

<p><b>Malpractice and Maladministration Policy</b></p> <p>Effective from July 2021</p> <p>For the attention of the Heads of Centre / ASDAN QA</p>
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<b>Policy owner: Compliance Manager</b>	<b>Policy Approver: Responsible Officer</b>
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<b>Review History</b>	
June 2018 Draft created and approved	Head: Quality Assurance and Qualifications
November 2018 updated	Compliance Manager
February 2021 Version 2 drafted	Compliance Manager
July 2021 Version 2 Approved	Responsible Officer
To be reviewed July 2022	Reviewed by Compliance Manager and approved by RO

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# **ASDAN Policy, Procedures and Guidance on Malpractice and Maladministration**

## **1. Overview**

As an approved awarding organisation ASDAN must maintain rigorous quality assurance and control arrangements as outlined in the Conditions of Recognition.

ASDAN expects to work co-operatively with centres to ensure that the statutory regulation of external qualifications is upheld and, through this, award appropriately the candidates who have demonstrated that they have successfully achieved the required standards.

As a regulated awarding organisation, we aim to prevent malpractice and maladministration occurring. If such incidents happen, we will fully investigate and work with centres to find a satisfactory conclusion and to minimise the effects on all parties, and we will aim to identify improvements in practice that will prevent any reoccurrence.

As part of this regulatory responsibility, we require centres to ensure that they have robust measures in place to prevent, investigate, report and deal with cases of maladministration, and any suspected, alleged and actual cases of malpractice, and to work with us in cases where there is found to be cause for concern.

This policy covers all ASDAN qualifications and all related procedures and activities.

Centres must ensure that all centre staff having a role in the delivery, assessment, moderation/verification and administration of ASDAN qualifications, and all candidates undertaking ASDAN qualifications have access to this policy and understand their responsibilities in relation to it.

## **2. Definition of malpractice and maladministration**

Malpractice is any illegal or unethical activity or practice that deliberately breaches regulations, or might compromise quality assurance or control, or undermine the integrity and validity of assessment, the certification of qualifications and/or damage the authority of those responsible for conducting the assessment and certification, or could otherwise compromise the reputation of ASDAN, the centre, or the wider qualifications community.

Malpractice may involve any or all of the following: candidates, centre staff, awarding organisation staff, for example:

- Candidate malpractice could be plagiarism of any kind; collusion or copying of another candidate's work; assuming the identity of another person for the purposes of assessment; providing false information in relation to exemption from assessment.
- Centre staff malpractice could be contravention of, or continued failure to meet centre approval, or any of ASDAN's administration or quality assurance requirements; providing improper assistance to candidates in the production of work for assessment; allowing evidence which is known by the staff member not to be the candidate's own to be included; or making claims for certification prior to the candidate completing all the requirements of the assessment.
- Awarding organisation malpractice could be the failure of an ASDAN auditor, EQA or External Moderator to fully undertake their role in line with quality assurance requirements. In suspected cases involving an ASDAN External Moderator or other member of staff, ASDAN will conduct an investigation appropriate to the nature of the allegation.

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Maladministration is any unintentional activity or practice that leads to non-compliance with ASDAN requirements. In most cases, maladministration will relate to administrative or quality assurance procedures, and may involve any or all of the following: candidates, centre staff, awarding organisation staff. Maladministration, if serious enough, may be treated as malpractice.

In suspected cases involving an ASDAN External Quality Assurer or other member of staff, ASDAN will conduct an investigation appropriate to the nature of the allegation.

### **3. Responsibilities in alleged or actual cases of malpractice or maladministration**

#### **3.1 ASDAN's responsibilities**

When alleged or actual malpractice or maladministration has been identified ASDAN will:

- notify the Head or Principal of the centre. If the allegation implicates the Head or Principal, ASDAN will notify another suitable person at the centre.
- undertake fair and unbiased investigations
- notify the Regulators Ofqual/CCEA/Qualifications Wales (as appropriate) of all serious incidents of maladministration or malpractice and of steps taken or intended to be taken to prevent, correct or mitigate any adverse effect that may occur as a result, in line with ASDAN's policy for dealing with Adverse Effects
- notify other Awarding Organisations (as appropriate) of all serious incidents of maladministration or malpractice identified within centres
- ensure that all reasonable steps are taken to prevent or mitigate the effect of the alleged or actual incident as far as possible
- if requested by the centre, give advice and guidance on how best to work with ASDAN to investigate, deal with and prevent the effect of the alleged or actual incident
- provide the centre with a report of the investigation outcome
- take appropriate action against any person found to be responsible for proven malpractice or maladministration
- revoke any certificate found to have been issued invalidly as a result of malpractice or maladministration
- apply sanctions in line with ASDAN's sanctions policy
- work with the centre to ensure that the malpractice or maladministration do not recur

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### 3.2 Centres' responsibilities

As a requirement of registration and approval, a centre must:

- have in place, and make available to ASDAN as part of Centre Approval procedures, an appropriate policy for dealing with malpractice within the centre
- promptly report to ASDAN all suspected (alleged) and actual incidents of malpractice or maladministration
- inform the person suspected of malpractice that an investigation will take place and that they have a right to reply or appeal against any sanction imposed on them
- comply fully with ASDAN's requests for information in relation to the allegation
- co-operate with ASDAN during the investigation, including carrying out internal investigations in line with ASDAN's requests, using people who are not involved in the alleged maladministration or malpractice
- provide ASDAN with a report of the outcome any such investigation
- implement agreed actions as a result of the investigation, and take appropriate measures to mitigate the effect and prevent any recurrence of the maladministration or suspected or actual malpractice
- notify ASDAN if any person involved in the malpractice or maladministration or in completing any actions as a result of the investigation leaves the centre
- respect the confidentiality of information handled
- retain records and documentation relating to the investigation for a period of time

Failure to report malpractice or maladministration, suspected or actual, once candidates have been registered, may affect the issue of certificates, and a failure to co-operate might affect the future registration of candidates.

