



Action Community Enterprises CIC (ACE)

Malpractice and Maladministration Policy



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Malpractice and Maladministration Policy and Procedure

1 Introduction

ACE takes all incidences of malpractice seriously. The following procedure applies to all students registered on courses at ACE.

2 Procedure

ACE have in place a procedure regarding the prevention and investigation of malpractice and maladministration. This includes the development, delivery, assessment or award of qualifications.

The CEO must be informed by the Managing Director or Tutor as soon as any malpractice/maladministration has been suspected or the security of examination papers or other confidential material has been put at risk.

For allegations which involve fraud or a serious breach of examination security, it will normally be expected that an investigation into the allegation will be carried out by a senior manager at ACE.

Tutors must co-operate fully with any investigations ACE make regarding malpractice by students or staff. Failure to do so may lead to certificates not being issued and future registrations not being accepted. (For examples of malpractice please refer to Appendix 1.)

When an investigation is carried out it will fully investigate the alleged malpractice/maladministration. Those responsible for conducting an investigation will establish the full facts and circumstances of any alleged malpractice/maladministration. ACE will ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in the outcome.

All available evidence will be collected including brief written statements from the person(s) making the allegation and where appropriate the student's work should be retained. For examples of evidence please refer to Appendix 1.

ACE reserves the right to withhold certificates or the issuing of results while any investigation is ongoing. Once the investigation is complete results may be released, amended or permanently withheld. If certificates have already been claimed and issued ACE may recall certificates following the investigation and will inform the regulatory authorities where it finds evidence that the certificates may be invalid

If during the investigation, the issue is of poor academic practice rather than malpractice, then the student should receive appropriate advice and the work marked accordingly.

Where the investigation determines there is insufficient evidence to substantiate the allegation, it will be withdrawn.

Where the investigation determines that there is sufficient evidence to substantiate the allegation of malpractice/maladministration, ACE will inform the individual of the allegation within 5 working days of the review being completed.

The individual will be given the opportunity to respond in writing to the allegation made within 10 working days from the date of the letter. They will also be informed of their right to appeal should the judgement be made against them.

On receipt of the individual's reply ACE will convene a disciplinary panel to consider and judge the allegation. (It is important to note that the disciplinary panel is an evidence based process and no appearance before the panel is involved.)

Within 3 working days of the panel meeting, ACE will convey the decision of the panel to the individual.

Students who wish to appeal against ACE's decisions regarding malpractice/maladministration may do so using the ACE Appeals Procedure.

Sanctions and Penalties

ACE imposes sanctions and penalties on individuals found guilty of malpractice/maladministration in order to:

- Minimise the risk to the integrity of examinations and assessments, both in the present and in the future
- Maintain the confidence of the public in the delivery and awarding of qualifications
- Ensure as a minimum that there is nothing to gain from breaking the regulations
- Deter others from doing likewise

The Qualifications Regulators

ACE will report all cases of malpractice to the regulators where it finds evidence that results or certificates may be invalid. ACE will co-operate with any follow-up investigations required by the regulators and will agree on remedial action to be taken where there is evidence that results or qualifications may be invalid.

Appendix 1

Guidance

Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes the regulations and compromises the integrity of the assessment process and/or the development, delivery or award of the qualification.

The categories listed below are examples of centre and student's malpractice.

Please note that these examples are not exhaustive and are for guidance.

Centre

Breach of security – breaking the confidentiality of question papers or materials and the confidentiality of students' scripts. It could involve

- Insecure storage of external assessment papers
- Unauthorised amendment, copying or distributing of external assessment papers
- Failing to supervise adequately students during an assessment.

Deception - Any act of dishonesty in relation to any examination or assessment. It could involve

- Inventing or changing marks for internally assessed components where there is no actual evidence of the student achievement
- Manufacturing evidence of competence against standards
- Fabricating assessment and/or internal verification records or authentication statements.

Improper assistance to students - Giving assistance beyond that permitted by the specification to a student or group of students, which results in an advantage in an examination or assessment. It could involve

- Assisting students in the production of controlled assessments or coursework
- Sharing or lending students' controlled assessments or coursework with other students
- Assisting or prompting students with the production of answers
- Permitting students in an examination/assessment to access prohibited materials.

Maladministration - essentially any activity or practice which results in non-compliance with ACE regulations/procedures. It could involve

- Contravention of ACE centre and qualification approval conditions
- Failure to carry out actions identified by our external verifiers in the required timescales
- Failure to adhere to ACE students' registration and certification procedures
- Fraudulent claim for certificates
- Deliberate misuse of the ACE logo
- Submission of false information to gain a proxy or a qualification

Student

It could involve

- The alteration or falsification of any results document, including certificates
- Plagiarism of any nature by student
- Disruptive behaviour by student in the examination room or during an assessment session (including the use of offensive language)
- Copying from or allowing another student to copy their work
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), electronic dictionaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices
- Impersonation - pretending to be someone else, arranging for another person to take one's place in an examination or an assessment.

Evidence

The documents listed below are examples of evidence to accompany the investigation report. Please note that these examples are not exhaustive and are for guidance.

- A statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out.
- Written statements from the individual(s) making the allegation
- Written statement(s) from the invigilator(s), witnesses, assessor, internal verifier(s) or other staff who are involved
- Written statement(s) from the alleged (member of staff or student)
- Any mitigating factors
- Unauthorised material found in the examination/assessment room
- Any work of the student
- Any associated materials/documents which is relevant to the investigation.

Reports

ACE will:

- Ensure that staff leading the investigation are independent of the staff/students/function being investigated
- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes
- Submit the findings of their investigation to the relevant awarding body with their report.

The report will include:

- Centre's name, address and number
- Student's name and ACE Student ID number
- Centre staff details (name, job role) if they are involved in the case
- Title and number of the qualification/unit affected

- Date(s) suspected or actual malpractice occurred full nature of the suspected or actual malpractice
- Contents and outcome of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances Together with the appropriate evidence as mentioned above

Sanctions and Penalties

ACE will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. Not all the sanctions and penalties are applicable to every type of qualification or circumstance.

ACE may, at their discretion, impose sanctions or penalties against a member of staff or student. These sanctions and penalties may be applied individually or in combination. Sanctions may include withdrawal from the course for students or dismissal for staff.