

Malpractice Policy

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Part A – Policy

1. Scope of the Policy

This policy applies to all learners, Study Centres (henceforth referred to as ‘Centres’), Centre staff, and Institute employees—both within and outside the United Kingdom—who utilise Institute services and qualifications. It establishes the responsibilities of Centres, learners, and stakeholders in reporting and managing instances of malpractice or maladministration, as well as the Institute’s role in addressing such occurrences.

2. Definitions of Malpractice

For the purpose of this policy, ‘Malpractice’ is defined as:

“Any deliberate action, negligence, default, or practice that undermines the integrity of the assessment process and/or compromises the validity of certificates.”

This definition extends to misconduct and instances of bias or discrimination against particular learner groups. It may also involve failures in record-keeping or intentional falsification of assessment records to obtain certification fraudulently.

3. Examples of Malpractice

3.1 Examples of Centre Malpractice

Examples of Centre malpractice include, but are not limited to:

- Failure to comply with Institute recognition and qualification approval criteria, such as failing to report Centre changes related to qualification delivery or disregarding External Verifier action plans.
- Unauthorised alterations to assessment judgements or records.

- Repeated inability to provide sufficient evidence of learner achievement.
- Plagiarism, collusion, or other forms of academic dishonesty by learners.
- Failure to adhere to Institute assessment regulations, including improper retention of certificates.

4. Definition of Maladministration

Maladministration refers to any neglect, default, or failure to comply with the requirements of qualification delivery, as stipulated by regulatory bodies. Persistent administrative errors or systemic inefficiencies within Centres also fall under this definition.

5. Examples of Maladministration

Instances of maladministration may include:

- Delays in issuing certificates.
- Inaccurate or fraudulent claims for certification.
- Failure to provide requested information or comply with Institute requests.
- Poor record-keeping related to learner assessments.

6. Addressing Malpractice and Maladministration

All suspected cases of malpractice or maladministration must be formally investigated in compliance with regulatory authority requirements. The severity of any proven case will determine the response, which may range from corrective actions to sanctions against the Centre or individuals involved.

7. Academic Malpractice

Academic malpractice includes, but is not limited to:

- Plagiarism, collusion, or falsification of research data.
- Any behaviour that results in unearned academic credit.

The Institute employs safeguards to prevent malpractice, including:

- Annual variation of assessment tasks.
- Assessment focusing on applied knowledge rather than rote learning.
- Utilisation of plagiarism detection software, such as Turnitin.
- Rigorous guidance on referencing and bibliographic requirements.

8. Access to the Policy

This policy is available for download on the Institute's website.

9. Responsibilities of Study Centres

Centres are responsible for ensuring full compliance with this policy. Staff and learners must be made aware of its provisions, and Centres must implement effective internal procedures to prevent malpractice. Centres failing to report suspected malpractice or maladministration may be subject to sanctions.

10. Monitoring and Review

An annual report on malpractice cases—including unproven allegations—will be submitted to the Institute Management Board. The policy is reviewed annually to ensure alignment with regulatory requirements and best practices. Adjustments will reflect stakeholder feedback and regulatory updates.

Part B: Procedures for Addressing Alleged or Suspected Malpractice or Maladministration

1. Terminology To ensure impartiality and avoid prejudicial language, until an investigation is concluded and an allegation substantiated, both the Institute and centres shall refer to cases as either ‘alleged malpractice or maladministration’ or ‘suspected malpractice or maladministration’, as deemed appropriate to the circumstances.

2. Allegations of Malpractice or Maladministration Allegations may originate from any individual with knowledge of the assessment process, including learners, assessors, centre employees, Institute staff or associates, and members of the public. Such allegations should, as a rule, be submitted in writing. If an allegation is made orally, the recipient should endeavour to obtain written confirmation from the informant. Where this is not feasible, the recipient should document the allegation with due diligence to ensure accuracy.

Allegations may be reported directly to centres, their employees, Institute staff, or associates. They may also be raised indirectly via third parties, such as the police or a regulatory authority. In cases where malpractice is alleged within a centre, the centre's malpractice policy shall initially be applied. However, some instances may necessitate direct notification to the Institute. Such notifications should typically be made in writing, including via email, and be supported by relevant evidence. Allegations should be reported to the Institute within five working days of the alleged malpractice being identified.

