Malpractice and Maladministration Policy & Procedure

1. Scope & Purpose

This policy relates to the prevention, identification, investigation and management of any instances of alleged maladministration and malpractice occurring at any stage in the design, development, delivery or award of Gatehouse Awards ('GA') regulated qualification. It covers GA operating directly as well as via Representative Organisations, its approved centres and learners, 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 should be interpreted to include any GA Representative.

The purpose of this policy is to:

- Define malpractice and maladministration.
- Describe the procedures to be followed in cases where there is reason to suspect malpractice or maladministration has taken place.
- Describe how GA will ensure that it remains compliant with the Ofqual General Conditions of Recognition at all times, as well as what is expected of its Centres in order to assist in maintaining that compliance.
- Set out the roles and responsibilities for GA, its Centres and learners in respect of the prevention, identification, investigation and management of any instances of alleged or potential maladministration or malpractice.

This policy does not cover breaches of non-regulatory business or commercial agreements. Such breaches are addressed under the Business Relationship and Contractual Compliance Policy. Where the circumstances also indicate potential regulatory malpractice or maladministration, those aspects of the matter will be considered under this policy.

2. Definitions

Malpractice and maladministration are described by Ofqual as "two distinct but related concepts" and refer to any acts or omissions occurring during the development, delivery or award of a qualification that could potentially have an adverse effect on the integrity of the qualification. They may involve anyone participating in, supporting or responsible for these activities, including GA staff and contractors, Representative Organisations, centre staff, assessors, quality assurance personnel and learners.

Malpractice and maladministration can exist on a spectrum and, depending on the circumstances, conduct initially considered to be maladministration may subsequently be determined to constitute malpractice.

Breaches of GA policies, procedures, qualification requirements may constitute malpractice or maladministration depending on the nature and circumstances of the breach.

2.1. Malpractice

Malpractice will generally involve some form of intent on the part of an individual or group of people to subvert the integrity of an assessment and/or qualification. It may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions. Malpractice could include where a conscious decision has been taken that the individual knows would be maladministration, such as not following the laid down policies and procedures. Malpractice will generally have caused, or have the potential to cause, 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.

Examples of malpractice are provided in Appendix 1.

2.2. Maladministration

Maladministration generally covers mistakes or poor process where there has been no intention on the part of the individual to do any harm. It may involve some degree of incompetence or ineptitude, or may result from carelessness or inexperience.

Repeated or persistent maladministration may constitute malpractice where the circumstances indicate negligence, recklessness or deliberate failure to address known issues.

Examples of maladministration are provided in Appendix 1.

2.3. Adverse Effect

Ofqual define an Adverse Effect as *"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."

Any instance of malpractice or maladministration may lead to an adverse effect.

2.4. Regulatory versus contractual non-compliance

A breach of a Centre Agreement, Representative Agreement or other contractual requirement does not, by itself, constitute malpractice or maladministration. Contractual or administrative non-compliance may be managed through the relevant contractual or operational arrangements without the need to apply the investigation procedure under this policy.

Where the circumstances also indicate potential malpractice or maladministration, the matter will be considered in accordance with this policy. The same circumstances may therefore result in both contractual or administrative action and action under this policy, where appropriate.

3. Prevention of Malpractice & Maladministration

GA is committed to taking all reasonable steps to prevent malpractice and maladministration by focussing on proactive risk management and having robust systems and clear accountability throughout the qualification lifecycle. This includes, but is not limited to:

- designing and maintaining secure assessment arrangements which reduce opportunities for malpractice
- implementing robust mechanisms for the authentication of learner work and identity
- designing assessment materials and mark schemes that provide clear and consistent requirements for assessment and marking

- maintaining appropriate quality assurance and monitoring arrangements, including EQA and the application of the CASS strategy where applicable
- requiring centres to have appropriate arrangements for preventing, identifying and managing malpractice/maladministration
- ensuring relevant staff and centres understand GA requirements through clear guidance, resources and training
- using technology and data analysis to monitor delivery patterns and flag irregularities

GA's requirements for the prevention of maladministration and malpractice are reinforced by signed agreements requiring all parties to comply with all GA qualification requirements, policies and procedures.

