

# Malpractice and Maladministration Policy

October 2023

Qualifi is committed to offer the highest quality delivery of its qualifications, ensuring access to fair assessment for all learners and the continued full compliance with the General Conditions of Recognition in England (OfQual).

**Policy Aim and Purpose**

The aim of this policy is to safeguard the integrity and credibility of Qualifi, to ensure that any potential malpractice or maladministration is identified, prevented, corrected and/or mitigated in every aspect of the development, delivery and assessment of Qualifi qualifications. This policy provides a clear and robust process for the identification and management of malpractice and maladministration by:

- Providing the means to identify and resolve malpractice and maladministration
- Establishing clear standards for dealing with malpractice and maladministration
- Reducing the possibility of malpractice and maladministration.

This policy applies to all Qualifi’s approved centres, staff, consultants, advisors and any other individual included in the development, delivery and assessment of Qualifi qualifications

**1. Failure to report Malpractice or Maladministration**

When Qualifi is made aware that one of its approved centres or stakeholders e.g. those listed above, fails to report a suspected case of malpractice or maladministration or withholds information from the Qualifi, sanctions may be applied (See Qualifi Sanctions Policy and Tariffs).

The UK Regulators General Conditions of Recognition which apply to this policy are:

Conditions A4	Conflicts of Interest
Condition A6	Identification and Management of Risks
Condition A7	Management of Incidents and Events
Condition A8	Malpractice and maladministration
Condition B3	Notification to UK Regulators (England and Wales) of certain events
Condition G4	Maintaining confidentiality of assessment materials, including the conduct of specified training events
Condition I4	Issuing certificates and replacement certificates

**2. Investigation and Management of Malpractice and Maladministration** The procedures in place by Qualifi relating to centre approval, together with quality assurance controls (external verification and centre review), have been carefully designed to monitor a centre's arrangements and ability to identify, manage and take action in regard to preventing and investigating any instances of malpractice or maladministration.

Qualifi has established a process for investigating suspected cases that have been raised, which comprises of five stages:

Stage 1: Notification of an alleged case of malpractice or maladministration

Stage 2: Management and investigation of allegation

Stage 3: Reporting format

Stage 4: Management of confirmed cases of malpractice or maladministration

Stage 5: Appeals

When information regarding an accusation is received by Qualifi, in all cases it will be treated as a potential case for malpractice or maladministration until an outcome has been reached through the investigation stage (see 2.2 above)

Where there are grounds to suspect malpractice or maladministration against a Qualifi officer, the individual may be required to step down from current duties, and an investigation relating to professional misconduct will be carried out by appropriate Qualifi directors or an appropriate third party independent professional with the skills and knowledge to conduct an unbiased investigation.

Where there are grounds to suspect malpractice or maladministration at an approved centre, registrations and learner certification may be suspended until the investigation has been completed and if necessary any sanctions applied (see Sanctions Policy)

Where there are grounds to suspect malpractice or maladministration against a learner, certification may be suspended until the investigation has been completed and if necessary any sanctions applied.

### **3. Stages of Investigation**

Stage 1: Notification of a case of malpractice or maladministration

The centre is responsible for any matters relating to the conduct of the learner or teaching staff/assessor/internal moderator whilst undertaking the qualification. The centre will investigate the allegation in compliance with their own published and Qualifi approved policy and procedures.

Notification of the accusation must be submitted, using the Notification of Malpractice and Maladministration (Appendix 2), together with any supporting information for review.

Evidence, together with the completed Notification Form should be sent to Qualifi's Responsible Officer. If the accusation is related to the Responsible Officer, notification of the suspected malpractice or maladministration should be sent to the Qualifi's Chief Executive Officer in the first

instance, in his/her absence it should be sent to the Chief Operating Officer.

On receipt of the accusation Qualifi will review that the required information has been submitted, and will issue an acknowledgement within 10 working days. Details will be recorded on the Risk Register and categorised according to the severity of the accusation. In all cases Qualifi will ensure anonymity of the person that has made the accusation.

#### Stage 2: Management and investigation

The Responsible Officer will review all information provided and conclude if there is a case of Malpractice or Maladministration. If the investigation involves the Responsible Officer an appropriate independent reviewer will be appointed to examine the allegation.

During the investigation, there may be:

- A request further information;
- Interviews conducted with individuals involved in the investigation in person or by telephone;
- A centre visit which will be chargeable to the centre at a current rate of the day plus reasonable expenses with fees.

Pending the outcome of the investigation, Qualifi may issue sanctions (see Sanctions Policy and Tariffs).

#### Stage 3: Report

Qualifi will provide feedback to the appropriate individual and/or centre within 20 working days of acknowledgement of the notification form being received.