All allegations should, where possible, include:

- The name, address, and registration number of the centre
- The name and registration number (if applicable) of the learner involved
- The name and job title of any centre or Institute staff involved
- Details of the affected qualification or service
- The nature and date of the suspected malpractice or maladministration
- Any initial findings from an internal investigation, including mitigating circumstances

The Institute shall protect the confidentiality of informants in accordance with its duty of confidentiality and applicable legal obligations.

3. Anonymous Allegations Anonymous allegations shall only be acted upon if substantiated by sufficient supporting evidence. However, depending on the nature of the allegation, an investigation may still be warranted in the absence of such evidence. While the Institute is committed to investigating concerns raised anonymously or by whistle-blowers, it will seek to corroborate allegations through independent enquiries before engaging with the implicated parties.

Informants who prefer to remain anonymous should be encouraged to disclose their identity and contact details to the Institute. However, if they fear adverse repercussions, the Institute shall reassure them that, in line with Ofqual recommendations, their identity will not be disclosed where such disclosure would constitute a breach of confidentiality or other legal duties.

4. Suspected Malpractice or Maladministration Suspicion of malpractice or maladministration may arise during the assessment of a learner's work or through other means, such as the review of assessment records.

5. Application of Procedures These procedures are intended to address a broad spectrum of scenarios, including:

- The nature of the allegation or suspicion
- The individual making the allegation or forming the suspicion
- The recipient of the allegation
- The severity of the suspected malpractice or maladministration

In instances where these procedures are not entirely applicable, adjustments may be required to accommodate the specific circumstances. Where an allegation or suspicion concerns centre malpractice, the Institute shall promptly inform the regulatory authority, irrespective of whether an investigation has been completed.

6. Sanctions and Penalties The Institute reserves the right to impose sanctions both during and following an investigation into suspected malpractice or maladministration. Sanctions shall be based solely on the available evidence and must be justifiable, proportionate, and consistently applied. Examples of sanctions include:

- Suspension of individual or group registrations
- Withholding of results
- Revocation of approval for assessors or internal verifiers found to have engaged in malpractice
- De-registration of centres, ensuring due consideration of learners' interests

7. Alleged or Suspected Malpractice by Learners

7.1 Initial Response Centres discovering irregularities in internally assessed work are not required to report them to the Institute, provided they have established and robust malpractice policies. These policies should outline the actions to be taken in cases of malpractice, including the potential refusal to accept a learner's work for assessment.

External verifiers who identify or suspect malpractice during centre visits or while sampling learner evidence shall record their findings comprehensively and provide initial oral feedback to the centre. A formal report shall then be submitted to the Institute's Head of Quality and Assessment for review. The Institute will notify the Head of Centre in writing, requesting further information to facilitate an investigation.

7.2 Centre-Led Investigations As the awarding organisation, the Institute is mandated by regulatory authorities to conduct or oversee investigations into all instances of alleged or suspected malpractice. Depending on the circumstances, the Institute may:

- Advise the centre on how to conduct a preliminary investigation
- Require the direct involvement of Institute staff
- Conduct the investigation itself, particularly in cases reported by an external verifier or where the alleged malpractice is severe or has widespread implications

7.3 Investigative Procedures If a centre undertakes a preliminary investigation before notifying the Institute, it must ensure that those involved have the requisite competence and no conflicts of interest. Regardless, the centre must notify the Institute immediately upon suspecting learner malpractice, as the Institute is responsible for ensuring rigorous and effective investigations.

The centre's internal procedures should include the following actions:

- Informing the learner in writing of the allegation, the procedures to be followed, and the potential consequences
- Conducting an investigation into the allegation
- Allowing the learner the opportunity to respond in writing or at a hearing
- Permitting the learner to be accompanied by a friend at any hearing
- Ensuring impartiality in the investigation, hearing, and decision-making process
- Informing the Institute if impartiality cannot be assured, so that external oversight can be arranged
- Notifying the learner of the outcome in writing
- Reporting confirmed malpractice to the Institute
- Maintaining a comprehensive case record and making it available to the Institute upon request

- Ensuring the assessed work is included in samples reviewed by internal and external verifiers

7.4 Institute's Role Upon receiving the centre's investigation findings, the Institute shall confirm the outcome and recommend an appropriate penalty. Where necessary, severe cases may be referred to the Chair of the Quality and Standards Committee for independent advice. The centre shall be notified of the final decision within ten working days of receipt of the complete investigation documentation.