## 4. Guidance for preventing malpractice and maladministration in centres

**Provide clear information for staff:** Many instances of malpractice relate to a lack of communication. For example, all staff involved must be aware of the assessment requirements, the relevant Standards with Guidance, administrative procedures and the terminology and definitions of malpractice and maladministration. They must be aware of the procedures to follow should they become aware of either centre staff or candidate malpractice or maladministration occurring.

**Identify the key roles of staff:** It must be clear to all staff what their roles and responsibilities are for the various aspects of the management, delivery and administration of assessments (assessors/tutors, internal moderator, exams officers and other administrative staff).

**Only assist candidates where permitted:** Assessors must be clear over how they may "assist candidates" in relation to assessments/portfolios, and the requirement to provide evidence of candidates' individual performance. Candidates with access arrangements must not be assisted beyond what is permitted by the regulations.

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**Deal with centre staff and candidate malpractice in the correct and appropriate manner:** If centre staff or candidates are suspected of engaging in any of the behaviour/actions detailed in **2** above then this needs to be dealt with in the appropriate manner. Senior leaders must ensure that they are clear on what ASDAN expects when dealing with such instances. They must be aware of the processes related to dealing with malpractice and how to investigate and report instances accordingly.

**Provide clear information for candidates:** Although it is almost impossible to monitor every aspect of internal assessments, candidates should be clear over the consequences of collusion, copying or allowing their work to be copied. It is the responsibility of centres to make candidates aware of these regulations.

### **5. Identifying cases of alleged or actual malpractice or maladministration**

Suspected cases of malpractice or maladministration could be identified by centre staff, examiners, moderators and assessors, candidates, external agencies or individuals, whistle-blowers or anonymous informants.

ASDAN is aware that the reporting of malpractice or maladministration by a member of staff or candidate can potentially cause a difficult situation in the workplace or centre, and will therefore protect the identity of the informant as far as legally possible if this is asked for when a report is made. ASDAN will continue to carry out an investigation but will tell the informant that its scope may be limited. Where the person making the allegation gives no contact information whatsoever, ASDAN will be unable to carry out an investigation but will log the details of the allegation. If the information is provided by telephone, the informant will usually be asked to make the allegation in writing.

When ASDAN receives an allegation from someone other than the head of a centre (including anonymous reports), ASDAN will evaluate the allegation in the light of any other available information, to see if there is cause to investigate further.

### **6. Reporting suspected or actual malpractice or maladministration**

Centres must submit the full details of the case at the earliest opportunity to ASDAN, using the *Notification of malpractice or maladministration form*. Copies can be found on the ASDAN website, ([www.asdan.org.uk](http://www.asdan.org.uk)) or obtained by contacting ASDAN's Compliance team by email ([compliance@asdan.org.uk](mailto:compliance@asdan.org.uk)) or phone (0117 954 8316). Any additional evidence to support the allegation should be included with the form.

**Note:** Centres must not give credit for any work submitted which is not the candidate's own work, but if any assistance has been given, for example use of a scribe, a note must be made of this on the cover sheet of the coursework or other appropriate place.

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### **7. Procedures**

The following procedures apply to the reporting of malpractice and maladministration:

1. A case of alleged or actual malpractice or maladministration is identified within a centre and following internal consideration a decision is made that it compromises quality and that the awarding organisation should be informed.
2. If in the course of day to day operations ASDAN identifies an issue that suggests that malpractice or maladministration may have taken place by a centre or candidate, an investigation will be carried out and the centre notified.
3. Malpractice, actual or suspected, and identified malpractice should be brought to the attention of the Compliance Manager. This should be in the form of a written report detailing events and circumstances, and should be sent as soon as possible following discovery. This report may be received from external quality assurers, centre assessors, moderators or examiners, candidates, external agencies or individuals or others.
4. Once received by ASDAN, details are recorded and an acknowledgement sent to the centre within 5 working days.
5. The allegation and evidence are investigated by the Compliance Manager and discussed with the Head of Qualifications and Quality and Director of Education, to establish whether further action needs to be taken.
6. Centres and/or other relevant persons are informed in writing of the outcome of the initial investigation, within 5 working days of the investigation, and advised on any sanctions imposed and also of any actions required in order to prevent or mitigate any adverse effect caused by the malpractice or maladministration.
7. In the event of continued investigations further acknowledgement is sent to relevant parties with revised timescales.
8. Centres are notified of the conclusions of the investigation, and actions to be taken, including sanctions and revocation of certificates, within 30 working days of the initial notification.
9. Cases of maladministration or malpractice that may affect another awarding organisation will be reported to that awarding organisation.
10. Serious incidents of maladministration or malpractice are reported to the appropriate Regulator/s as soon as possible together with notification of steps taken or intended to be taken to prevent, correct or mitigate any adverse effect that may occur as a result. Investigations and outcomes will be reported to other awarding organisations where a risk of non-ASDAN qualifications or candidates being impacted is identified. ASDAN will co-operate with the appropriate Regulator/s and other awarding organisations or agencies as necessary, in any follow-up investigations. Senior Managers/Trustees are informed.
11. Details of irregularities are archived once resolved to individual centre files, with information retained in a designated file for monitoring.
12. The whole process of malpractice and maladministration is monitored through proforma, and reported on as a standing item on QA Managers Meeting agenda. All cases of malpractice and maladministration occurring during each academic year are reviewed annually at Qualification

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Reviews to establish whether there are common or recurring issues which may have an effect on centres. Where any such issues are identified, ASDAN will notify registered centres of the findings and provide recommendations for mitigation.