

Malpractice Policy

1. What is malpractice?

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

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

Malpractice can arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance). Examples might include: — failure to carry out adequate/published internal quality assurance arrangements — completing assessment work on behalf of learners; or — falsification of information leading to certification.
- Some incidents arise due to ignorance of awarding body requirements, carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both deliberate non-compliance with awarding body requirements and maladministration in the assessment and delivery of the relevant awarding body qualifications. It is necessary to investigate any suspected instances of malpractice, whether they are intentional or not, to protect the integrity of the qualification and to identify any wider lessons to be learned.

The Malpractice Policy is made available to learners at induction and is available to them on the Resources section on their OneFile Portfolio.

The Malpractice Policy is covered at new staff inductions and annually at refresher training. The policy is reviewed annually and any updates communicated with staff.

2. Examples of Malpractice by Centre

2.1 Centre Staff Malpractice

The following are examples of centre malpractice:

- Managers or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award.
- Deliberate falsification of records in order to claim certificates.
- 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 comply with awarding body requirements in the preparation, quality assurance and submission of estimated grade information.
- Failure to apply specified awarding body assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments, including any amendments to permitted conditions.
- Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions.
- Failure to recognise and apply appropriate measures to manage potential conflict of interest in assessment or quality assurance.
- Failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements.
- Failure to comply with awarding body requirements in relation to appeals processes.
- Insecure storage, transmission or use of assessment instruments, materials and marking instructions, resulting in a breach of assessment security.
- Failure to comply with requirements for safe retention of candidate evidence, and safe and accurate maintenance of assessment and internal verification records.
- Failure to comply with the awarding bodies procedures for managing and transferring accurate candidate data.
- 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.
- For all qualifications, failure by a centre to promptly notify, investigate and report concerns of potential centre malpractice to the relevant awarding body.
- Failure to promptly notify the relevant awarding body of a finding of centre malpractice, maladministration or an equivalent or similar finding by another awarding organisation.
- Withholding information about circumstances that may compromise the integrity of any qualification or the credibility of the awarding body.
- Failure to notify the awarding body promptly if another awarding body removes approval from the centre regardless of the reason given for this withdrawal.
- Failure to take action required by the awarding body or to co-operate with an awarding body investigation into concerns of malpractice for qualifications.
- Failure by a centre to notify, investigate and report to the awarding body concerns of potential candidate malpractice.

2.2 Candidate Malpractice

Examples of centre Malpractice could include:

- Breaching the security of assessment materials in a way which threatens the integrity of

any exam or assessment — including the early and unauthorised removal of a question paper or answer booklet from the examination room.

- Breaching the defined conditions of an assessment (eg completing work outside of controlled conditions).
- Collusion — working collaboratively with other candidates beyond what is permitted
- Copying from another candidate.
- Frivolous content — producing content that is unrelated to the assessment
- Misconduct — inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language in the examination room.
- Offensive content — content in assessment materials that includes vulgarity and swearing that is out with 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 — possessing items that candidates must not have with them at their allocated seat in the examination room because they can give an unfair advantage, including (but not restricted to): mobile phones; electronic devices such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information; books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary (except in specified assessments) — unless approved by awarding body as part of an assessment arrangement.

3. Responsibilities to report malpractice

3.1 Centre Staff

Genius People expect staff to co-operate fully with any investigations into cases of suspected or actual malpractice. Failure to report suspected malpractice or co-operate with follow up activity may lead to awards not being made, certificates not being issued, future entries and/or registrations not being accepted or withdrawal of qualification and /or centre approval.

Centre staff who discover or suspect malpractice must immediately report this to the Head of centre who is Alison Smith (asmith@geniuspeople.co.uk).

3.2 Assessors

Assessors who discover evidence of suspected or actual malpractice in the assessments and evidence of candidates must report their findings to Genius People's Head of centre Alison Smith (asmith@geniuspeople.co.uk).

3.3 Candidate

Assessors who discover evidence of suspected or actual malpractice can report this to Genius People's Head of centre Alison Smith (asmith@geniuspeople.co.uk)

The Centre Malpractice Form or Learner Malpractice Form can be used when reporting malpractice to the Head of Centre.

Both centre staff, assessors and candidates when reporting malpractice to the head of centre should include:

- detail of qualification and assessments/evidence number
- the centre name and number
- the full nature of the malpractice
- the candidates involved

4 Investigations into allegations

4.1 The Head of centre is required to

- Report all cases of Malpractice to the awarding body.
- Supervise the investigation personally
- Establish the full facts and circumstances
- Pass on to the individuals concerned any decisions, warnings or notifications of penalties

Head of centres should consider that both staff and candidates can be responsible for malpractice. For this reason, investigations into malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice. Conflict of interest which arise in this situation may compromise the investigation.

Individuals accused of malpractice must be informed of the allegation made against them, evidence that supports the allegation and the possible consequences should malpractice be proven.

4.2 Report of investigation undertaken by centre

The Head of Centre must submit a full written report of the investigation, the report should include:

- a detailed account of the circumstances of the alleged malpractice and of the investigation carried out by the centre
- written statements from the assessor or other staff involved
- written statements from any candidates who are involved
- any work of the candidate involved and any associated material (If relevant)

Centres should aim to complete the investigation, including the report within 15 working days of

being requested to undertake it.

5 Conclusion of Investigation's

5.1 Sanctions/Penalties

Examples of sanctions/penalties that may be imposed are shown below:

Candidates

- Written warning
- assessment evidence will be disallowed
- disqualification from the unit
- disqualification from the whole qualification
- results will not be issued, or will be cancelled

Centre Staff

- follow company disciplinary process.
- improvement plan
- training

5.2 Appeal against outcome of investigation

If a candidate / staff member wishes to appeal against the outcome of the malpractice investigation they should do so in writing to the Director for Learning and Development, Jennifer Mcewan (jcmewan@Geniuspeople.co.uk). If appealing, it must state the reasons for the appeal.

