

1. Introduction

The purpose of this policy is to:

- a) To identify and minimise risk of malpractice or maladministration by a staff member, individual, stakeholder or other party
- b) To respond to any incident of alleged malpractice or maladministration promptly and objectively
- c) To standardise and record any investigation of malpractice or maladministration to ensure openness and fairness
- d) To impose appropriate penalties and/or sanctions on staff member, individual, stakeholder or other party where incidents (or attempted incidents) of malpractice or maladministration are proven
- e) To protect integrity of apprenticeships and qualifications, DoE, Awarding Body, Ofsted, Ofqual and Xact

2. Definitions

Adverse Effect: An act, omission, event, incident, or circumstance has an Adverse Effect if it:

- a) gives rise to prejudice to Learners or potential Learners, or
- b) adversely affects:
 - i) ability of awarding organisation to undertake development, delivery or award of qualifications in a way that complies with its Conditions of Recognition, or
 - ii) standards of qualifications which awarding organisation makes available or proposes to make available, or
 - iii) public confidence in qualifications

Amanuensis: An assistant, in particular one who takes dictation

Approved Centre: Centre approved and regulated by an Awarding Body to provide qualifications

EPA: End Point Assessment: Final stage of apprenticeship. An impartial assessment to decide if apprentice has developed knowledge, skills and behaviours outlined in apprenticeship standard to demonstrate occupational competence.

EPAO: End Point Assessment Organisation: An organisation conducting EPA

Individual: Those receiving our services e.g. apprenticeship training, courses, assessment, RPL, mentoring, learning support, qualifications, CPD activities etc.

Maladministration: Inefficient or dishonest administration

Malpractice: Includes plagiarism, collusion, fabrication or falsification of results and anything else intended by those committing it to achieve credit that is not properly deserved

Ofqual: The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

Plagiarism: Taking and using another's thoughts, writings, inventions, etc. as one's own

PMG: Performance Management Group consisting of Directors and an Independent Governance Advisor

Responsible Officer: Point of contact concerning compliance matters e.g. apprenticeships, qualifications, standards, conditions of recognition, public confidence, accessibility etc.

Staff: Employee, agency worker, contractor, sole trader e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal quality assurer, end point assessor etc.

Stakeholders: Individual's employer, EPA Organisation, customer, supplier, users, visitors and those with whom we associate

Xact: Xact Consultancy and Training Limited

3. External: Malpractice

Is any action by an individual, stakeholder or other party which has potential to undermine integrity and validity of apprenticeship programmes or qualifications e.g:

- a) plagiarism of any nature.
- b) collusion by working collaboratively with other individuals to produce work that is submitted as individual's own work.
- c) copying, including use of information and communications technology (ICT) to aid copying.
- d) deliberate destruction of another's work.
- e) fabrication of results or evidence.
- f) false declaration of authenticity in relation to the contents of a submission.
- g) 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.

This list is not exhaustive and other instances of malpractice will be considered.

4. Internal: Malpractice and Maladministration

Is any action by a staff member which has potential to undermine integrity and validity of apprenticeship programmes or qualifications, e.g:

- a) Providing improper assistance to individuals.
- b) Inventing or changing evidence submissions where there is insufficient evidence of an individual's achievement to justify assessment or internal quality assurance decisions made.
- c) Failure to keep assessment or internal quality assurance evidence secure.
- d) Fraudulent apprenticeship programme or qualification claims.
- e) Inappropriate retention of apprenticeship programme or qualification results.
- f) Assisting individuals in production of evidence for apprenticeship programme or qualification, where support has potential to influence assessment or internal quality assurance outcomes i.e. staff providing guidance to an individual on how to pass an assessment.
- g) Producing falsified witness statements i.e. for evidence an individual has not generated.
- h) Allowing evidence, which is known by staff not to be individual's own.
- i) Facilitating and allowing impersonation

- j) Misusing conditions for reasonable adjustments or special considerations i.e where an individual is permitted support, such as an amanuensis. This is permissible up to the point where support has the potential to influence assessment outcome
- k) Falsifying records or certificates e.g. by alteration, substitution or fraud etc
- l) Fraudulent claims, i.e. claiming for an individual prior to them completing all qualification requirements.

This list is not exhaustive and other instances of malpractice or maladministration will be considered.

