

Malpractice and Maladministration Policy

This policy sets out to identify to candidates and staff what constitutes malpractice and maladministration and give examples. Safeagent considers any element of malpractice and/or maladministration to be a serious issue and we will take all reasonable steps to prevent their occurrence. This policy defines malpractice from the candidate and staff perspective, and maladministration from the staff perspective; it also states how instances will be dealt with.

This policy applies to all safeagent AO staff (including contractors) and safeagent registered candidates.

What is malpractice?

Malpractice is any irregular conduct, on the part of a candidate, safeagent staff, or those facilitating Access Arrangements (readers, scribes etc) which gives unfair advantage to a candidate or group of candidates, or disadvantages other candidates.

All assessment of safeagent qualifications is delivered and marked online – there is no human marking of assessments at all. This completely removes the risk of assessor bias and reduces the risk of malpractice; results are electronically reported and stored automatically in several locations and can be triangulated at will.

Candidate Malpractice

Examples of irregular conduct which constitutes malpractice may include (this list is not exhaustive, and we may consider other instances of malpractice):

- plagiarism of another candidate's work
- copying or collusion, or attempted copying or collusion, during an examination, test, quiz or of other assessed work
- obtaining unauthorised access to assessment or examination material [including tests and test banks]
- using or trying to use unauthorised material or other aids in a closed book assessment or examination (e.g., unauthorised electronic media such as mobile phones and tablet devices, notes, books and study guides) where this is not permitted
- impersonating a candidate (i.e., claiming to be someone other than yourself or allowing another to do so for you)
- accessing another candidate's online account [including the LMS or online testing platform], or allowing another to access yours
- taking a test for another candidate or allowing them to do so for you
- seeking or accepting help from another person during an examination, test, or quiz
- altering or forging [or attempting to] any results, documents or certificates

Identifying malpractice

Cases of candidate malpractice can be identified in several different ways. They may include, but are not limited to:

- reported by a tutor, assessor or LMS administrator who may identify shared answers in a test, quiz or other online activity
- identified by the LMS administrator who discovers unusual activity, or patterns of activity, on the system (including on external testing sites)
- identified by an electronic verification system [sometimes called 'online proctoring' or 'online verification']
- identified by any verifier who may note identical error patterns in online tests

What is maladministration?

Maladministration is any activity or practice which results in non-compliance with administrative regulations and requirements. Maladministration generally covers mistakes or poor process where there has been no intention by the person responsible to do any harm. Maladministration can include the application of persistent mistakes or poor administration.

Staff Maladministration

The following lists examples of maladministration and is not exhaustive; we may consider other instances of maladministration:

- Poor administration processes and procedures
- Persistent failure to adhere to prescribed processes and procedures
- Persistently poor or incomplete record keeping
- Unreasonable delays in responding to requests and communication
- Withholding or delaying information

Staff Malpractice

All cases of suspected malpractice by staff, or other individuals involved in the provision, assessment, verification and or administration of qualifications or courses will be acted upon immediately.

This list is not exhaustive, and we may consider other instances of malpractice or maladministration:

- Giving improper assistance to candidates
- Inventing, changing or wilfully misrepresenting test scores
- Accessing a test for a candidate, or releasing details of question banks to candidates
- Facilitating, allowing, or failing to report impersonation [or suspected impersonation]
- Misusing the conditions for special candidate requirements, for example where candidates are permitted additional support, such as a scribe or additional time, which

is acceptable up to the point where the support has the potential to influence the outcome of the assessment

- Falsifying records/certificates, for example by alteration, substitution, or by fraud
- Fraudulent certificate claims: that is claiming for, or issuing a certificate prior to the candidate completing all the requirements of course or where the candidate is not entitled to claim the certificate

In instances where there is evidence or allegation of assessment malpractice by staff (either internally reported or identified by outside sources) this will be reported to the Head of Learning and Development [HoLD] who will arrange for related investigations to be conducted as a matter of urgency. In this case the Staff Disciplinary Policy and Procedures may apply to the staff member, and the candidate/s may be disqualified.