GA will also consider relevant information received from the Regulators, including information about failures identified in other awarding organisations, and assess whether similar risks could affect GA's qualifications, assessments or arrangements.

4. Identification and Reporting of Cases of Malpractice and Maladministration

GA may identify suspected or actual malpractice or maladministration through its assessment and quality assurance activities, including assessment administration, marking, moderation, verification, EQA activity and data analysis. Concerns may also be identified through other GA processes, including complaints, appeals, whistleblowing and enquiries about results.

GA staff must report any suspected or actual malpractice or maladministration identified through their work to the Assessment Manager.

Centres and other parties with responsibilities under GA policies, procedures or agreements must report suspected or actual malpractice or maladministration to GA promptly after becoming aware of it. Centre staff should normally report concerns through their centre's designated contact but may report directly to GA where appropriate.

Learners and other third parties may also report suspected or actual malpractice or maladministration directly to GA at any time.

Reports should normally be made in writing and should include as much relevant information and supporting evidence as is available. GA may accept a verbal report in exceptional circumstances, including where the matter is urgent or the person making the report is unable to provide it in writing.

GA will accept anonymous reports and will seek to protect the identity of an informant where requested and reasonably possible. However, confidentiality cannot be guaranteed where disclosure is required by law, a Regulator or another competent authority, or where the circumstances themselves may reveal the informant's identity. Where GA is unable to contact an informant for clarification or further evidence, this may limit its ability to establish the facts.

5. Initial Assessment of Concerns

All suspected or actual instances of malpractice or maladministration identified by or reported to GA will be subject to an initial assessment by the Assessment Manager or another suitably authorised member of GA staff.

The purpose of the initial assessment is to establish the nature and scope of the concern, consider the information and evidence currently available, and determine what further action, if any, is required.

As part of the initial assessment, GA will consider:

- whether the concern falls within the scope of this policy
- the nature and seriousness of the suspected malpractice or maladministration and any actual or potential Adverse Effect
- the information and evidence available and whether further relevant evidence is reasonably obtainable
- whether the relevant facts have already been established through another GA process, for example through assessment monitoring, marking, moderation, verification, or EQA activity
- whether any immediate action is required to protect learners, the integrity of an assessment or qualification, or to prevent or mitigate an Adverse Effect.

Following the initial assessment, the matter will be triaged into one of the following routes:

I. **No further action**

There is insufficient basis to pursue the concern, the matter falls outside the scope of this policy, or the available information does not indicate potential malpractice or maladministration.

II. **Further information required**

Additional information, clarification or evidence is required before GA can determine the appropriate route.

III. **Referral to another process**

The matter is more appropriately dealt with under another GA policy or procedure, such as the Complaints, Appeals, or Whistleblowing Policy.

IV. **Further investigation required**

There are reasonable grounds for concern, but further fact-finding is required to establish whether malpractice or maladministration has occurred. The matter will proceed under the Investigation Procedure.

V. **Existing evidence is sufficient to establish the facts**

The relevant facts may already have been established through another GA process, such as assessment monitoring, marking, moderation, verification, or EQA activity. In these cases, the evidence and checks already undertaken may constitute all or part of the investigation. Further investigative activity will only be undertaken where necessary to establish the relevant facts and enable GA to determine whether malpractice or maladministration has occurred.

Cases triaged under Routes IV or V will be recorded on GA's Malpractice and Maladministration Database and managed as formal cases under this policy.

Matters triaged under Routes I, II or III will be recorded separately for monitoring and audit purposes, including a record of the concern, the triage decision and the reasons for that decision.

6. Notification following initial assessment

Where there are reasonable grounds to consider that malpractice or maladministration may have occurred, GA will notify the centre and provide an appropriate opportunity to respond before reaching a determination.

Where the centre has already had an appropriate opportunity to respond through another GA process, GA may communicate the concern and determination in the same notification.

GA may delay or restrict notification where reasonably necessary to protect evidence, individuals, or the integrity of an assessment, qualification or investigation.

