

Malpractice and maladministration policy

As an accredited independent training provider and assessment centre, DHA has a duty to identify where significant risks of malpractice lie and implement suitable procedures to mitigate these risks and reduce them as far as is reasonably practical.

DHA understands that it is essential to protect the integrity of the apprenticeship qualifications it delivers and to be fair to the centre and all apprentices.

This policy applies to all qualifications offered by DHA and sets the process DHA will follow in responding to and investigating an allegation of suspected malpractice or maladministration.

This policy and its associated procedures apply to all staff and apprentices at DHA unless stated and DHA ensures that this policy is communicated to and followed by all its staff members and apprentices.

DHA fully complies with the regulations set out by awarding organisations and any other regulatory organisations.

DHA recognises the importance of identifying, investigating and dealing with malpractice and maladministration practices.

The purpose of this policy is to clearly define what is meant by malpractice and to ensure that there are adequate systems and procedures in place to prevent malpractice wherever possible.

This policy is designed to:

- Alert staff to the risks presented by malpractice and maladministration
- Identify the responsibilities each person has in a case of malpractice and to describe the procedures that will minimise these risks
- Make all members of staff and apprentices aware of the consequences of malpractice in order to reduce risks
- It is DHA policy that all allegations of malpractice in relation to the exam and assessment process need to be investigated

‘Malpractice’ means a contravention or the ignoring of the regulatory requirements pertaining to the assessment process (including the conduct of examinations), which puts at risk the integrity, credibility and validity of a qualification, its assessment and learner certificates. The term ‘malpractice’ also covers both maladministration and misconduct.

‘Maladministration’ is defined as any activity, practice or omission which results in centre or learner non-compliance with administrative regulations and requirements. For example: persistent mistakes or poor administration within a centre resulting in the failure to keep appropriate learner assessment records.

Malpractice is as any deliberate action, neglect or other practice that compromises or could compromise:

- The assessment process set by the external regulatory body
- The integrity of delivered qualifications
- The validity of an apprentice's result or apprenticeship certification
- The reputation and creditability of an awarding organisation and of DHA

Apprentice malpractice is defined by DHA as any instance of malpractice committed by an apprentice.

Apprentice malpractice may take place at any point during the completion of apprenticeship assessments including during the preparation of any controlled assessments or assignments, during the presentation of any practical work or during the compiling of apprentice's portfolios and assessment evidence or during the completion of an exam.

Examples of apprentice malpractice may include but are not limited to:

- An apprentice submitting the work of another apprentice in an assessment of exam
- An apprentice failing to follow exam practices set out by an invigilator (such as the possession of unauthorised materials or communicating with another apprentice during an exam)
- Intentional deception or dishonesty from an apprentice during the assessment process

Staff or centre malpractice is defined by DHA as any instance of malpractice committed by a member of staff at DHA.

Examples of staff and centre malpractice may include but are not limited to:

- A breach of security where the security and confidentiality of assessment materials are broken. Examples of this may include failing to store assessment materials securely or allowing secure material to leave the assessment environment unprotected
- A situation where staff fail to adhere to the regulations regarding the conduct of assessments or a situation where malpractice is committed in the handling of conduct of assessments or handling of assessment materials or results. Examples of this may include permitting apprentices to use prohibited material in an assessment
- Deception relating to any act of dishonesty in an assessment. Examples of this may include inventing or changing marks for internally assessed components or manufacturing or falsifying evidence of competence against the apprenticeship standard
- Improper assistance being given to an apprentice during an assessment relating to where assistance given to an apprentice is beyond what is specified or what has been agreed with an awarding organisation.

Instances of malpractice may include but not limited to:

- Incidents that are intentional and are designed to give or gain an unfair advantage in an assessment or exam
- Incidents that arise due to ignorance of the regulations or carelessness or forgetfulness in applying these regulations
- Incidents occurring as a direct result of circumstances which are beyond the control of those involved or impacted (such as a fire drill disrupting an exam)

A variety of individuals may be involved in cases of suspected malpractice. These may include but are not limited to:

- Apprentices
- Trainers
- Internal or External Quality Assurers (IQA or EQA)
- Centre staff members
- Other third parties (such as parents/carers, friends or siblings of the apprentice)

All DHA staff members are expected to fully comply with this policy at all times and any updates to this policy will be appropriately communicated through appropriate communication channels.

