Malpractice and Maladministration Policy & Procedure

1. Scope & Purpose

This policy relates to the prevention of, the identification of, the investigation of and the management of any instances of alleged maladministration and malpractice occurring at any stage in the design, development, delivery or award of GA regulated qualification. It covers GA operating directly as well as via Representative Organisations, its approved centres and candidates, and pertains to both paper based and online based assessments, whether internally or externally assessed, in the UK and internationally

Unless otherwise specified, references to GA (GA) should be interpreted to include any GA Representative.

The purpose of this policy is to:

- Define malpractice and maladministration.
- Identify the rights and responsibilities of GA and its Representative Organisations, its centres and candidates in relation to such matters.
- Describe the procedures to be followed in cases where there is reason to suspect malpractice or maladministration has taken place.

All GA and centre staff involved in the design, delivery, management, assessment and quality assurance of GA qualifications must be aware of, and familiar with, the contents of this policy.

GA's expectation is that centres must have a robust written malpractice and maladministration procedures in place to minimise the risk of maladministration and / or malpractice from occurring and outline the centre's approach to the identification, internal investigation, reporting and responding to malpractice and maladministration.

Should GA fail to meet its obligations under the General Conditions of Recognition, including those relating to notification of Adverse Effects and in relation to maladministration and malpractice, we are required to notify the Regulator. We may also be required to identify this within our Annual Statement of Compliance submission. Under the Centre Agreement all centres are made aware of their obligations, including the specific duty not to put us in breach of our ability to fulfil our obligations under the General Conditions of Recognition. It is therefore important that Adverse Effects, maladministration and / or malpractice are notified to us and appropriately dealt with.

2. Definitions of Malpractice, Maladministration and Adverse Effect

Malpractice and maladministration shall be deemed as the improper actions or omissions of a candidate, member of centre staff, and anyone involved with delivering qualifications, that would have an adverse effect on any and/or all stakeholders, the integrity of the qualification or the certification thereof.

2.1 Malpractice

Malpractice is deemed as a deliberate act by a staff member, candidate or centre which has, or may have, an adverse effect on the qualification development process, assessment process, the award of

the qualification or the integrity or security of any examination or qualification made available by GA. This could include where a centre fails to inform GA of any suspicions of malpractice or maladministration or attempts to deny, alter or conceal any evidence pertaining to such suspicions when these are presented to them – including 'coaching' of candidates or staff in respect of responses to give during any investigative interviews conducted by GA.

2.2 Maladministration

Maladministration is a sub-category of malpractice which relates directly to the administration of GA qualifications, but which has not been a deliberate act to attempt to subvert the integrity or security of the assessment process or the qualification as a whole. An instance of potential maladministration may be escalated to malpractice if:

- the investigation into maladministration is obstructed
- an Action Plan laid down by GA is not adhered to
- repeatedly logged instances of maladministration events indicate that it is an endemic issue

Malpractice may be more likely than maladministration to have greater implications for GA, centres and candidates. As such, GA treats all cases of potential malpractice very seriously.

Examples of maladministration and malpractice can be seen in Appendix 2.

2.3 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) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,
(ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
(iii) public confidence in qualifications.

Examples of events which may lead to an adverse effect include, but are not limited to:

- a breach of the confidentiality of the assessment materials
- failure to effectively ensure that assessments are delivered in line with the regulations / compliantly
- failure to make arrangements for a Reasonable Adjustment for an eligible candidate
- failure to comply with requests from the Awarding Organisation or the Regulator
- GA failure to ensure that assessment results and/or qualifications are only awarded to candidates who have met the GA required standard

3. Prevention of Malpractice & Maladministration

GA is committed to ensuring that its policies and procedures are designed to minimise the risk of malpractice or maladministration, and any subsequent adverse effect occurring, and all reasonable steps are taken to prevent maladministration or malpractice in the first instance.

All parties are supported in this via additional guidance and GA's routine quality assurance arrangements.