In instances where there is evidence or allegation of maladministration by staff this will be reported initially to the staff member's line manager who will investigate in line with the Disciplinary Policy & Procedure.

Investigation

Any investigation will be conducted around these broad objectives:

- To gather or receive appropriate evidence [including the initial completed Report Form, any witness statements etc.]
- To establish the facts and determine, with due attention to all available evidence, whether malpractice/maladministration has occurred
- To identify the cause/s of the incident and those individuals involved
- To establish the scale of the incident and evaluate any action/s already taken
- To determine what, if any, remedial action is required to reduce the risk to registered candidates and the integrity of the qualification
- To determine if any action is required regarding certificates already issued
- To obtain evidence to support any sanction/s to be applied
- To identify any adverse patterns or trends

We will ensure that all investigations are carried out rigorously and effectively in order to protect all candidates from any adverse event which could:

- Give rise to prejudice to candidates or potential candidates, or
- Adversely affects –
 - Our ability to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,
 - the standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - public confidence in qualifications

Safeagent process

- Safeagent provides a form for reporting suspected malpractice and/or maladministration which can be found [HERE](#) (this form can be submitted anonymously by any candidate, staff member or contractor). If safeagent themselves discover an incidence of malpractice and/or maladministration the accused will be notified in writing [which can be via email] as soon as possible
- Safeagent will provide an acknowledgement to the reporter within five working days of a report, however, if safeagent themselves discovered the incidence this step is not required
- On receiving a report or discovering an incident of candidate malpractice, the candidate's access to the learning platform and/or any external testing system will be suspended whilst investigations take place
- Safeagent will carry out an investigation into the suspected candidate malpractice – this investigation will involve no less than two staff (including the HoLD) to avoid any suggestion of favouritism or unfairness
- An investigation into malpractice in relation to a safeagent staff member (or contractor) will be carried out by the CEO/RO and the HoLD
- A report and decision will be made regarding the incident, which will be conveyed in writing within ten working days of the acknowledgement of receipt, or ten working days of the accused being notified
- If the accused is unhappy with the outcome, or the way the investigation has been handled, they must follow our separate Appeals Policy which can be found on the learning platform
- Where the accused is a member of staff who is unhappy with the outcome, or the way the investigation has been handled, they must follow the Staff Grievance Procedure
- Safeagent will keep all information relating to cases of malpractice and maladministration stored securely

Rights of the accused

- The accused must be informed in writing of any allegation as soon as possible
- They must be informed what evidence safeagent has to support the allegation
- They must be informed of the potential consequences and/or sanctions should the allegation be proven
- They should be given the opportunity to submit a statement, counter evidence and/or seek independent advice
- They should be given a copy of, or access to, the Appeals Policy or Staff Grievance Policy where appropriate

Sanctions

Where wrongdoing by a candidate is confirmed, the candidate's account on the learning platform and/or any external testing sites will be permanently suspended, denying access to all courses and resources; certification will be forfeited. Where certification has already taken place, the certificate will be invalidated. There will be no refund of any course fees paid in these circumstances. The candidate will be informed of the possibility that

information relating to a case of malpractice may be shared with other awarding bodies, the regulators and other appropriate authorities.

Where wrongdoing is confirmed in the case of staff malpractice, actions taken will be in line with safeagent's Staff Disciplinary procedures. In addition, the Board [with responsibility for AO function] may impose the following sanctions, where appropriate, on the member of staff:

- Issue the staff member with a written warning
- Require the staff member to undertake specific training
- Impose special conditions on the future involvement of the member of staff in AO functions
- Bar the member of staff from all involvement in AO functions either temporarily or permanently

It is the responsibility of the HoLD to ensure any sanctions against a candidate are carried out following the decision by the CEO/RO [or DBM if appealed]. Where it is the HoLD who is under investigation/sanction, accountability will pass to the Designated Board Member [DBM] with responsibility for AO function.

It is the responsibility of the CEO/RO to ensure any sanctions against a staff member are carried out following a decision as a result of an appeal under the Staff Grievance Policy.

This policy will be reviewed by the Head of Learning & Development in January 2024.