7.5 Penalties for Learner Malpractice Sanctions imposed for learner malpractice shall reflect the severity of the offence and may include:

- A formal written warning
- Loss of credit for the affected unit
- Disqualification from the qualification
- A temporary bar from registering for qualifications
- A combination of the above penalties

If a criminal offence appears to have been committed, the Institute may, following legal advice, report the matter to the police.

7.6 Case Records Records for learner malpractice cases shall include:

- A factual summary of the case
- Detailed accounts of the circumstances
- Names and roles of all individuals involved
- Copies of written statements from learners and staff
- Investigation details and findings
- Records of any hearings
- Copies of the implicated learner's work
- The final decision and associated penalties
- Evidence of the centre's policies on assessment and malpractice

7.7 Appeals Learners wishing to appeal against a decision should follow the Institute's Academic Appeals Policy and Procedures.

8. Alleged or Suspected Malpractice or Maladministration by Centre Employees

8.1 Initial Response

In instances where a centre employee is suspected of malpractice or maladministration, or an allegation is made (whether by a fellow employee, a learner, or a member of the public), the

centre must immediately notify the Institute in writing. Should the Institute suspect that an employee of the centre has engaged in malpractice or maladministration, or if it receives an allegation of such behaviour, the Director of Operations at the Institute will promptly inform the centre (typically the Principal or another senior staff member nominated by the centre) in writing.

8.2 Centre Investigation

Upon receiving an allegation or suspicion, it is the centre's responsibility, as the employer of the individual concerned, to:

- Conduct an investigation
- Determine the outcome of the investigation
- Establish the appropriate penalty
- Adhere to its own employment and disciplinary procedures
- Comply with relevant employment legislation

In carrying out the investigation, the centre should consult with the Institute and take into account any evidence provided by the Institute. If mutually agreed between the centre and the Institute, it may be deemed appropriate for an Institute staff member to provide testimony during any hearings held as part of the investigation.

If the malpractice or maladministration appears to constitute a criminal offence, the centre and the Institute should confer on whether it is appropriate to report the matter to the police.

Regardless of the investigation's outcome regarding the employee's conduct, the Institute reserves the right to conduct a thorough investigation of the centre, as the employer, to fulfil its responsibilities to the regulatory authorities. This investigation will follow the procedures outlined in Section 9.

9. Alleged or Suspected Malpractice or Maladministration by Centres

9.1 Initial Response

If the Institute suspects malpractice or maladministration by a centre, or receives an allegation from a learner, employee, or member of the public, or where a centre's investigation into alleged malpractice or maladministration is deemed insufficient, the Institute will initiate an investigation. All notifications of suspected malpractice or maladministration received by the Institute will be forwarded to the Programmes Manager, who will acknowledge receipt to the external parties, where appropriate, within three working days.

9.2 Responsibility

The Institute Programme Director is responsible for ensuring that the investigation is conducted promptly, effectively, and in line with the procedures set out in this policy. A relevant staff member will be assigned to lead the investigation, assess whether malpractice or maladministration has occurred, and examine any supporting evidence collected by the Institute. Throughout the investigation, the Programme Director will oversee the work of the

investigation team to ensure that due process is followed, and appropriate evidence is gathered and evaluated. The Director will also liaise with relevant external parties and keep them informed.

At all times, the Institute will ensure that the personnel assigned to the investigation have the necessary expertise and have had no previous involvement or personal interest in the matter.

9.3 Notification

In all cases of suspected or actual malpractice, the Institute will inform the relevant centre (usually the Head of the Centre) that it will investigate the matter. However, it may withhold the identity of the individual making the allegation if disclosing such information would breach confidentiality or any other legal obligation.

Where applicable, the Institute will notify the relevant regulatory authorities if the malpractice or maladministration is believed to compromise the integrity of a qualification or affect another awarding organisation. This will be done in accordance with the regulatory requirements imposed by Ofqual.

9.4 Investigation Timescales and Procedures

The Institute aims to complete all stages of the investigation within 10 working days of receiving the allegation, and no later than 20 working days. In cases where additional measures, such as a centre visit, are required, the Institute will notify all concerned parties of any adjusted timescales.