The Director for Learning and Development will then review the initial report and may request further information for those involved. This process should take no longer 15 days.

Once reviewed the original outcome can be upheld or a new outcome can be given if it is reasonable to do so.

The following individuals have a right to appeal against decisions of the Malpractice Committee or officers acting on its behalf:

- Head of centre who may appeal against sanctions imposed on the centre or on centre staff, as well as on behalf of candidates entered or registered through the centre.
- Members of centre staff who may appeal against sanctions imposed on them personally

Where QS Malpractice is investigated by QS:

We have the right to appeal a decision where a case of reported malpractice by our centre has been confirmed through investigation by QS.

We also have the right to appeal a decision in the case of suspected malpractice by a candidate

reported by our centre to QS.

Candidates have the right to appeal to QS where:

- QS has conducted an investigation and the candidate disagrees with the decision our centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted our centre's appeals process,
- QS has asked our centre to conduct an investigation and the candidate disagrees with the outcome and has exhausted our centre's appeals process, and

For regulated qualifications only:

- Our centre and our candidates have the right to request a review by the appropriate regulator (QS Accreditation, Ofqual, EAL or Qualifications Wales) of the awarding body's process in reaching a decision in an appeal of a malpractice decision.

Please refer to: The Appeals Process: Information for Centres
(http://www.sqa.org.uk/files_ccc/Appeals_Process.pdf)

6 Recording Malpractice

Where an investigation of suspected malpractice is carried out, we will retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications.

Records will include any work of the candidate, and assessment or verification records relevant to the investigation.

In the case of an appeal to QS against the outcome of a malpractice investigation, assessment records will be retained for six years.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation will be retained for six years after the case and any appeal has been heard. If there is any doubt about whether criminal or civil proceedings will take place, we will keep records for the full six year period.

7 Reporting to QS

Any suspected cases of centre malpractice must be reported to QS as soon as we have

carried out an initial screening exercise to establish the nature of the concern. This includes any concerns where we take the view that no further action is necessary.

We must inform QS of any investigation carried out by an awarding body, industry body, funding agency or regulator which may or may not affect the delivery of QS qualifications. We must also promptly bring to QS's attention any findings of centre malpractice or maladministration communicated to us by another awarding or industry body. We must notify QS promptly if another awarding body removes approval from our centre, regardless of the reason given for this withdrawal.

QS expects centres to bring candidate malpractice concerns for internal assessments to their attention only if:

- The concern came to our centre's attention after submission of internal assessment marks
- The concern relates to candidate malpractice for a qualification regulated by QS
- Accreditation, Ofqual or Qualifications Wales
- A candidate affected by a malpractice decision, who has exhausted their right of appeal
- within our centre, wishes to exercise their right of appeal to QS; or
- There are other exceptional circumstances, eg we believe that the malpractice case involves
- A criminal act (if the malpractice involves a criminal act the matter must also be reported to the police)

Qualification Scotlands Malpractice process - [Reporting malpractice concerns - Qualifications Scotland](#)

8. Reporting to EAL

Malpractice policy can be found here - <https://eal.org.uk/help/quality-compliance>

9. Reporting Malpractice to DSW

Malpractice policy can be found here - [Malpractice-and-Maladministration-Policy.pdf](#)

10. Reporting Malpractice to City & Guilds

Malpractice policy can be found here - [Centre document library | City & Guilds](#)

Centre Malpractice Reporting Form

This form should be used in reporting all suspected or actual cases of Centre malpractice. Please attach additional documentation if necessary.

Please complete this form in full.

Centre Name and Number (If known):

Centre Address, including Postcode:

Learner Details (this would apply where the learner has received an unfair advantage as a result of the alleged malpractice by centre staff)

Name of Learner(s) involved

Centre Officers present (to include those who were present at the time of the alleged malpractice)

Name of Centre Contact	
Name(s) of other centre staff present	

Narrative of suspected or actual malpractice (this section is to include as much information surrounding the malpractice, including timings, actions of those suspected of being involved in the alleged malpractice:

--

Declaration

I confirm that the information that I have provided is correct and complete. I have not knowingly withheld information, or provided false or misleading information.

Name of person completing this form	
Signature	
Position	
Date	

Learner Malpractice Reporting Form

This form should be used in reporting all suspected or actual cases of learner malpractice Please attach additional documentation if necessary.

Centre Name	
Date Of Incident	
Time	
Details of learner/s involved, If applicable	
Details of assessor involved, If applicable	
Details of qualification/unit involved, If applicable	
Description of Allegation	
Supporting Evidence around allegation	



Any Other Information

Declaration

I confirm that the information that I have provided is correct and complete. I have not knowingly withheld information or provided false or misleading information.

Name:
Signature:
Position in Centre:
Date:

Date	Version	Author	Comment
April 2016	1.0	ZMorrice	Draft
June 2017	1.0	A Smith	Policy Review
Feb 2018	1.0	A Smith	Policy Review
Mar 2018	1.1	A Smith	Policy Update
Feb 2019	1.1	A Smith	Policy Review
Feb 2020	1.1	A Smith	Policy Review
Feb 2021	1.1	A Smith	Policy Review
Feb 2022	1.1	A Smith	Policy Review
Feb 2023	1.2	C McNee	Updated
September 2023	1.2	C McNee	Updated
February 2024	1.2	C McNee	Policy Review
February 2025	1.2	C McNee	Policy Review
February 2026	1.2	C McNee	Policy Review
July 2026	1.3	J Haldane	Changes from SQA to QS