This is enforced by signed agreements requiring all parties to adhere to all qualification standards, and comply with all GA policies and procedures.

As part of its risk management strategy, GA keeps under review all activities relating to the development, delivery and award of qualifications in order to identity where the potential for malpractice and maladministration is most likely to occur and will take appropriate action to prevent issues arising.

Situations brought to GA's attention by the Regulators

Where the Regulators notify us of failures that have been discovered in the assessment process of another Awarding Organisation, we will review if a similar failure could affect our own assessment processes and arrangements.

4. Identification and Reporting of Cases of Malpractice and Maladministration

All GA staff involved in the assessment delivery and marking / moderation are required to identify any evidence of potential or actual malpractice and to report these to the Compliance Manager or the Assessment Manager as applicable.

A number of internal mechanisms are in place to allow for the identification and reporting of potential or actual instances of malpractice or maladministration by GA staff, including but not limited to Examination Report Forms, Marking Reports, Moderation Reports, and External Quality Assurance Visit Report Forms. We may also identify instances when we apply our processes and policies, e.g. when considering an enquiry about a result or when hearing an appeal.

Anyone may identify or report potential or actual malpractice or maladministration at any time, including centre staff, candidates other interested third parties. Therefore, other forms of notification will also be accepted. No format for written concerns has been given to avoid unintentionally directing the style and content of such submissions. It is for the individual to decide the format and content of the report. Where there is evidence to support or refute any allegation, this should also be submitted. Receipt of the allegation will be acknowledged where appropriate.

Regardless of the identity of the person reporting an allegation, the reporting should take place immediately after becoming aware that potential or actual maladministration or malpractice event has occurred. Where an immediate report had not been possible, the report should also state why this was the case.

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. An informant who is concerned that possible adverse consequences may occur if their identity is revealed to another party should notify GA. Although GA will always aim to keep a whistleblower's identity confidential where asked to do so, the person must also understand that they may be identifiable by others due to the nature or circumstances of the disclosure and GA is unable to provide any guarantee. GA may, for example, need to disclose an informant's identity if the matter leads to issues that need to be taken up by other parties such as the police, fraud prevention agencies or other law enforcement agencies, the courts (regarding any court proceedings) or Regulators.

5. Investigation Procedure

All alleged cases will be acknowledged, where appropriate. The allegation will be reviewed, along with any immediate supporting evidence, assessed, and we will determine whether any further action is required. Where appropriate, the case will be referred for full investigation by the Compliance or Assessment Manager, ensuring that the investigator has no personal interest in outcome of the investigation.

GA will promptly inform the Regulator of all cases of suspected malpractice and maladministration which are likely to have an adverse effect.

Where appropriate, GA will also inform all other relevant Awarding Organisations, affected candidates, and other relevant third parties.

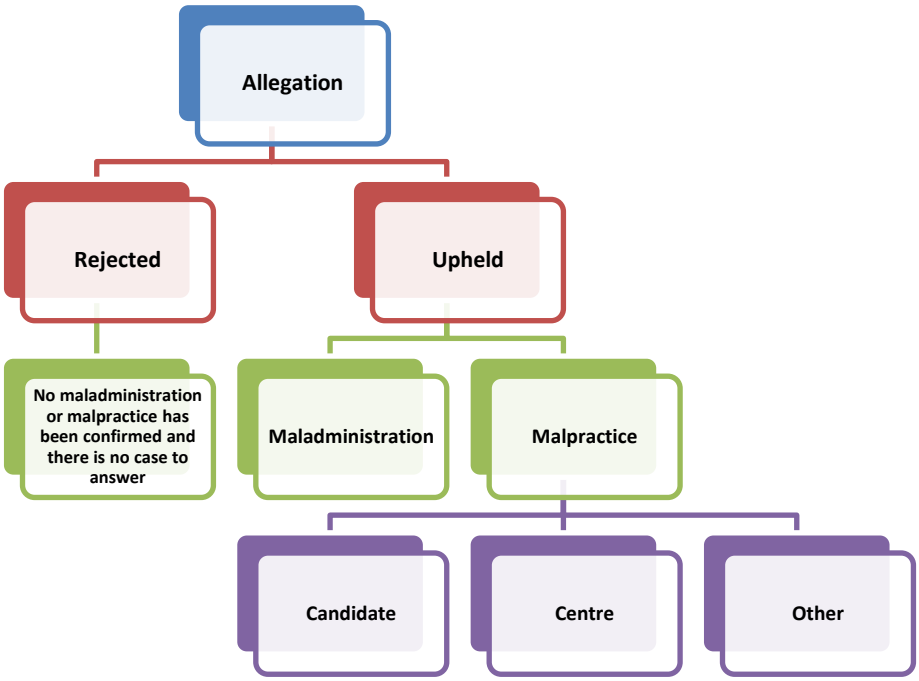
When an allegation of malpractice on the part of a candidate and/or centre undertaking a GA qualification has been received, GA will:

