly marked as an appeal and sent to The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ. Such appeals can be presented by the students, the college or an authorised representative of the student.

SQA Appeals must be;

- Submitted in writing within 15 working days of being notified of the outcome of the college appeal.
- Provide an account of why the student/college think that the investigation decision is wrong.
- Address the reason for the original decision given by the awarding body.

For qualifications subject to regulation by SQA Accreditation or Ofqual (for example SVQ's) students may request the regulator reviews the awarding body process in reaching their decision.

Record retention

Where NHC have investigated suspected malpractice on behalf of the awarding body, records will be retained in line with the NHC Record Retention Policy and Schedule.

College Malpractice

Defining Malpractice

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of awarding body assessment requirements including any act, default or practice which:

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any awarding body qualification or the validity of a result or certificate; **and/ or**
- Damages the authority, reputation or credibility of an awarding body or any officer, employee or agent of an awarding body.

Malpractice/maladministration can arise for a variety of reasons:

- Some incidents of malpractice are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance);
- Some incidents of maladministration arise due to ignorance of awarding body requirements, carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both maladministration in the assessment and delivery of awarding body qualifications and deliberate non-compliance with awarding body requirements.

Examples of college malpractice include, but are not limited to:

- Managers or others exerting undue pressure on staff to pass students who have not met the requirements for an award.
- Excessive direction from assessors to candidates on how to meet national standards.
- Failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards.
- Failure to apply specified assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments.
- Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions.
- Insecure storage of assessment instruments, materials and marking instructions.

- Failure to comply with requirements for accurate and safe retention of candidate evidence, assessment and internal verification records.
- Failure to comply with the awarding body procedures for managing and transferring accurate student data.
- Deliberate falsification of records in order to claim certificates.
- Failure to notify, investigate and report to the awarding body allegations of suspected centre malpractice.
- Failure to take action as required by the awarding body or to co-operate with an awarding body investigation in relation to concerns of malpractice.
- For qualifications subject to regulation by SQA Accreditation or Ofqual, failure by to notify, investigate and report allegations of suspected candidate malpractice.
- Deliberately withholding information about circumstances which may compromise the integrity of any awarding body qualification and/or credibility of the awarding body.
- Failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements.
- Failing to register candidates within a qualification's accreditation period.
- Making late registrations to the awarding body for qualifications in their lapsing period.
- Requesting late certification of learners after the certification end date.

Reporting suspected malpractice

Staff and students should report suspected malpractice by a college staff member to the Curriculum Leader or Line Manager responsible for the staff member.

Communication

The Curriculum Leader or Line Manager will notify the Director of Learning, Teaching and Quality (DLTQ) of any suspected malpractice within 1 working day and prior to undertaking any investigation.

The DLTQ will carry out initial screening of the situation then notify the awarding body of all cases of suspected malpractice within 48 hours and prior to undertaking any investigation (see individual awarding body policy for contact method).

The awarding body will advise if NHC or the awarding body will carry out an investigation into the suspected malpractice.

Investigation of suspected malpractice

The investigation will be actioned in line with the Staff Disciplinary Policy referring to awarding body guidelines/requirement, where NHC have been tasked with doing so on behalf of the awarding body.

Individuals who are under investigation for suspected malpractice should be provided with:

- Information about the allegation made against them and information about the evidence there is to support that allegation
- Information about the possible consequences should malpractice be established
- The opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- The opportunity to consider their response to the allegations (if required)
- The opportunity to submit a written statement
- Information on any applicable appeals procedure

Appeals

Investigations conducted by the college

Appeals must first be actioned in line with the Staff Disciplinary Policy, where NHC have investigated the suspected malpractice.

Investigations conducted by the Awarding Body

The college can appeal the outcome of an investigation carried out by the Awarding Body (please refer to current awarding body guidance).

Where the awarding body is SQA, the Head of Centre must first contact the relevant SQA manager to discuss the appeal, within 10 working day of receiving written notification of the decision. If following this the college wishes to pursue the appeal further, the appeal must be submitted to a SQA director, be clearly marked as an appeal and sent to The Optima Building, 58 Robertson Street, Glasgow, G2 8DQ. Such appeals must be presented by the Head of Centre.

SQA Appeals must;

- Be submitted in writing within 15 working days of discussing the matter with the SQA Manager.
- Provide an account of why the Head of Centre thinks that the investigation decision is wrong.
- Address the reason for the original decision given by the awarding body.

For qualifications subject to regulation by SQA Accreditation or Ofqual (for example SVQ's) the centre may request the regulator reviews the awarding body process in reaching their decision.

Record retention

Where NHC have investigated suspected malpractice on behalf of the awarding body, records will be retained in line with the NHC Record Retention Policy and Schedule.

References

[Promoting a Positive Learning Environment Policy](#)

[Staff Disciplinary Policy](#)

[NHC Record Retention Policy and Schedule](#)

[SQA Malpractice: Information for Centres](#) (April 2018)

[SQA Appeals Process: Information for Centres](#) (April 2018)

[EAL Malpractice and Maladministration Policy](#) (v6.2 July 2018)

[EAL Appeals Policy](#) (v5.1 July 2018)

[City and Guilds Managing cases of suspected malpractice in examinations and assessments](#) (version 7 November 2019)

[AAT Code of Practice for Approved Organisations](#) (April 2018)

Appendix 1 – Flow Charts



