

Malpractice and Maladministration Policy and Procedure

Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and/or awarding body procedures 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
- The reputation and credibility of all awarding bodies
- 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 guidance this term also covers misconduct and forms of unnecessary discrimination or bias towards certain individual or groups of learners.

Definition of Maladministration

Maladministration is essentially any activity or practice which results in noncompliance with administrative regulations and requirements, and includes the application of persistent mistakes or poor administration within a Centre (for example inappropriate learner records).

ATL strives to prevent the occurrence of malpractice or maladministration in the delivery and award of its qualifications, in order to safeguard the consistency and integrity of all assessments.

ATL works with internal assessors and external bodies to maintain rigorous quality assurance and control arrangements in relation to its qualifications. These arrangements, combined with internal and external assessment administrative procedures, ensure the accuracy and consistency of assessment decisions in qualifications.

Where malpractice or maladministration is suspected, or is alleged, and where there are reasonable grounds for that suspicion or allegation, ATL will promptly take all reasonable steps to establish whether or not malpractice or maladministration did occur, and to prevent any adverse effect. Should any such adverse effect be unpreventable, the appropriate Body will be informed to attempt to mitigate it as far as possible and correct it. Malpractice is deemed to be those deliberate actions and practices that threaten the integrity of any ATL qualification. Maladministration can be deliberate or accidental, but has the same effect.

The following are examples of malpractice by exam staff:

- Moving the time or date of fixed assessments without permission from the Awarding Body
- Failing to keep assessment materials secure
- Obtaining unauthorised access to assessment materials prior to an assessment
- Assisting or prompting candidates with the production of answers

The following are examples of candidate malpractice:

- Misuse of assessment material
- Introduction of unauthorised material into the exam room, for example notes, study guides, own blank paper, personal stereos, mobile phones and other similar electronic devices
- Obtaining, receiving, exchanging or passing on information which could be examination related (or the attempt to) by means of talking or using written papers /notes
- Copying from another candidate
- Collusion - working collaboratively with other candidates
- Disruptive behaviour including the use of offensive language
- Failing to abide by the instructions or advice of an invigilator or supervisor in relation to the assessment rules and regulations
- Impersonation - pretending to be someone else or arranging for another to take one's place in an exam.
- Plagiarism - the attempt to present ideas, research, theories, or words of others as one's own

Procedure for dealing with malpractice and/or maladministration.

All incidents of malpractice or maladministration, irrespective of the nature of the incident, must be reported to the, Quality Improvement Manager. Incidents may be reported by an invigilator or any other person present at the time the alleged malpractice took place. Anonymous reports of malpractice will be acted upon only if there is supporting evidence, or if the nature of the report warrants it.

1. A malpractice allegation is received by the, Quality Improvement Manager
2. The Quality Improvement Manager will seek to establish the full facts and circumstances of the alleged malpractice and, where appropriate, the candidate's conduct in other assessments before deciding to initiate an investigation.
3. A report from the candidate's assessor (if appropriate) may be required but an investigation will only be initiated if *reasonable* suspicion of genuine and deliberate malpractice exists.
4. If the investigation includes alleged staff malpractice/maladministration the staff may be suspended until the issue is resolved.
5. Candidates or centre staff accused of malpractice will be made fully aware in writing at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven.
6. Each case of suspected malpractice will be considered on an individual basis in the light of the all the information available.
7. The Quality Improvement Manager should ensure that all actions taken as part of the investigation are fully documented.
8. The Quality Improvement Manager will determine:
 - whether the regulations have been adhered to
 - where the culpability lies for the breach in regulations
 - appropriate measures to be taken to protect the integrity of the award and to prevent future breaches as well as mitigate against any adverse effect
 - the nature of any penalty to be applied.
9. A record outlining all stages of the above process will be kept on file. The report will include a summary of the origin of the complaint or mode of discovery of the alleged irregularity, the investigations carried out, the evidence secured, the conclusions drawn and the decision reached, including any recommendations for action.
10. Penalties will be based only on the evidence presented, and must be justifiable, reasonable in scale, and consistent with previous decisions in similar circumstances.
11. Candidates will be notified of all decisions in writing to their home or main address.
12. All parties will be given the opportunity to seek a review of the decision should a judgement be made against them.



13. The Quality Improvement Manager or other body may require actions to be taken to prevent similar incidents of malpractice or maladministration from recurring. Where any further action is required at the centre, the Quality Improvement Manager will establish an action plan with the centre.

Review and Appeal

Stage 1 – Review:

Candidates or staff may request a review or appeal of the decision made following the above process. The review or appeal is conducted by a Manager or Director who has had no involvement in the original decision process and has no personal interest in the decisions under consideration. The Manager or Director will consider the report made at the initial stage (step 9 above), as well as any new information or evidence subsequently provided by other relevant parties. Following a review or appeal, the initial decision may be upheld or overturned, or upheld but with a change to the penalties originally imposed.

Stage 2 – Sanctions:

Following a decision on malpractice or maladministration, the Quality Improvement Manager may impose penalties on candidates or staff found guilty of breaking assessment regulations. This is in order to:

- maintain the integrity of the award
- create a remedy, so that there is no advantage to be gained from breaking the regulations
- deter others from doing likewise

Penalties applied against staff for malpractice or maladministration could include items listed in the staff handbook disciplinary procedure.

Penalties applied against candidates may include:

- issue of a warning
- suspension from the programme

This policy will be reviewed in line with other ATL policies in January each year or more regularly if required by changing legislation or operational requirements.