- open a record of the allegation in the Malpractice Database
- determine the immediate actions required (e.g. suspend certification for the Candidate(s), suspend registration or examination bookings to reduce the risk to other candidates, schedule a visit or an observation, temporarily suspend specific members of staff) pending the outcome of the investigation
- apply an interim sanction, if appropriate
- notify the centre or other relevant party of the allegation of an impending investigation, usually within 10 working days of the receipt of the allegation, unless such notification would undermine the integrity or the effectiveness of the investigation
- request all records, data and any other information relevant to the investigation where these are not already at GA's disposal
- conduct a thorough investigation involving all the relevant parties, including but not limited to the review of all records, data and any other information, interviews, visits, observations and video recordings
- provide an update on the investigation to any relevant parties within 20 working days of either the initial allegation or, where appropriate, details have been received from the centre necessary to conduct the investigation (such as candidate contact details), whichever is the later
- use all the information available to establish the facts, cause and scale of any irregularities which come to light
- maintain sensitivity to the effect on and the reputation of a centre and/or those members of staff or other individuals who may be subject to investigation.

Exceptionally, the Regulator(s) may need to take over an investigation. In such circumstances the Regulator(s) will provide written instructions to GA with its reasons for taking such action.

6. Investigation Outcomes and Reporting

The Investigator will make the final decision on the outcome of the investigation. The possible outcomes are as follows:



Where GA has established that maladministration and/or malpractice has occurred or, on the balance of probabilities, is highly likely to have occurred, GA will take proportionate action to protect the candidate(s) the GA qualification(s) and / or GA's reputation.

If suspicions about malpractice carried out by a candidate are affirmed, the following actions could be taken at the discretion of GA:

- The qualification will not be awarded or, if already issued, may be cancelled
- The candidate may not be permitted to register for any future qualifications or units

In addition, where a candidate has been found guilty of malpractice, the centre may also face sanctions due to being complicit in the malpractice or in being negligent in their safeguarding practices to prevent such malpractice from taking place, other than where a centre has raised an issue, reported in a timely manner and has taken appropriate steps to mitigate any Adverse Effect.

The final decision will be recorded on the GA Malpractice Database and communicated, together with any subsequent actions, to all parties involved. This may involve communications with other Awarding Organisations, the Regulator, and any other regulatory, statutory or legal body, depending on the severity of the case, in line with all relevant General Data Protection Regulations and related privacy policies.

Where appropriate, GA may use information arising from malpractice and maladministration cases to inform other Approved Centres. In most cases this information would not include the centre name or the individuals' personal details, but only the details of the findings used as information or training provided to centres. Centres or individuals will only been named where either this information is

already in the public domain (i.e. has been reported via other avenues such as the press or media) or to protect other Approved Centres from an individual or individuals who might seek to claim to be approved by GA.

GA may also reach the decision to carry out additional, related investigations if GA suspects the issue may be more widespread at the centre and/or exist at other centres. Following on from the investigation outcome, a sanction may be applied to a Centre.

