

Author:	Leonie Walker	Version:	9
Edit Date:	21/07/2024	Review Date:	21/07/2025
Director Approval:	Ashley Robertson		

NQual is committed to providing high-quality qualifications and assessments that are delivered fairly and accurately. The purpose of this policy is to ensure that NQual is vigilant about any events which may lead to malpractice/maladministration and that robust arrangements are in place to prevent and investigate instances of malpractice and maladministration.

This policy aims to define malpractice and maladministration and provide support to centres, staff and learners.

Definitions

Malpractice

Malpractice refers to a deliberate act, activity or practice which is in breach of the regulations and compromises the integrity of assessment, quality assurance, the validity of results and certificates, the reputation of NQual, gives rise to prejudice in learners or compromises public confidence in NQual’s qualifications.

Examples include (but are not limited to):

- Centres or learners intentionally providing inaccurate or misleading submissions of declaration forms and/or other evidence
- Any staff or learners undertaking any part of the assessment on behalf of someone else
- Any action or inaction that allows a learner to have an unfair advantage or causes a learner to be disadvantaged
- Failure to carry out appropriate quality assurance and moderation in line with NQual requirements, internal assessment or internal moderation in accordance with NQual requirements
- Plagiarism or fraud by learners, staff or centres
- Collusion
- The unauthorised obtaining, disseminating, or facilitating of access to secure examination/assessment material
- Members of centre staff undertaking or amending learner answers for any examination on behalf of learner(s)

Maladministration

Maladministration refers to the activity or practice which results in non-compliance with administrative regulations and requirements, or the application of persistent mistakes or poor administration.

Examples include:

- Unreasonable delays in responding to requests and/or communications from NQual
- Failure to maintain and keep appropriate and accurate auditable records

Plagiarism

Definition of plagiarism is defined by NQual as learners authenticating and submitting work for assessment that has been taken from another person or source. This could be any percentage of work this has been copied from published work, the internet, other learners or any other sources. Plagiarism also includes copied text that has not been cited and referenced correctly. Examples of plagiarism include:

- The use of downloaded content including text, images, diagrams etc. from the internet without acknowledgement of the source
- Copying and pasting extracts or whole texts from another's work, published or unpublished, without the use of quotation marks and/or acknowledgement of the source
- Use of diagrams, images, and course materials without acknowledgement of the source
- paraphrasing/summarising extensively the work of another or using their ideas without an acknowledgement of the source
- The use of purchased essays submitted as a learner's work

It is the responsibility of the centre to ensure that all learners and staff are appropriately trained about what constitutes plagiarism and adequate policies, processes and procedures must be in place to detect and prevent plagiarism.

NQual will only investigate work that has been authenticated by learners which includes evidence submitted for assessment by electronic portfolios. All work must be authenticated by the learner before submission.

Collusion

Collusion is defined as two or more learners who collaborate on a piece of work and submit this as their own. Examples of collusion covered under malpractice include:

- More than one learner collaborates to produce a piece of work together with the intention that it is submitted as their work. If a learner has taken part in a joint project, assignments should be written up individually
- A learner submitting the work of another learner (with their consent) as their own, individual work. In such cases, both learners would be deemed to have committed collusion
- A learner working with a third party to produce work that will be submitted as the learner's own

Reporting Allegations of Malpractice or Maladministration

Responsibilities of Centres

Centre staff who discover or suspect malpractice must immediately report this to the Head of Centre. This will be a person within the centre with sufficient authority and independence. Example roles include Head of Quality, Quality Manager, Examinations Manager etc.

The Head of Centre is required to notify NQual's Quality Team of all allegations or incidents of malpractice, actual or suspected within 10 working days of it being reported to them and before the commencement of any internal investigation activity. Failure to report incidents of suspected malpractice within 10 working days may result in the application of a centre sanction or a change to the centre's risk rating. The centre may ascertain the extent and scope of the incident, the staff involved, and the potential number of learners before reporting this. However, the centre must

not formally/informally interview key members of staff, including the person suspected of committing the malpractice until authorised to do so by NQual.

NQual expects centre staff to cooperate fully with any investigations into cases of suspected or actual malpractice. Failure to report suspected malpractice and/or cooperate with follow-up activity can be construed as malpractice and may lead to qualifications not being awarded, certificates not being issued, future entries and/or registrations not being accepted or withdrawal of qualification and/or centre approval. The following centre actions may also be considered malpractice:

- Failure to notify the NQual team of any incidents or allegations of suspected malpractice
- Failure to take action as required by NQual or to cooperate with an NQual investigation
- Failure to respond to communication or provide all facts, circumstances, and documentation requested by NQual

NQual Staff and Associates

All NQual staff and associates, including EQAs, Moderators, and Assessors who discover or suspect malpractice in examinations or assessments when visiting centres, sampling learner evidence or conducting EPA, must immediately contact the Quality Team to discuss the suspected malpractice. For EQAs undertaking centre visits where malpractice is suspected, this must be immediately documented on the centre report and reported to the quality team, although conclusions must not be drawn at this stage. For instances of plagiarism involving authenticated learners' work, this must be documented on the EQA report and an action point given for the centre to report this incident to NQual.