All staff members are subject to performance management and any inconsistencies relating to adherence to policies and procedures will be raised with the staff member's team manager before being escalated if necessary.

If an allegation of malpractice is reported, a formal process will commence and necessary steps will be taken in order to establish the validity of the allegation. In the event that a Malpractice allegation is confirmed based on reasonable facts, DHA will follow the guidance of the relevant awarding organisation to report the malpractice case and to resolve the case once it has been reported.

The monitoring process is enforced throughout ongoing activities such as team meetings, standardisation meetings and email updates.

The Assessment Team at DHA are responsible for adhering to the malpractice policies and procedures set out by specific awarding organisations.

They are also responsible for maintaining an auditable record of informal and formal reports of any suspected malpractice cases. They will also investigate any cases of malpractice that are related to assessments.

Within the DHA Assessment Team, the external assessment lead also has the responsibility for maintaining contact with awarding organisations for the purpose of reporting malpractice and carrying out investigations.

The training team at DHA is subject to regular sampling in order to ensure consistency, compliance, reliability and reliability of any internal assessment methods, gathered evidence and overall delivery processes. This is embedded into

delivery processes at DHA and may include observation of teaching sessions, portfolio sampling, apprentice and employer interviews and reviews or surveys.

General feedback is provided in all cases and Trainers are expected to action any feedback suggested.

If feedback for improvement is put into place, team managers will continue to closely monitor and review this process to ensure that the relevant feedback is being correctly actioned.

Any major feedback or feedback that has not been actioned will be added to a trainers development action plan in order to ensure that it can be actioned.

The trainer will then be expected to action this feedback and it will again be reviewed periodically between the trainer and their team Manager.

If the required improvements are still not put into place, a performance management process will be initiated.

Team Managers are also responsible for investigating any cases of malpractice that are related to training and delivery and keeping the Director of Operations informed throughout the investigation to ensure that an auditable record of any malpractice case can be maintained.

Malpractice may be identified by external parties or organisations such as external examiners, moderators, verifiers or quality assurers. If one of these parties suspects a case of malpractice, they must notify the relevant awarding organisation using their own procedures and documentation.

Where DHA suspect that malpractice has occurred within its assessment centre environment (such as during an exam), a full report will be submitted by the external assessment lead to the relevant awarding organisation. This will include a full account of the incident; an indication of which regulations have been broken and evidence to support the allegation.

Malpractice committed by an apprentice during the completion of an assignment or other internal assessment will not be reported to the awarding organisation but will instead be dealt with in accordance with DHA internal procedures. The only exception to this is in cases of malpractice committed by an apprentice in relation to an internal assessment where the apprentice has already been entered into an external assessment where that work is due to be assessed. In this case, DHA will refer to the guidance available from the relevant awarding organisation before taking action.

Allegations of malpractice may also be reported to awarding organisations by other parties such as employers, centre staff, regulators, funding agencies, regulatory bodies, apprentices, other awarding organisations or members of the public.

If requested by the alleged, awarding organisations will not disclose the identity of individuals reporting cases of suspected malpractice unless they are legally obliged to do so.

Once reported, the awarding organisation will evaluate the report and assess any available information to decide whether an investigation is necessary.

If an alleged case of malpractice is reported, the relevant awarding organisation will consider the information provided and will make a decision on how best to proceed. The decisions that awarding organisations may make include deciding that no further action is needed, investigating the matter directly or referring the case back to DHA to be investigated internally before reporting back on the outcome to the awarding organisation.

If an awarding body receives an allegation of serious malpractice, they will notify their regulator as soon as possible. They may also decide to inform other awarding organisations if necessary and the police. In these cases, the awarding organisation will work with the regulator to consider all of the information provided and decide on how best to proceed. The decisions that may be taken include deciding that no further action is needed, investigating the matter directly or referring the case back to DHA to be investigated internally before reporting back on the outcome to the awarding organisation.