7. Rationale Behind the Application of Sanctions

GA will apply sanctions proportionate to the seriousness of the incident taking into consideration the following:

- The impact on candidates and on public confidence in regulated qualifications
- Whether the breach applies to just one qualification or if it affects a range of qualifications
- Whether the centre itself has identified the problem and has taken steps to address it
- Whether there is a history of non-compliance
- The level of adverse effect the incident may have on the candidate, the integrity of the qualification, public confidence in GA qualifications or the industry as a whole, the reputation of GA with the public and/or relevant Regulators and stakeholders

Example issues and the resulting sanctions for non-compliance are listed in the attached Appendix 1. Please note this list is not exhaustive. Other cases of malpractice or maladministration may have a potential impact on other organisations or individuals, including other Awarding Organisations or other candidates. In these circumstances, GA will take all necessary steps to inform these organisations and individuals about the incident, any potential impact it could have on them and the corrective action that is to be taken.

GA's actions under this Policy and any sanctions imposed in line with the GA Sanctions Policy will be proportionate. Where possible, GA will always try to work with a centre in resolving issues. However, nothing within this policy precludes GA from invoking its right under the GA Terms and Conditions of Business, Centre Agreement and Centre Handbook to terminate our relationship with a centre at any time.

9. Appeals Process

Anyone wishing to lodge an appeal against a GA decision should follow the procedures in the GA *Appeals Policy and Procedures.*

Organisations and individuals may appeal against any decision taken by GA as a result of a malpractice or maladministration investigation. Appeals may be on the grounds of bias, disregard of published policy and procedures, failure to consider relevant additional information provided, or administrative irregularity.

An appeal must be made in writing to the Compliance Manager no later than 10 working days after the outcome of the investigation is communicated by GA. The appeal should include:

- the name, address and contact details of the individual or organisation submitting the appeal; and
- the reasons for the appeal.

The appeal will consider how appropriate the original sanction was in light of the evidence presented; any readily available Regulators' advice on similar matters and any readily available awarding precedents.

If at any point a centre, member of staff or candidate wishes to be legally represented in relation to any aspect of an appeal, this must be discussed with us first. We reserve the right to also be legally represented.

GA will process all appeals in line with its *Appeals Policy and Procedures*.

10. Monitoring, Evaluating and Reporting

Records will be kept of all cases of malpractice and maladministration identified by GA. Information regarding the number and nature of cases, together with their outcomes, will be included in the review as part of preparing the Annual Statement of Compliance for submission to the Regulator.

This policy is monitored as follows:

- A record of all reported incidents of malpractice and maladministration, whether proven or not, is kept by GA
- Stored data is regularly reviewed to identify emerging themes, assess risk and determine actions for mitigation
- Operation of the policy is reported to the Governing Body
- Reports are made to the Governing Body as part of the Self-Assessment procedure
- Guidance from the Regulators is reviewed and the policy is updated to comply with best practice.

Summary of Roles and Responsibilities

Centres are required to:

- notify GA immediately of any potential maladministration and / or malpractice
- unless GA informs the centre otherwise:
    - advise anyone implicated in relation to maladministration and/or malpractice that an allegation has been made against them
    - advise those persons that they have the right to reply to any allegations
    - advise those persons that they have the right to appeal against any sanctions imposed on them in relation to maladministration and/or malpractice
- comply with all requests for information in the timescales stated by GA
- carry out an investigation, where appropriate and/or as directed by GA
- provide GA with a written report of any investigation it undertakes (whether or not the investigation was requested by GA), including information on the detail and outcome(s) of that investigation
- fully co-operate with any investigation
- implement required actions as a result of the investigation
- inform centre staff, satellites centres (including examination venues, where applicable) and candidates affected of the implications of any actions and sanctions
- take appropriate action to prevent the incident of suspected or actual maladministration and/or malpractice reoccurring
- notify GA if any personnel involved in the maladministration and/or malpractice leave the centre
- retain any relevant documentation securely in line with the centre's archiving and retention policies and procedures
- respect the confidentiality of information the centre handles and comply with any associated data protection legislation.