Reporting Malpractice and Suspected Malpractice

Anyone who identifies or is made aware of suspected or actual cases of malpractice or maladministration must immediately report this to NQual using a Malpractice Form. This must be sent to quality@nqual.co.uk.

When reporting incidents, individuals must include as much information as possible for example.

- Dates of alleged or suspected malpractice/maladministration
- Employer, centre or staff member details
- Additional people involved if not listed above and whether other learners have been affected.
- The detail of alleged malpractice/maladministration
- Any supporting evidence such as statements, emails or copies of documents.

Investigation of Malpractice or Maladministration

All suspected cases of maladministration/malpractice will be examined and passed to the Head of Qualifications. NQual intends to acknowledge receipt of any incident reports within 48 hours.

**Investigations will go directly to the Head of Qualifications unless a conflict of interest is identified. If a conflict of interest is present, then another Senior Manager will investigate the malpractice/maladministration to ensure a fair and unbiased process. Where no conflict exists then this will continue to follow the normal process and be investigated by the Head of Qualifications.*

The Head of Qualifications will be responsible for carrying out investigations promptly and effectively in accordance with this policy.

As part of the investigation, we retain the right to:

- Involve the learner, centre and others in the investigation process
- Contact the learner (and/or the learner’s representative) directly; and
- Contact staff members directly

During the investigation period, NQual may:

- Refuse learner bookings and registrations and certifications
- Request the ESFA withholds the release of certificates for EPA incidents
- Withhold test papers if the security of a test is considered at risk, pending the outcome of an investigation

If additional information is required from the centre or learners in the form of interviews, emails or copies of documentation, NQual will ensure all material collected as part of the investigation is kept secure and retained for no less than 5 years.

NQual aim to complete a full investigation of malpractice/maladministration within 10 working days of acknowledgement of the incident report.

Once the investigation is completed, NQual will complete a full written report which will be communicated to all those involved. This will be communicated by the Investigating Officer. This will include:

- Identify where the breach, if any, occurred
- Confirm the facts of the case. Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied

Sanctions Relating to Proven Malpractice and Maladministration

Where malpractice/maladministration is proven, NQual will consider the severity of the incident and the impact and will always act to protect the integrity of its service. Where a staff member is found to have wilfully or unintentionally committed malpractice or maladministration, this could invoke the disciplinary procedure which could ultimately lead to their dismissal. Failure to act and disclose acts of malpractice and maladministration in accordance with the Whistleblowing Policy may also lead to disciplinary action being taken.

Malpractice Involving Learners and Centres

Several actions may be taken where a learner, or centre has committed malpractice or maladministration. This action may include:

- Refusing to accept assessment registrations and/or bookings from a centre in cases where malpractice is proven
- Stopping access to an assessment or suspending delivery of an EPA or qualification
- Termination of the service agreement
- Refusing to issue results
- Invalidating claims for a certificate
- Disqualifying a learner from taking any component of the EPA or completing a qualification
- Refusing an employer or provider’s staff member involvement in the delivery of EPA

- Reporting learners or tutors to the relevant awarding organisation for investigation
- Further training provided about plagiarism where appropriate
- In severe cases, this could amount to gross misconduct and result in the termination of an employee's employment

Notifications to Regulators

The General Conditions of Recognition (Ofqual) includes two conditions which are particularly relevant to investigative activity: A8 - Malpractice and Maladministration and B3 - Notification to Ofqual of certain events. The SQA Accreditation's Regulatory Principles document (Principle 14) gives guidance on managing and preventing malpractice.

- Condition A8 sets out the requirements and procedures for preventing, investigating, managing the effects of, and dealing with malpractice and maladministration.
- Condition B3 specifies the circumstances in which an awarding organisation must notify Ofqual of events which could have an 'adverse effect', it provides examples of adverse effects (see B3.2 (g) in particular) and it gives further information about the timing of notifications to Ofqual.

NQual will consider the methodology and timing of reporting incidents to the regulators. It should be noted, however, that it is a requirement to report any potential malpractice, not just confirmed cases. This includes any allegation of centre or learner malpractice.

Rights of Accused Individuals and Centres

Learners or members of staff suspected of malpractice must:

- Be informed about the allegation and know what evidence there is to support the allegation
- Know the possible consequences if malpractice is proven and confirmed
- Have the opportunity to consider their response to the allegation and provide a written statement
- Be informed that information relating to the malpractice may be shared with other Awarding Organisations, regulators and other external agencies, as appropriate
- Be informed about the right to appeal in line with NQual's Appeals Policy should a decision be made against them

This Malpractice and Maladministration Policy is to be read in conjunction with the Appeals and Whistleblowing Policy.

All policies relate to qualifications and assessments provided by NQual Ltd.

This policy will be reviewed annually as a minimum.