

## **Policies & Procedures**

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# **Malpractice & Maladministration Policy**

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# Malpractice and Maladministration Policy

## 1. Introduction

As an Ofqual regulated awarding body, ABBE must abide by its regulators' Conditions of Recognition. In terms of malpractice and maladministration, ABBE must meet the following conditions:

- ❖ A6.1 requires an awarding organisation to take all reasonable steps to identify the risk of any incidents which could have an adverse effect.
- ❖ A8.1 states that awarding bodies must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery, and award of qualifications which it makes available or proposes to make available.

Where cases of suspected or confirmed malpractice or maladministration are reported, an awarding body must conduct an investigation to determine whether malpractice or maladministration has occurred.

This policy explains the process for reporting and investigating such cases and details who is responsible for dealing with this.

The policy also explains what constitutes malpractice and maladministration, and outlines areas of good practice, to manage and mitigate incidences of this occurring.

## 2. Definition

Malpractice and maladministration are defined as activities of improper practice, which result in non-compliance with regulations and requirements. Malpractice generally involves some form of intent, whereas maladministration is usually unintentional.

## 3. Examples of Malpractice and Maladministration

Two of the clearest examples of potential malpractice are:

- ❖ Plagiarism, cheating, or facilitating cheating, in an assessment
- ❖ Attempting intentionally to manipulate a result so that it does not reflect the learner's actual performance in an assessment

Two of the clearest examples of potential maladministration are:

- ❖ Mistakes arising from inattention
- ❖ Faulty processes

### 3.1 Plagiarism through Artificial Intelligence (AI)

Learners must be made aware that when it comes to assessment, this should be a learner's own original work, and not the work of other people or AI tools. Any copied content must be referenced appropriately.

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The unauthorised and unaccredited usage of AI tools to write or create assessed work constitutes malpractice.

On occasion an assessment may require or allow the use of AI; in these cases this should be made very clear in the instructions. If the extent of AI allowed is unclear, learners must assume that these tools are not permitted.

ABBE recommends that centres have AI detection software in place to help detect the use of AI in assessed work.

If it is suspected that an AI tool has been used inappropriately in assessed work, then the assessor should conduct an interview with the learner under suspicion to discuss their evidence. If the concerns relating to the authenticity of the evidence remain, the case should be reported to ABBE to investigate (see Section 6. Reporting Malpractice and Maladministration)

### 4. Prevention of Malpractice and Maladministration

#### ABBE

As an awarding body, ABBE must put systems and processes in place to help prevent malpractice and maladministration occurring. ABBE must give clear guidance on the delivery and administration of qualifications and when developing or reviewing qualifications, ABBE will ensure that the risk of malpractice arising is minimised.

#### ABBE Approved Centres

ABBE centres must have their own malpractice and maladministration policy and put in place processes for mitigating, reporting and investigating malpractice and maladministration.

### 5. Detecting Malpractice and Maladministration

#### Internal

Malpractice or maladministration could be uncovered through a centre's Internal Quality Assurance (IQA) processes, or by the centre's teaching and assessment team, or by another member of centre staff or a contractor, such as an Invigilator.

#### External

External Quality Assurance (EQA) activities could detect malpractice or maladministration, or the Awarding Body may pick up this on spot checks and visits. Allegations could also be made by a learner, a third party or other interested party, they could also be made anonymously.

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## 6. Reporting Malpractice and Maladministration

Regardless of how the alleged malpractice or maladministration was detected, all suspected cases should be reported to ABBE. The Malpractice - Maladministration Notification Form should be used to report cases of malpractice or maladministration. The form outlines the information and evidence required to support the allegation, for ABBE to decide whether an investigation should be instigated.

## 7. Investigating Malpractice and Maladministration

When ABBE decides cases of suspected malpractice or maladministration should be investigated, a rigorous investigation will be carried out, to establish whether the malpractice or maladministration has occurred. In order to protect learners and the integrity of our qualifications, ABBE may impose sanctions whilst investigating cases of malpractice or maladministration. This could include putting restrictions on registrations or certificating learners.

Following the investigation into the suspected malpractice or maladministration, the assigned investigator will complete a Malpractice - Maladministration Investigation Summary Form, which details the findings of the investigation.