GA will:

- take all reasonable steps to prevent or mitigate the impact and effects of maladministration and/or malpractice
- support centres and, where requested, provide centres with guidance on how best to investigate, deal with and prevent maladministration and/or malpractice
- provide centres with a report / summary on the outcome of the investigation
- apply appropriate sanctions in line with our Sanctions Policy
- work with centres, as appropriate, to ensure that maladministration and/or malpractice doesn't reoccur
- inform other relevant third parties as appropriate
- retain records and documentation during and after the completion of investigations in line with all relevant data protection and privacy legislation.

11. Fees for Malpractice/Maladministration Investigations*

GA reserves the right to charge a centre for the cost of any resits and reissue of certificates and/or additional quality assurance activities/centre monitoring visits undertaken as part of a malpractice investigation. The following list gives the standard fees which may be applied; however, this is not exhaustive and other charges may also be applied depending on the complexity and severity of the case. These fees can also be applied to centres who have had their approval revoked entirely due to malpractice and will be subject to the same invoicing policy, including debt recovery actions.

Item	Fee
Initial desk-based investigation	£nil
Initial visit to centre a) as part of a malpractice investigation OR b) as part of an action plan resulting from a malpractice investigation. (face to face or remote)	£350 (not applied if allegation is not upheld) The above fee is inclusive of the first exam observation, where relevant.
Retesting by GA (face to face or remote)	£45 per hour or part thereof, per staff member, plus expenses (e.g. travel, hotel, etc.) **Minimum charge £90**
Retesting under GA observation (face to face or remote)	£35 per hour or part thereof, per staff member, plus expenses (e.g. travel, hotel, etc.) **Minimum charge £70**
Further observations required by Action Plan and/or implementation of Sanctions	£35 per hour or part thereof, per staff member, plus expenses (e.g. travel, hotel, etc.) **Minimum charge £70**
Further visits required by Action Plan and/or implementation of Sanctions	£350 per visit

**Please note, the fees listed above relate to UK-based Centres. Fees for International Centres are available upon request.*

Mandatory Disclosure

It is imperative that in Awarding qualifications, the integrity of the qualifications is maintained; for example, by ensuring learners who are awarded a certificate have a legitimate right to that certificate. We are aware that centres often work with more than one Awarding Organisation (AO) in delivering qualifications, and that therefore more than one AO may be at risk when things go wrong. Our qualifications Regulators have outlined some specific conditions that we must meet to protect the integrity of regulated qualifications across the awarding community. This includes the requirement that where certain things are identified (such as malpractice), or certain actions taken (such as when sanctions are applied) the Regulators and other relevant AOs who may be affected (e.g. those offering similar types of qualifications via the centre) must be informed. Depending on the seriousness of the matter, we may be required to declare to our Regulators that we are no longer compliant with the requirements of the General Conditions of Recognition, due to an act or omission by you which has put us in breach. In this event, we may have regulatory action directed against us, such as Monetary Penalties. In accordance with the Centre Agreement, we reserve the right to direct such financial penalties against you, should they be as a result of your act or omission.

Document Specification:	
Purpose:	To ensure that Gatehouse Awards (GA) adopts robust procedures for preventing, investigating and dealing with malpractice and maladministration relating to the development, delivery and award of its qualifications, in compliance with the Ofqual conditions of recognition.
Accountability:	GA Governing Body
Responsibility:	Compliance Manager
Version:	10.2
Summary of latest changes	Section 11, clarification regarding malpractice investigation fees added.
Effective from:	October 2021
Indicative Review date:	October 2023
Links to Ofqual GCR	A6, A7, A8, B3 and H
Other relevant documents:	Gatehouse Awards Terms and Conditions of Business Centre Assessment Standards Scrutiny (CASS) Sanctions Policy Regulations for Conducting Controlled Examinations Appeals Policy and Procedure Centre Handbook Whistleblowing Policy

Malpractice

The following list provides examples of centre and candidate malpractice. This list is not exhaustive and is intended as guidance on GA's definition of malpractice.