In some cases, the investigation may take longer, as further evidence may be required/collated. In these circumstances, all parties will be advised of the revised timescales.

The Centre must co-operate with all Qualifi's requests for information that will be required for investigation purposes. Centres that fail to comply with any request may have the approval status withdrawn.

Where applicable, Qualifi will inform the UK Regulators of any investigation.

As an example, where certificates are regarded to be invalid, Qualifi will issue sanctions and actions that need to be taken, with immediate effect. There will be timescales attached to the action plan and possible further sanctions if the centre remains non-compliant.

#### Stage 4: Management of confirmed cases

All confirmed cases of malpractice and maladministration are submitted to the Risk Register for senior officers to review. Qualifi will review the risk category and document the appropriate actions that need to be taken.

The Compliance Panel will be notified and if it is highlighted as high risk, the panel will convene and impose the relevant sanction tariff against the centre (see Sanctions Policy and Tariffs). If the malpractice and maladministration is by a third party where sanctions are not appropriate, legal action may be necessary, if the organisation's reputation is at risk or where fraud has been identified.

In all cases Qualifi will inform the UK Regulators. There will be timescales will be agreed by the

Compliance Panel and formal notifications will be issued to the third party.

#### Stage 5: Appeals

Qualifi has an appeals procedure (see Qualifi's Appeals Policy) that can be implemented if there is dispute in the outcome of a malpractice and/or maladministration investigation. An appeal must be based on reasonable grounds which relate specifically to the current allegation. The following would be accepted as reasonable grounds:

- The case was not dealt with using the centre's/Qualifi's relevant policy and procedure;
- Further evidence has been made available which may change the basis of the outcome.

For example, the following cannot be considered sufficient reasons for an appeal:

- The learner did not deliberately cheat;
- The learner has a flawless academic record;
- The learner may not be accepted for higher education;
- The learner regrets their actions.

As outlined in Qualifi's Appeals Policy, it reserves the right to reject an appeal after Stage 5 of this process if there is no further evidence to consider or the reasons for the appeal are insubstantial or unjustified.

# Appendix 1: Examples of Malpractice and Maladministration

Although not exhaustive, below are examples of malpractice or maladministration. to decide which one depends on whether the actions are deliberate (malpractice) or unintentional (maladministration).

Failure to adhere to Qualifi’s qualification and/or centre regulatory requirements for compliance
Actions required by an External Verifier not being met within agreed timescales
Failure to carry out delivery, assessment or internal verification in accordance with Qualifi’s published requirements
Failure to adhere to Qualifi’s learner registration and certification procedures
Fraudulent claim for certification
Withhold information from the Qualifi which is critical to maintaining the rigour of quality assurance
Unsecured storage of assessment and other resource materials
Give unsuitable/incorrect assistance to learners
Submit false or inaccurate information to gain a qualification
Interfere with learners’ work
Submit late registrations
Plagiarism of any nature by learners - failure to acknowledge sources properly and/or the submission of another person’s work as if it were the learner’s own (including the use of AI)
Impersonation
Include inappropriate, offensive, discriminatory or obscene material in assessment materials and evidence as outlined in Qualifi’s and centre’s own Equality and Diversity Policy
Failure to meet published timeframes for certification
Any action likely to lead to an adverse effect
Breach of confidentiality
Use of AI as the sole method of marking learners’ work

## Appendix 2: Notification of Malpractice and Maladministration Form

Type of malpractice or maladministration should include information relating to the person (referred to as the informant) submitting the form. If you are a learner, please indicate this clearly under informant role.

All information within this notification will be treated as confidential and will not be shared with any other third party without prior written permission of the Informant.

Name (Informant)	
Role (in the Centre)	
Contact Telephone Number (mobile or landline – inc dial code)	
Email address	
Name of Qualifi Approved Centre	
Qualification Title and Level	
Details of accusation/allegation	
<b>DECLARATION</b>	I confirm that the information in this form is accurate, to the best of my knowledge, and that I will provide arrangements in accordance with the guidance given by Qualifi.
Signature (if submitted electronically your email address will be accepted as a signature)	
Date	
Please return to: Support@qualifi.net	

FOR QUALIFI USE ONLY

## Appendix 3: Maladministration/Malpractice Event Record

Name of Approved Centre	
Date submitted to Qualifi	
Name of Qualifi Appointed Person	
Description of accusation/allegation	
Additional Information submitted by the Centre	
Risk Category	
Malpractice or Maladministration	
Actions that have been agreed by the approved centre to ensure compliance	
Actions that have been by Qualifi to ensure certification	
Follow up actions by Qualifi where the centre has not met the compliance requirements	
Signature of Qualifi appointed person	
Date	



Malpractice/maladministration reference number for current year	
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