

Policy: Assessment Malpractice and Maladministration Policy

Policy Ref: AP/10AFC/SP102

Approved By: Assistant Principal

Date: June 2020

Signature:

1. Statement of Intent

Malpractice consists of those acts that undermine the integrity and validity of assessment, the certification of qualifications and/or damage the authority of those responsible for conducting the assessment and qualification.

Maladministration is any activity which results in non-compliance with administrative regulations and requirements and can include the application of persistent mistakes or poor administration.

2. Scope

Lakes College does not tolerate actions (or attempted actions) of malpractice or maladministration by:

- learners
 - assessors
- and
- requires assessors to ask learners to declare that their work is their own
 - requires assessors declare that learners have submitted original and independent work.
 - Requires assessors and learners to follow administrative requirements

For all internal assessments, assessors and learners must provide a correctly completed written declaration that the evidence is authentic, and that the assessment was conducted under the requirements of the assessment specification.

Assessors should ensure that all learners are aware of the policy on assessment malpractice and maladministration by:

- using the induction period and the student handbook to inform learners of the centre's policy on malpractice and maladministration and the penalties for attempted and actual incidents of these
- showing learners the appropriate formats to record cited texts and other materials or information sources including websites. Learners should not be discouraged from conducting research; indeed evidence of relevant research often contributes to the achievement of higher grades. However, the submitted work must show evidence that the learner has interpreted and synthesized appropriate information and has acknowledged any sources used.
- introducing procedures for assessing work in a way that reduces or identifies malpractice or maladministration, e.g. plagiarism, collusion, cheating, etc.

These procedures may include:

- periods of supervised sessions during which the learner produces evidence for assignments/tasks/coursework
- altering assessment assignments/tasks/tools on a regular basis
- the assessor assessing work for a single assignment/task in a single session for the complete cohort of learners
- using oral questions with learners to ascertain their understanding of the concepts, application, etc. within their work
- assessors getting to know their learners' styles and abilities, etc.
- ensuring access controls are installed to prevent learners from accessing and using other people's work when using networked computers.

Learner Malpractice

Attempting to or actually carrying out any malpractice activity is not permitted. The following are examples of malpractice by learners; this list is not exhaustive and other instances of malpractice may be considered;

- plagiarism by copying and passing off, as the learner's own, the whole or part(s) of another person's work, including artwork, images, words, computer generated work, thoughts, inventions and/or discoveries
- whether published or not, with or without the originator's permission and without appropriately acknowledging the source
- collusion by working collaboratively with other learners to produce work that is submitted as individual learner work. Learners should not be discouraged from teamwork, as this is an essential key skill for many sectors and subject areas, but the use of minutes, allocating tasks, agreeing outcomes, etc. are an essential part of team work and this must be made clear to the learners
- 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/examination/test
- fabrication of results and/or evidence
- failing to abide by the instructions or advice of an assessor, a supervisor, an invigilator, or conditions in relation to the assessment/examination/test rules, regulations and security
- misuse of assessment/examination material
- introduction and/or use of unauthorised material contra to the requirements of supervised assessment/examination/test conditions, for example: notes, study guides, personal organisers, calculators, dictionaries (when prohibited), personal stereos, mobile phones, smart watches or other similar electronic devices
- obtaining, receiving, exchanging or passing on information which could be assessment/examination/test related (or the attempt to) by means of talking or written papers/notes during supervised assessment/examination/test conditions
- behaving in such a way as to undermine the integrity of the assessment/examination/test
- the alteration of any results document, including certificates
- cheating to gain an unfair advantage.

In the Event of Malpractice by Learners

If malpractice is discovered by or suspected by assessors at Lakes College West Cumbria an investigation must take place and the Curriculum Operational Leader or Apprenticeship Leader must make the accused fully aware (preferably in writing) at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven. If a learner is under 19 years of age, the learner's guardian must also be informed in line with GDPR requirements.

If a Curriculum Operational Leader or Apprenticeship Leader accuses anyone of malpractice, the accused must be given the opportunity to respond (preferably in writing) to the allegations made and provide them with avenues for appealing should a judgment be made against them.

If stipulated, cases of learner malpractice or maladministration must also be reported to the appropriate **Awarding Organization** and it is a requirement that the awarding body website/quality manual be consulted in each case before proceeding. For example, if anyone involved in AAT programmes, AAT will be notified within 48 hours of the issue being identified.

If there is sufficient prima facie evidence that academic malpractice has taken place, the investigation, hearing and any subsequent appeals will follow the processes outlined in the [Academic Misconduct \(Plagiarism\) Policy](#) and the [Disciplinary – Learner](#) procedure.

Staff Malpractice

The following are examples of malpractice by staff. The list is not exhaustive and other instances of malpractice may be considered:

- failing to keep mark schemes secure
- alteration of mark schemes
- alteration of assessment and grading criteria
- assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves staff producing work for the learner
- producing falsified witness statements, for example for evidence the learner has not generated
- allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio coursework
- misusing the conditions for special learner requirements, for example where learners are permitted support, such as an amanuensis, this is permissible up to the point where the support has the potential to influence the outcome of the assessment
- failing to keep learner computer files secure
- falsifying records/certificates, for example by alteration, substitution, or by fraud
- fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment
- failing to keep assessment/examination/test papers secure prior to the assessment/examination/test
- obtaining unauthorized access to assessment/examination/test material prior to an assessment/examination/test.