5. Processes

In order to uphold this policy, Xact will:

- a) Seek to avoid potential malpractice or maladministration by:
 - i) **Individuals and stakeholders:** Include in induction programme to confirm understanding, consequences and reporting of allegations of attempted or actual malpractice or maladministration
 - ii) **Staff members:** Include in induction programme and ongoing training to confirm understanding, consequences and reporting of allegations of attempted or actual malpractice or maladministration
- b) Provide guidance on appropriate formats to reference cited texts and other materials or information sources
- c) Request individuals to:
 - i) declare that their work is their own
 - ii) provide evidence that they have interpreted and synthesised appropriate information and acknowledged sources used
- d) On notification of an allegation of malpractice or maladministration, conduct an investigation in a manner appropriate to severity of the allegation which includes a conclusion with outcomes
- e) Make those involved fully aware at earliest opportunity of nature of alleged malpractice or maladministration and of possible consequences should allegations be proven.
- f) Provide those alleged of malpractice or maladministration the opportunity to respond to allegations
- g) Inform those alleged of malpractice or maladministration of avenues for appealing against any judgment made.
- h) Document all stages of an investigation

6. Penalties

Where malpractice or maladministration is proven, Xact will initiate an appropriate action which may include:

- a) A written warning about future conduct
- b) Notification to an employer, Department of Education, Awarding Body, Ofqual, EPAO or the other appropriate organisation
- c) Loss of marks for a part or entire assessment, resulting in individual repeating part or entire assessment
- d) Individual disqualified from apprenticeship or qualification, either for a stated period of time or indefinitely
- e) In cases where malpractice or maladministration are identified as having an adverse effect, notify Department of Education, EPAO or Awarding Body as appropriate

7. Allegations of Malpractice or Maladministration

7.1 Reporting

To report an incident or alleged incident of malpractice or maladministration, the allegor must submit their allegation by:

- a) detailing their allegation
- b) providing evidence to support their allegation
- c) by email: malpractice@xact.org.uk¹

Note¹: Employees may wish to use the Whistleblowing Policy to report incidents of malpractice or maladministration as it provides additional protection to employees.

7.2 Responsibilities

7.2.1 Business Support Manager

Business Support Manager¹ is responsible for managing malpractice or maladministration allegations, including:

- a) Responding in a timely manner
- b) Communicating with the allegor
- c) Appointing an investigator to conduct an investigation
- d) Ensuring the investigation results in an appropriate conclusion, outcomes and recommendations
- e) In cases where allegations are proven:
 - i) Immediately notify Operations Director
 - ii) Notifying those involved of nature of malpractice or maladministration
 - iii) Notifying other organisation as appropriate

- iv) Notifying Responsible Officer when incidents of adverse effect are identified
- f) Quarterly report to PMG regarding allegations and their outcomes

Note¹: Operations Director will appoint an alternative Manager if Business Support Manager has a conflict of interest

7.2.2 Investigator

The investigator must:

- a) Conduct an investigation in a timely manner appropriate to severity of the allegation
- b) Provide a report with a conclusion, outcomes and recommendations

7.2.3 Operations Director

Operations Director¹ is responsible for ensuring any improvements to current practices following a malpractice or maladministration allegation are completed.

Note¹: PMG will appoint an alternative Manager if Operations Director has a conflict of interest.

7.2.4 Responsible Officer

- a) Apprenticeship Manager is responsible for informing Ofsted or EPAO when incidents of adverse effect are identified for apprenticeship programmes.
- b) Course and Assessment Manager is responsible for informing the Awarding Body when incidents of adverse effect are identified for qualifications.

8. Other matters

8.1 Records

All stages of Allegations of Malpractice or Maladministration will be recorded and filed within Xact's information management system and where appropriate Ofqual will be informed in accordance with regulatory requirements.

8.2 Reporting

Business Support Manager will provide an anonymised a summary of appeal outcomes including any conflicts of interest to Performance Management Group meetings with recommendations to improve our processes as appropriate.

9. Related Policies

- a) Organisational Governance
- b) Conflict of Interest Policy

Public

Malpractice and Maladministration Policy



- c) Appeals Policy
- d) Complaints Policy
- e) Whistleblowing Policy
- f) Equality, Diversity and Inclusion Policy