7. Investigation Procedure

Where the initial assessment determines that further investigation is required, GA will undertake an investigation to establish, so far as possible, whether malpractice or maladministration has occurred, its nature and extent, those responsible and any actual or potential Adverse Effect.

Appointment of investigator

The Assessment Manager will either undertake the investigation or appoint a suitably competent person to do so. The investigator must have no personal interest in its outcome.

Where appropriate, GA may require a Centre or another party to undertake or contribute to an investigation. GA will retain oversight of the investigation.

Scope and conduct of the investigation

The scope and extent of the investigation will be proportionate to the nature and circumstances of the concern. The investigator will determine what evidence is required to establish the relevant facts. This may include, as appropriate:

- assessment materials, learner work and assessment records;
- records relating to registration, delivery, assessment, internal and external quality assurance and certification;
- electronic records, system data, recordings and communications;
- information obtained from learners, centre personnel, GA staff or other relevant parties; and
- any other information relevant to establishing what occurred.

Relevant evidence will be secured and retained in a manner which protects its integrity.

Interim and protective action

At any stage of an investigation, GA may take reasonable interim action where necessary to protect learners, secure evidence, protect the integrity of an assessment or qualification, or prevent, mitigate or correct an Adverse Effect.

Depending on the circumstances, interim measures may include:

- temporarily withholding results or certification;
- suspending assessment or other qualification activity;
- suspending further registrations or exam bookings;

- securing assessment materials, learner work, records, recordings or other evidence;
- requiring additional monitoring, supervision, moderation or verification;
- restricting the activities of particular individuals while the investigation is ongoing; or
- requiring a Centre to take specified actions to manage an identified risk.

Interim measures are precautionary and do not constitute a finding that malpractice or maladministration has occurred. They will be proportionate to the identified risk and reviewed as appropriate while the matter remains ongoing.

Completion of the investigation

The investigator will document the evidence considered and the findings reached, including any limitations in the available evidence.

GA will normally complete investigations within 20 working days of notifying the Centre of the investigation. Where an investigation cannot be concluded within this timeframe, GA will provide an update and an anticipated completion date before the end of the 20-working day period.

The investigation findings will then proceed to the determination stage under this policy.

In exceptional circumstances, a Regulator may direct GA to undertake specific investigative steps or may assume responsibility for all or part of an investigation. GA will comply with any such directions and cooperate fully with the Regulator.

8. Investigation Outcomes and Determination

Following completion of the investigation, or where the evidence gathered through another GA process is sufficient to establish the relevant facts, GA will determine whether malpractice or maladministration has occurred.

The determination will be made on the balance of probabilities, taking account of all relevant evidence and any information provided.

The outcome may be that:

- malpractice has been established (learner, centre or other);
- maladministration has been established; or
- malpractice or maladministration has not been established.

The determination and the reasons for it will be recorded.

9. Actions Following a Finding of Malpractice or Maladministration

Where malpractice or maladministration is established, GA will determine what action is necessary and proportionate to address any actual or potential Adverse Effect, protect the integrity of qualifications and assessments, prevent recurrence and take appropriate action against those responsible.

Where the finding relates to a Centre or learner, GA will consider whether a sanction is appropriate in accordance with the GA Sanctions Policy.

GA may also require corrective or preventative action, or take other measures it considers necessary and proportionate. The implementation and effectiveness of required actions will be monitored and failure to comply may result in further or increased sanctions.

Nothing in this Policy limits or restricts GA's rights under its Terms and Conditions of Business, Centre Agreement, Centre Handbook or any other applicable agreement, including the right to suspend or terminate a Centre's approval or contractual relationship where GA considers this necessary and proportionate.

10. Regulatory Notification and Information Sharing

GA will consider whether any case of suspected or established malpractice or maladministration constitutes a notifiable event under Condition B3 of the Ofqual Conditions of Recognition.

Where GA has cause to believe that an event has occurred, or is likely to occur, which could have an Adverse Effect, GA will notify Ofqual promptly in accordance with Condition B3.