All investigations will be conducted fairly, reasonably, and lawfully, with no bias, and based on the following key objectives:

- To establish the facts surrounding the allegation or suspicion and determine whether irregularities have occurred
- To identify the cause of any irregularities and those responsible
- To assess the scale of the irregularities
- To evaluate any actions already taken by the centre
- To determine whether remedial actions are necessary to protect current learners and uphold the integrity of the qualification
- To ascertain whether any action is required regarding certificates already issued
- To gather evidence to support any sanctions imposed on the centre and/or staff, in line with the Institute's Sanctions Policy
- To identify any emerging patterns or trends

The investigation may involve requesting further information from relevant parties and/or conducting interviews with personnel. The Institute will ensure that all material gathered during the investigation is securely stored and that records are retained for at least five years following the investigation.

The Institute expects full cooperation from all parties involved, directly or indirectly, in the investigation. At any point during the investigation, the Institute reserves the right to impose sanctions on the centre in accordance with its Sanctions Policy to protect learners' interests and the integrity of the qualifications.

In cases where the Institute deems the complexity of the case or a lack of cooperation from the centre prevents the investigation from proceeding, the Institute will consult the relevant regulatory authority to determine the best course of action.

9.5 Investigation Report

Following the investigation, the Institute will prepare a draft report for the relevant parties to verify factual accuracy. Any subsequent amendments will be mutually agreed upon, and the final report will be shared with the concerned parties, the regulatory authorities, and any other external agencies as required. If the original complaint came from an external party, the Institute will inform them of the outcome, usually within 10 working days. If the investigation pertains to a member of the Institute staff, the report will be agreed upon by the CEO and the relevant manager, and appropriate internal disciplinary procedures will be followed.

9.6 Investigation Outcomes

If the investigation confirms that malpractice or maladministration occurred, the Institute will:

- Impose appropriate corrective actions with specified deadlines to address the issue and prevent its recurrence
- Apply sanctions to the centre, with clear communication of the rationale for these sanctions
- Inform the centre and the regulatory authorities if certificates are deemed invalid, and outline actions for reassessment or withdrawal of the certificates
- Request the centre to notify affected learners and return invalid certificates where possible
- Amend its database to prevent the reissue of invalid certificates and ensure the centre updates its records
- Adjust qualification development, delivery, and assessment arrangements, as well as operational procedures, to prevent similar issues from arising

The Institute may also inform relevant third parties and the appropriate regulatory authorities of its findings.

In proven cases of malpractice or maladministration, the Institute reserves the right to charge the centre for any reissue of certificates or additional external verification visits, with fees based on the Institute's current rates.

Additionally, the Director of Operations will record any lessons learned from the investigation and share these insights with relevant colleagues within the Institute to prevent similar issues in the future.

If the affected parties wish to appeal the imposed sanctions, they should follow the Institute's Appeals Policy and Procedures.

10. Alleged or Suspected Malpractice or Maladministration by Institute Employees

10.1 Institute Investigation

When an Institute employee is suspected of malpractice or maladministration, or an allegation is made against them (by another employee, a learner, or a member of the public), it is the responsibility of the Institute, as the employer, to:

- Conduct an investigation
- Determine the outcome and the appropriate penalty
- Follow the Institute's employment and disciplinary procedures
- Adhere to relevant employment legislation

The Institute may seek guidance from the Regulatory Authority during the investigation. If the matter involves a criminal offence, it may be necessary to report the case to the police. During the investigation, the employee may be suspended or reassigned to other duties.

10.2 Investigation Outcomes

If the investigation confirms malpractice or maladministration, the Institute will take the necessary actions to preserve the integrity of the assessment process and maintain public confidence. These actions may include:

- Informing the relevant centres and regulatory authorities if certificates are deemed invalid, and taking necessary steps for reassessment or withdrawal of the certificates
- Requesting centres to inform affected learners and return invalid certificates where possible
- Amending the Institute's internal procedures and practices to prevent a recurrence

Additionally, the Programme Manager will document any lessons learned from the investigation and share these insights with relevant staff to prevent similar issues from arising in the future.

Summary of Investigation Timelines

- Report from the centre alleging malpractice: Acknowledge within 3 working days
- Institute investigation into malpractice: Action and resolve within 10-20 working days (depending on the need for a centre visit)
- Decision on sanctions following centre investigation: Inform the centre within 5 working days of the investigation's completion