- Deliberate failure to adhere continually to GA's centre approval and/or qualification approval requirements or actions assigned to the centre within stated timelines
- Denial of access to premises, records, information, candidates and staff by any authorised GA representative and/or the regulatory authorities
- Inadequate centre procedures for the induction of staff or any contracted person involved in the delivery of qualifications
- Failure to carry out internal and external assessment, including moderation in accordance with GA's requirements
- Deliberate failure to adhere to GA's candidate registration and certification procedures
- Fraudulent claim for certificates
- Intentional withholding of information from GA which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of GA's logo and trademarks or misrepresentation of a centre's relationship with GA and/or its recognition and approval status with GA
- Introduction of unauthorised material into an assessment room
- Candidates still working towards a qualification after certification claims have been made
- Deliberate contravention by a centre and/or its candidates of the assessment arrangements as specified for GA qualifications
- Loss of, theft of, or a breach of confidentiality in any assessment materials
- Plagiarism and copying of any nature by candidates and/or staff (including using ICT to do so)
- Personation - assuming the identity of another candidate or having someone assume the identity of the named candidate during an assessment
- Deliberate collusion, falsification, fabrication or forgery of assessment evidence and candidates scripts records or authentication statements by centres or candidates
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to candidates by centre staff (e.g. unfairly helping them to pass an exam, unit or qualification assessment)
- Deliberate submission of false information to gain a qualification or pass an exam
- Deliberate failure to adhere to, or attempts to circumnavigate the requirements of GA's Reasonable Adjustments and Special Considerations Policy
- False ID used at the registration or any other stage
- Selling papers/assessment details/certificates
- Failure to manage and prevent conflicts of interest
- Failure to provide candidates and staff, including contractors, with the knowledge of their responsibilities through policies and procedures
- Failure to review systems, policies and procedures to ensure they remain fit for purpose
- Inaccurate recording of candidate assessment decisions leading to invalid claims for certification
- Deliberate destruction of another's work
- Obtaining examination or assessment material without authorisation
- Obtaining, receiving, exchanging or passing on information during an assessment (or the attempt to) by any means
- Failure to follow a centre's own malpractice and maladministration policy and/or report occurrences to GA
- Non-compliance with invigilation requirements during assessments
- Failing to keep assessment papers secure prior to assessment

- Withholding of information from GA, by deliberate act or omission, which is required to assure GA of the centre's ability to deliver qualifications appropriately
- Persistent instances of maladministration within a centre

Maladministration

The following list provides examples of centre and candidate maladministration. This list is not exhaustive and is intended as guidance on GA's definition of maladministration.

- Failure to adhere to GA's candidate registration and certification procedures
- Failure to adhere to GA policies, procedures and practices
- Failure to adhere to GA's centre agreement and/or qualification requirements and/or associated actions assigned to the centre
- Late registration of candidates
- Unreasonable delays in responding to requests and/or communications from GA
- Inaccurate claims for certificates
- Use of unapproved satellite centre or examination venue
- Failure to have relevant resources and/or equipment available for the purpose of assessment
- Failure to maintain appropriate auditable records, e.g. certification claims
- Misuse of the GA logo and trademarks or misrepresentation of a centre's relationship with GA and/or its recognition and approval status with regard to GA qualifications. GA may take legal action if centres fail to cooperate with reasonable GA requests
- Failure to adhere to, or to circumnavigate, the requirements of GA's Reasonable Adjustments and Special Considerations Policy
- Failure to adhere to GA's financial payment terms and/or plans (whether infrequent or persistent)

Each maladministration issue raised is logged and the overall number of instances per centre are continually monitored. Repeated instances of maladministration might be escalated to potential malpractice.