GA will not delay a required notification because an investigation has not yet concluded or because all relevant information is not yet available. Further relevant information will be provided as it becomes available.

Where GA has cause to believe that an occurrence of malpractice or maladministration, or a connected occurrence, may affect another awarding organisation, GA will inform that awarding organisation in accordance with Condition A8.7.

Where GA has cause to believe that an occurrence of malpractice or maladministration, or a connected occurrence, may affect a Centre, GA will inform that Centre in accordance with Condition A8.7.

11. Monitoring, Evaluating and Review

GA will maintain records of all reported cases of malpractice and maladministration, including cases which are not substantiated, together with their outcomes and any actions or sanctions applied.

This information will be reviewed periodically to:

- identify recurring issues, emerging trends and wider risks relating to Centres, qualifications, assessments, assessment methods, policies or procedures;
- identify whether further preventative or mitigating action is required; and
- evaluate the effectiveness of GA's arrangements for preventing and managing malpractice and maladministration.

Relevant information and trends will be reported to the Governance Committee and considered as part of GA's regulatory self-assessment and preparation of the Annual Statement of Compliance.

GA will also review relevant regulatory guidance and other developments and update this policy and associated arrangements where necessary.

12. Appeals

Learners and Centres have the right to appeal a decision relating to action to be taken against them following an investigation into malpractice or maladministration.

Appeals must be made in accordance with the GA Appeals Policy, which sets out the grounds for appeal, the process to be followed and applicable timescales.

GA will inform the relevant learner or Centre of their right to appeal when communicating the outcome of a malpractice or maladministration case where action is to be taken against them.

13. Summary of Roles and Responsibilities

Centres are required to:

- maintain appropriate arrangements for preventing, identifying, reporting and managing malpractice and maladministration;
- ensure relevant staff and learners understand their responsibilities and applicable GA requirements;
- promptly report suspected or actual malpractice or maladministration to GA;
- preserve relevant evidence and records and provide information requested by GA within specified timescales;
- cooperate fully with GA's initial assessment and any investigation, including undertaking investigative activity where requested by GA;
- implement any actions or sanctions required by GA and take reasonable steps to prevent recurrence; and
- inform affected staff, learners and other relevant parties of actions or sanctions where required by GA.

GA will:

- maintain appropriate arrangements for preventing, identifying, investigating and managing malpractice and maladministration;
- provide Centres with appropriate guidance and support concerning their arrangements for preventing and investigating malpractice and maladministration;
- investigate and determine concerns in accordance with this policy;
- take appropriate action to prevent or mitigate adverse effects and prevent recurrence;
- apply sanctions where appropriate in accordance with the GA Sanctions Policy;
- make required regulatory notifications and share information with relevant parties where required; and
- maintain appropriate records of cases, decisions and actions.

14. 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)	£475, plus reasonable expenses, where applicable (not applied if allegation is not partially or fully upheld) The above fee is inclusive of the first exam observation, where relevant.
Retesting by GA (face to face or remote)	£75 per hour or part thereof, per staff member, plus reasonable expenses, where applicable
Retesting under GA observation (face to face or remote)	£55 per hour or part thereof, per staff member, plus reasonable expenses, where applicable
Further observations required by Action Plan and/or implementation of Sanctions	£55 per hour or part thereof, per staff member, plus reasonable expenses, where applicable
Further face to face or remote visits required by Action Plan and/or implementation of Sanctions	£475 per visit, plus reasonable expenses, where applicable.

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

Document Specification:	
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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 GA Centre guide to Preventing Identifying and Managing AI Misuse

Examples of Maladministration and Malpractice

The examples below are intended as guidance and are not exhaustive. The final classification of an incident as malpractice or maladministration will depend on the circumstances, including the nature and cause of the conduct, its seriousness and frequency, whether it was intentional, negligent, reckless or inadvertent, and any actual or potential Adverse Effect.

The same type of failure may therefore constitute maladministration in some circumstances and malpractice in others. Repeated maladministration, failure to address required actions, obstruction of an investigation or deliberate concealment of a concern may result in a matter being treated as malpractice.