Examples of Maladministration

The following are examples of maladministration. The list is not exhaustive and other instances of malpractice may be considered:

- Persistent failure to adhere to learner registration and certification procedures.
- Persistent failure to adhere to 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 Awarding Organisations
- 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 Awarding Organisations of the centre's ability to deliver qualifications appropriately
- Misuse of logo and trademarks or misrepresentation of a centre's relationship with and Awarding Organisation and/or its recognition and approval status
- Failure to adhere to, or to circumnavigate, the requirements of our Additional Learner support Policy.

In the Event of Malpractice or maladministration

If malpractice or maladministration is discovered by or suspected by assessors, internal quality assurers (IQA) or examinations staff at Lakes College West Cumbria an investigation must take place and a relevant senior manager must make the accused fully aware (preferably in writing) at the earliest opportunity of the nature of the alleged malpractice or maladministration and of the possible consequences should malpractice be proven.

The accused must be given the opportunity to respond (preferably in writing) to the allegations made and be provided with avenues for appealing should a judgment be made against them.

Normally investigations, hearing and appeals in relation to assessment malpractice will be dealt with under the procedure ['Disciplinary Procedure for Staff'](#).

Any malpractice/maladministration (or attempted acts), which have influenced the assessment outcomes, **must be reported to the Awarding Organization concerned** and certification may be blocked until a full investigation has taken place. Depending on the outcome of the investigation, certificates may be recalled and declared invalid.

In serious cases of staff malpractice or maladministration this must also be reported to the appropriate Awarding Organization (as required) and advice sought before proceeding with the college process.

Malpractice or maladministration discovered by an Awarding Body

If malpractice or maladministration is discovered by an awarding body representative (e.g. EQA, EV, EE, EA, examiner, moderator, etc.) or has been reported directly to an awarding body by a third party, the awarding body will conduct an investigation in a form commensurate with the nature of the malpractice allegation. Such an investigation will gain the full support of Lakes College West Cumbria. The college will supply all relevant documents, as requested by the awarding body, in relation to the alleged malpractice.

Penalties and Sanctions applied by Lakes College

Where malpractice or maladministration against a learner is proven the college will have to consider whether the integrity of its assessments/examinations/tests might be jeopardised if the learner in question were to be involved in future assessments/examinations/tests and may take action to suspend or exclude the learner, ensuring that appropriate procedures are adhered to.

Penalties and Sanctions applied by awarding bodies

Where malpractice or maladministration against a center/member of staff/learner is proven, awarding organizations will have to consider whether the integrity of its assessments/examinations/ tests might be jeopardized if the center/member of staff/learner in question were to be involved in future assessments/examinations/tests. Awarding organizations may take action to protect the integrity of its assessments/examinations/tests in the future. This action may include:

- refusing to accept assessment/examination entries from a center in cases where malpractice is established
- reserving the right to withdraw programme approval from centres where malpractice has been identified.

Appeals against Malpractice and Maladministration judgements and sanctions The College

Learners and staff have the right to appeal against any decisions taken by the College. Learners should submit the appeal in writing to the college within 5 working days of receiving the judgement stating the grounds of the appeal. This will be reviewed within the next 10 working days by the Quality Manager (Learners) or Assistant Principal (staff) and a decision made to either uphold the judgement or re-open the case for further scrutiny.

Awarding Organizations

Awarding organizations have established procedures for centres that are considering appeals against penalties and sanctions arising from malpractice or maladministration. Appeals against a decision made by awarding bodies will normally be made by the quality manager (on behalf of learners and/or members of staff) and from individual members of centre staff (in respect of a decision taken against them personally).

Office for the Independent Adjudicator

For Higher Education learners, the OIA offers an ombudsman service where internal and external appeals are exhausted. Information can be found at the website address below.

References

- 1) [Academic Misconduct \(Plagiarism\) Policy](#)
- 2) [Disciplinary – Student Procedure](#)
- 3) [Disciplinary Procedure for Staff](#)
- 4) [Awarding body Malpractice guidance](#) (example City and Guilds)
- 5) [Office for the Independent Adjudicator](#)

E&D Impact Assessment exempt

Please complete the form indicating in your opinion what E&D strands are affected OR that it does not affect any E&D strands

Equality Impact Assessment

Student/Staff/Public concern

Is there any evidence or reason to believe, that students, staff and/or the public are concerned that this activity or the way it is carried out (or will be carried out) has an impact on equality. This can be for the following reasons for which public authorities must have due regard:

- the promotion of equality of opportunity between disabled people and other people
- the elimination of unlawful discrimination
- the elimination of disability related harassment
- the promotion of positive attitudes towards disabled people
- the encouraging of participation by disabled people in public life
- taking account of disabled people's needs, even where that involves treating disabled people more favourably than others
- Due regard for other strands

	Disability	Race	Gender	Age	Sexual orientation	Religion or belief	Carers	Any other groups
I have evidence that this policy/procedure may adversely affect one or more of the equality groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please state the evidence that you have:

If in your opinion no E&D strands are affected by this policy/Procedure please indicate by agreeing below.

Agree

This policy/procedure does not impact adversely on any of the equality groups.

Following the Equality Impact Assessment, what are the recommendations?

Form completed by: (Your Name) _____