## 8. Procedure

### Step One

To raise an alleged case of malpractice or maladministration, a Malpractice - Maladministration Notification Form should be sent to ABBE via the ABBE Enquiries inbox [abbeenquiries@bcu.ac.uk](mailto:abbeenquiries@bcu.ac.uk).

### Step Two

The ABBE Compliance Manager is made aware of the notification and assesses the case to decide whether an investigation is required.

### Step Three

If the case requires investigation, the Compliance Manager convenes a panel (the terms of reference for the panel are detailed in appendix one). In the case of learner malpractice, the centre is notified. In the case of centre malpractice or maladministration, the Responsible Officer notifies Ofqual.

### Step Four

The panel meets to review the Malpractice - Maladministration Notification Form, supporting information and any evidence provided relating to the allegation.

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### Step Five

Having reviewed the information and evidence initially provided, the panel either makes a decision on whether malpractice or maladministration has occurred, or can request further information and/or instigates a deeper investigation.

### Step Six

Should the panel request further information and/or instigates a deeper investigation, they will allocate an investigator. The panel can request that the investigation is carried out by either:

- ❖ The Head of Centre\*
- ❖ A Member of the ABBE Team
- ❖ The Compliance EQA

*\*Should the Head of Centre not be permitted to investigate, ABBE will request that the centre finds an alternative individual to investigate.*

The assigned investigator must be impartial and must not have had any involvement in the incident. They should carry out the investigation in a fair and legal manner.

### Step Seven

Following further investigation, the assigned investigator will complete a Malpractice - Maladministration Investigation Summary Form, which details the findings of the investigation.

The panel will then reconvene to review the Malpractice - Maladministration Notification Form, the Malpractice - Maladministration Investigation Summary Form and any further evidence submitted.

### Step Eight

Following the review of all the associated evidence, the panel will agree an outcome, specifying any sanctions to be put in place and/or any actions to be taken.

Depending on whether the case is associated to a learner or a centre, the Compliance Manager will notify the centre of the outcome of the panel, or the Responsible Officer will notify Ofqual.

Where necessary, any sanctions to be put in place and/or any actions to be taken will be detailed in the response. Recommendations can also be made to mitigate cases of malpractice or maladministration going forward.

Should the centre or learner disagree with the outcome of the investigation, an appeal can be made (see ABBE's Appeals Policy for further information).

## **Malpractice and Maladministration Policy**

A flow chart detailing the Malpractice and Maladministration process can be found in appendix two for Learner Malpractice and appendix three for Centre Malpractice.

### **9. Continuous Improvement**

To ensure that this policy remains fit for purpose and that the procedures and its outcomes are achievable, it is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of ABBE. This policy is also reviewed as part of ABBE continuous improvement monitoring through its annual self-assessment arrangements.

## Malpractice and Maladministration Policy

### Appendix One - Terms of Reference for the Panel

The Malpractice - Maladministration Panel must be impartial and must not have had any involvement in the incident. The Panel should comprise of any three of the following:

- ❖ The ABBE Responsible Officer
- ❖ The ABBE Compliance Manager
- ❖ The ABBE Senior Qualifications Officer
- ❖ The ABBE Customer Services Officer
- ❖ Another member of the ABBE team
- ❖ The Compliance EQA

It is the responsibility of the Panel to ensure that malpractice cases are acted upon in a timely manner. All members of the Panel must attend whenever the Panel is convened. Non-attendance will only be permitted in the event of extenuating circumstances, outside of the Panel's control.

The panel decides whether malpractice or maladministration has occurred, based on the initial evidence provided. Should the panel request further information and/or wishes to instigate a deeper investigation, they will allocate an investigator. The choice of investigator is based on:

- ❖ The nature of the allegation
- ❖ Who has been implicated in the allegation
- ❖ The risk rating of the centre involved

The panel can request that the investigation is carried out by either:

- ❖ The Head of Centre\*
- ❖ A Member of the ABBE Team
- ❖ The Compliance EQA

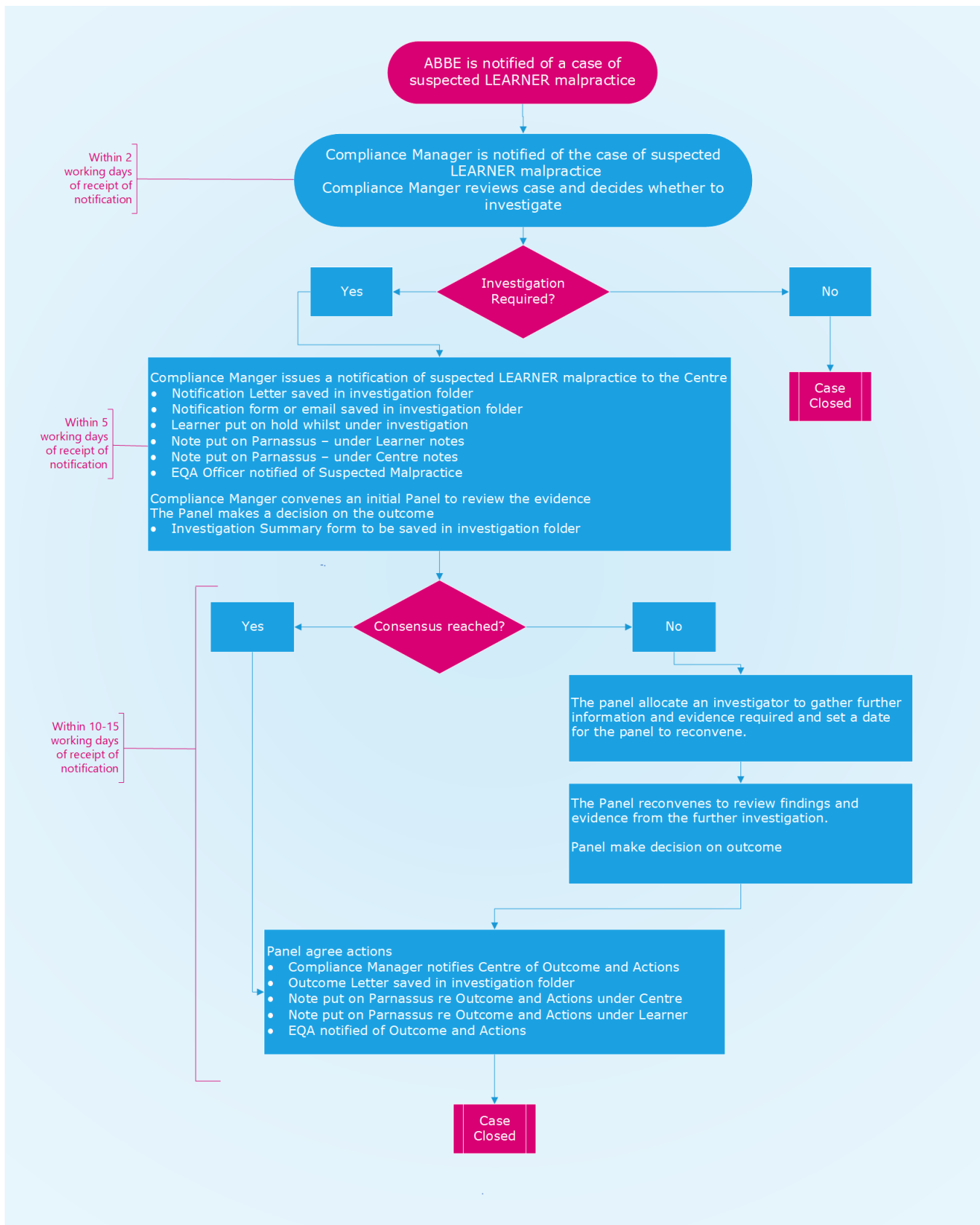
*\*Should the Head of Centre not be permitted to investigate, ABBE will request that the centre finds an alternative individual to investigate.*

The Panel may request further information and/or appoint additional advisers to provide specialist advice and guidance as required. However, it is the sole responsibility of the Panel to determine the outcome of the investigation, additional advisers are excluded from this decision-making process.

The Panel are responsible for agreeing the outcome of the case and any actions and/or sanctions that should be implemented. Recommendations can also be made to mitigate cases of malpractice or maladministration going forward.

# Malpractice and Maladministration Policy

## Appendix Two – Learner Malpractice Process Flow Chart



# Malpractice and Maladministration Policy

## Appendix Three – Centre Malpractice Process Flow Chart