Centre and Staff Malpractice

Examples may include:

- deliberate falsification, fabrication, alteration or forgery of assessment evidence, learner work, assessment records, authentication statements or other records;
- making fraudulent or knowingly inaccurate claims for learner results or certificates;
- claiming certification for learners who have not completed the required assessment or demonstrated the required achievement;
- deliberate provision of unauthorised assistance to learners during assessment;
- deliberately permitting or facilitating plagiarism, collusion, personation or other forms of learner malpractice;
- deliberate manipulation or circumvention of assessment, invigilation, moderation, verification or other quality assurance requirements;
- deliberate alteration or manipulation of assessment outcomes or records;
- obtaining, accessing, copying, distributing, selling or disclosing confidential assessment materials without authorisation;
- deliberately compromising, or failing to protect, the security of confidential assessment materials;
- deliberate destruction, alteration, concealment or withholding of assessment evidence, records or other information required by GA;
- deliberate submission of false or misleading information to GA;
- deliberate misrepresentation of a Centre's approval status, qualification approval or relationship with GA;
- deliberate misuse of GA or regulatory logos or other marks in a manner which misrepresents approval or recognition;
- deliberate failure to disclose or appropriately manage a known conflict of interest where this may affect assessment or qualification integrity;
- deliberate obstruction of GA's monitoring, quality assurance or investigation activities, including denying required access to relevant premises, systems, records, staff or learners;
- attempting to conceal malpractice or maladministration, including improperly influencing or coaching learners or staff in relation to information or evidence provided to GA;
- persistent or systemic failures to comply with assessment or quality assurance requirements where previous concerns or required actions have not been adequately addressed; and

- repeated maladministration which, because of its nature, extent or the failure to address it, meets GA's definition of malpractice.

Learner Malpractice

Examples may include:

- plagiarism or presenting another person's work as the learner's own;
- misuse of AI or other technology contrary to the applicable assessment requirements;
- copying from or colluding with another learner where this is not permitted;
- personation, including assuming another learner's identity or arranging for another person to complete an assessment on the learner's behalf;
- providing false identification or other false information in connection with registration, assessment or certification;
- possessing, introducing or using unauthorised materials, equipment or information during an assessment;
- obtaining, attempting to obtain, receiving, sharing, copying, distributing or selling confidential assessment materials without authorisation;
- obtaining or receiving unauthorised assistance during an assessment;
- communicating with another person during an assessment where this is not permitted;
- falsifying, fabricating or altering assessment evidence, records or authentication statements;
- deliberately submitting false information or evidence in order to obtain a qualification or assessment result;
- deliberately destroying, altering or interfering with another learner's work or assessment evidence; and
- other deliberate conduct intended to obtain an unfair advantage or compromise the integrity or security of an assessment or qualification.

Maladministration

Maladministration may include:

- administrative errors in learner registration, entries, results or certification;
- late or inaccurate learner registrations or certification claims;
- isolated failures to follow GA policies, procedures, qualification requirements or administrative processes;
- unreasonable delays in providing information or responding to GA requirements;
- incomplete, inaccurate or inadequately maintained assessment, quality assurance or other required records;
- failure to make required resources, equipment or facilities available for assessment;
- use of an unapproved assessment venue or satellite centre as a result of administrative error or failure to follow the required approval process;
- failure to conduct assessment, invigilation, internal assessment or internal quality assurance fully in accordance with applicable requirements;
- inadequate arrangements for the induction, training or oversight of staff involved in qualification delivery, assessment or quality assurance;
- inadequate arrangements for maintaining the security or confidentiality of assessment materials;

- failure to identify, record or appropriately manage conflicts of interest;
- failure to provide staff or learners with required information or guidance concerning assessment requirements;
- failure to maintain appropriate arrangements for preventing, identifying, reporting or managing malpractice and maladministration;
- failure to report suspected malpractice or maladministration to GA as required;
- failure to implement actions required by GA within specified timescales; and
- other mistakes, omissions or failures in qualification administration, delivery, assessment or quality assurance which meet GA's definition of maladministration.