



# Instances of Malpractice & Maladministration

## Introduction

This policy is aimed at learners, who are registered as ITEC students who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps that the teaching centre, and learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

## Centre's responsibility

It is important that the staff involved in the management, assessment and quality assurance of the qualifications, and learners, are fully aware of the contents of the policy and that the centre has arrangements in place to prevent and investigate instances of malpractice and maladministration. A failure to report suspected or actual malpractice/maladministration cases, or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on your centre.

## Review arrangements

We will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to lecturers and learners feedback, changes in our practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations. In addition, this policy may be

updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

### **Definition of Malpractice**

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process;
- the integrity of a regulated qualification;
- the validity of a result or certificate, or,
- the qualification or the wider qualifications community.

Malpractice 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. For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

### **Definition of Maladministration**

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (e.g. inappropriate learner records).

### **Examples of maladministration**

The categories listed below are examples of centre and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Persistent failure to adhere to our learner registration and certification procedures.
- Persistent failure to adhere to our centre recognition and/or qualification requirements and/or associated actions assigned to the centre
- Late learner registrations (both infrequent and persistent)

- Unreasonable delays in responding to requests and/or communications from ITEC
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from us which is required to assure ITEC of the centre's ability to deliver qualifications appropriately.
- Misuse of our logo and trademarks or misrepresentation of a centre's relationship with ITEC and/or its recognition and approval status with ITEC.
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

### **Examples of malpractice**

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Denial of access to premises, records, information, learners and staff to any authorised ITEC representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our learner registration and certification procedures.
- Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to your centre
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim(s) for certificates
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of our logo and trademarks or misrepresentation of a centre's relationship with ITEC and/or its recognition and approval status with ITEC
- Collusion or permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the centre

- Deliberate contravention by a centre and/or its learners of the assessment arrangements we specify for our qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so).
- Personation -assuming the identity of another learner or having someone assume your identity during an assessment.
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

### **Process for making an allegation of malpractice or maladministration**

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the lecturer. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- centre's name, address and number
- learner's name and ITEC registration number
- centre personnel's details (name, job role) if they are involved in the case
- details of the Active IQ course/qualification affected or nature of the service affected
- nature of the suspected or actual malpractice and associated dates
- details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances

If a centre has conducted an initial investigation prior to formally notifying us, the centre should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances the centre must immediately notify us if they suspect malpractice or maladministration has occurred as we have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice and maladministration reported to us we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

### **Confidentiality and whistle blowing**

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to us; however if you are concerned about possible adverse consequences you may request us not to divulge your identity.

While we are prepared to investigate issues which are reported to us anonymously we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those the allegation relates.

### **Responsibility for the investigation**

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by ITEC to establish if malpractice or maladministration has occurred and will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulator.

All suspected cases of malpractice and maladministration will be passed to our responsible staff and we'll acknowledge receipt, as appropriate, to external parties within 48 hours. Staff will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered.

At all times we will ensure that staff assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

## **Notifying relevant parties**

In all cases of suspected or actual malpractice, we'll notify the Head of the Centre involved in the allegation that we'll be investigating the matter and/or in the case of learner malpractice, we may ask the centre to investigate the issue in liaison with our own personnel – in doing so we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

Where applicable, responsible staff will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation.

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, we'll advise all parties concerned of the likely revised timescale. The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred.
- To identify the cause of the irregularities and those involved.
- To establish the scale of the irregularities.
- To evaluate any action already taken by the centre.
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification.
- To ascertain whether any action is required in respect of certificates already issued.
- To obtain clear evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with our Sanctions Policy.
- To identify any adverse patterns or trends. The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will:

Ensure all material collected as part of an investigation must be kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a centre will be retained for a period of not less than five years. If an

investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.

## **Investigation outcomes**

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take in order to:

- Minimise the risk to the integrity of certification now and in the future.
- Maintain compromising our standards public confidence in the delivery and awarding of qualifications.
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from

The action we take may include:

- imposing actions in relation to your centre with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- imposing sanctions on your centre – if so these will be communicated to you in accordance with our sanctions policy along with the rationale for the sanction(s) selected.
- in cases where certificates are deemed to be invalid, inform the centre concerned and the regulatory authorities why they're invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We'll also ask the centre to let the affected learners know the action we're taking and that their original certificates are invalid and ask the centre – where possible – to return the invalid certificates. We'll also amend our database so that duplicates of the invalid certificates cannot be issued and we expect the centre to amend their records to show that the original awards are invalid.
- amending aspects of our qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- informing relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre.

In proven cases of malpractice and/or maladministration by a centre, it reserves the right to charge the centre for any re-sits and reissuing of certificates and/or additional external verifier visits.