Regardless of whether or not the allegation of malpractice is proven or not, awarding organisations may undertake additional inspections, audits or monitoring visits to ensure integrity and confidence are maintained. They may also require additional actions to be completed to limit the chances of further malpractice in the future.

It is expected that investigations into allegations of malpractice will be carried out by an appointed investigator within DHA. The appointed investigator will be a member of staff with competence, experience and understanding in the area where malpractice is suspected to have occurred. Examples of this may include a team manager or an internal quality assurance advisor.

The appointed investigator will deal with the investigation in accordance with the guidelines and regulations set out by the awarding organisation.

Responsibility for informing the accused individual lies with the appointed investigator. The appointed investigator may need to exercise discretion depending on the circumstances of the case as to the timing and means by which the allegation of malpractice is presented to the individuals involved.

If the appointed investigator decides that there is sufficient evidence to implicate an individual in malpractice, they will contact the individual in writing to inform them of the allegation. They will provide information on the case and the process that will now be followed.

After an investigation of malpractice, the appointed investigator will submit a full written report to the relevant awarding organisation. The appointed investigator will either use the will use documentation provided by the awarding.

In order to determine the outcomes in cases of alleged malpractice, awarding organisations may appoint a panel or committee. This panel is known as a malpractice committee and will be formed of internal or external members experienced in examination or assessment procedures. The committee may be assisted by an awarding body member of staff who has not directly been involved in the investigation.

In cases where a malpractice committee is not formed, the case may be investigated by the quality assurance department of the awarding organisation. This will depend on the nature and severity of the alleged malpractice case.

When making a decision on a report of alleged malpractice, the malpractice committee or quality assurance team will establish that correct procedures have been followed in the investigation of the case and that all individuals involved have had the opportunity to compose a written statement.

If the malpractice committee or quality assurer decides that there is sufficient evidence of malpractice occurring, the committee will determine what measures are appropriate to protect the integrity of the assessment or qualification and how future breaches can be prevented. The committee will also decide whether a sanction should be applied against the accused individuals or parties and what this sanction should be.

Each case of suspected malpractice will be considered and judged on an individual basis in light of all the information available.

If there is evidence of an established, repeated pattern of behaviour that can be clearly evidenced, this may be taken into account when determining whether a sanction should be applied against the accused individuals or parties.

When making the decision, the malpractice committee will seek to make a unanimous decision, but a majority may decide if needed. If the case is being investigated by an awarding organisation's quality team, the decision will be reached by them.

When making a decision, the malpractice committee or quality team will consider whether malpractice has occurred and what sanction should be applied if so. In making the decision, the malpractice committee or quality team will seek to establish:

- Which regulations or requirements have been broken
- The true facts of the case
- Whether the facts established actually breach the specified regulation or requirement

- If a case of malpractice has occurred, the malpractice committee or quality team will establish who is responsible for the malpractice and determine an appropriate sanction or penalty starting by considering the least severe penalty. Any mitigating circumstances will also be taken into account when agreeing the penalty.

Awarding organisations may impose sanctions on individuals or organisations responsible for malpractice in order to minimise the risk of to the integrity of assessments, both in the present and in the future. These sanctions are also intended to maintain public confidence in the delivery and awarding of qualifications and to ensure that at a minimum, there is nothing to gain from breaking the regulations. This is designed to deter other organisations or individuals from doing the same.

Sanctions will be decided by the awarding organisation on an individual basis.

Once a decision is made, it will be communicated in writing to the appointed investigator as soon as possible.

It is the responsibility of the appointed investigator to communicate this decision to the individuals concerned, to pass on warnings and to implement awarding organisation sanctions if required as part of the case.

If any party is dissatisfied with the result of a malpractice decision, they have the option to appeal the decision to the awarding organisation. Awarding organisations have established procedures for considering appeals against malpractice decisions.

Information on how a decision can be appealed against will be sent to the appointed investigator at DHA once the malpractice decision is communicated to them.

The JCQ also publishes guidance on awarding organisation appeals and this information can be found using the following link: <http://www.jcq.org.uk/exams-office/appeals>.