MALPRACTICE AND MALADMINISTRATION POLICY

Introduction

Port Training Services (PTS) has an obligation to assessment bodies, its learners, and employers to ensure that the qualifications its learners receive are a fair and accurate representation of their work, and of the knowledge and skills attained. Any reports of malpractice or maladministration by PTS / Assessment staff or candidates are fully investigated. If such is proven, PTS will take action against any parties involved and report the matter to the relevant awarding body, regulator or other authority where required.

Definition

Malpractice is any act, omission, irregular conduct or practice by a learner, member of staff, assessor, invigilator, administrator or other person involved in the delivery, assessment or administration of qualifications that breaches applicable requirements or compromises, or has the potential to compromise, the integrity of assessment or certification.

Examples of irregular conduct which constitutes malpractice include:

- Failing to keep mark schemes secure
- Alteration of any mark schemes
- Alteration of assessment and grading criteria
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves Centre staff producing work for the learner
- Producing falsified witness statements, for example for evidence the learner has not generated
- Allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/ coursework
- Facilitating and allowing impersonation

- Misusing the conditions for special learner requirements, for example where learners are permitted support, such as an amanuensis, this is permissible up to the point where the support has the potential to influence the outcome of the assessment
- Failing to keep learner computer files secure
- Falsifying records/certificates, for example by alteration, substitution, or by fraud
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment
- Failing to keep assessment/examination/test papers secure prior to the assessment/examination/test
- Failing to report an instance of suspected malpractice.

Learner malpractice may include:

- Plagiarism by copying and passing off, as the learner's own, the whole or part(s) of another person's work.
- Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work. Learners should not be discouraged from teamwork, as this is an essential key skill for many sectors and subject areas, but the use of minutes, allocating tasks, agreeing outcomes, etc. are an essential part of teamwork and this must be made clear to the learners
- Impersonation by pretending to be someone else to produce the work for another or arranging for another to take one's place in an assessment/examination/test
- Fabrication of results and/or evidence
- Failing to abide by the instructions or advice of an assessor, a supervisor, an invigilator, or awarding body conditions in relation to the assessment/examination/test rules, regulations and security
- Misuse of assessment/examination material
- Introduction and/or use of unauthorised material contra to the requirements of supervised assessment/examination/test conditions, for example: notes, study guides, personal organisers, calculators, dictionaries (when prohibited), personal stereos, mobile phones or other similar electronic devices
- Obtaining, receiving, exchanging or passing on information which could be assessment/examination/test related (or the attempt to)

by means of talking or written papers/notes during supervised assessment/examination/test conditions
- Behaving in such a way as to undermine the integrity of the assessment/examination/test
- The alteration of any results document, including certificates
- Cheating to gain an unfair advantage.

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration

- Persistent failure to adhere to our learner registration and certification procedures.
- Persistent failure to adhere to our Centre recognition and/or qualification requirements and/or
- Associated actions assigned to the Centre
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from the Awarding Organisation
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from us which is required to assure Activity

Identifying malpractice and maladministration

Cases of malpractice and maladministration can be identified in a number of different ways. They may be:

- Reported by PTS (e.g. via a report from an invigilator or the Examinations Administrator, where the behaviour of an individual has had a disruptive effect on other candidates)
- Reported by an examiner or assessor, who may identify shared answers in an examination script or identical wording in a coursework assignment
- Identified by a moderator, who may identify identical work in coursework assignments

In cases where malpractice or maladministration is identified or suspected, the Head of Training is required to submit a written report detailing the suspected irregular conduct and identifying any assessors or candidates who have been complicit in this conduct.

Prevention of malpractice and maladministration

PTS is committed to taking positive steps to prevent or reduce the occurrence of malpractice or maladministration. These steps often include:

- Using the induction period to inform learners of the PTS policy on malpractice and maladministration and the penalties for attempted and actual incidents of such
- Showing learners the appropriate formats to record cited texts and other materials or information sources including websites. Learners should not be discouraged from conducting research; indeed, evidence of relevant research often contributes to the achievement of higher grades. However, the submitted work must show evidence that the learner has interpreted and synthesised appropriate information and has acknowledged any sources used.
- Introducing procedures for assessing work in a way that reduces or identifies malpractice / maladministration, e.g. plagiarism, collusion, cheating, etc. These procedures may include:
    - periods of supervised sessions during which evidence for assignments/tasks/coursework is produced by the learner
    - altering assessment assignments/tasks/tools on a regular basis
    - the assessor assessing work for a single assignment/task in a single session for the complete cohort of learners
    - using oral questions with learners to ascertain their understanding of the concepts, application, etc. within their work
    - assessors getting to know their learners' styles and abilities, etc.

Dealing with malpractice and maladministration

All cases of suspected malpractice or maladministration are investigated thoroughly by PTS. An alleged incident must be reported to the Awarding Body at the earliest opportunity. The Awarding Body reserves the right to carry out an independent investigation in full under any circumstances of alleged malpractice / maladministration relating to a Centre and full cooperation from the Centre will be expected.

If PTS discovers or suspects anyone of the above, the individual will be made fully aware (preferably in writing) at the earliest opportunity, detailing the nature of the alleged malpractice / maladministration and of the possible consequences should such be proven.

STAGE 1

Where a case of suspected malpractice / maladministration has been identified by an invigilator or another company representative or by an assessor or examiner, the evidence is reviewed in the first instance by the QA Leader.

Evidence may include reports, examination seating plans, answer papers and assignments. If they decide that there is no case to answer, they recommend that the candidate's results are released. If it is decided that the matter needs to be investigated further, the candidate's results are withheld until a full investigation can take place.

STAGE 2

If further investigation is required, the Head of Training and the HR Manager will review all of the information related to the case, including the employees' and candidate's statement and any additional information provided. This review has two possible outcomes:

- They may recommend that the candidate's original result is released unchanged.
- They may recommend that the result be withheld permanently. In this case, the candidate will not receive the result for the component of assessment to which the malpractice related. However, the candidate may re-enter for this component at a future date. In cases where a candidate or candidates have been found to have plagiarised coursework assignments, these assignments may not be submitted in future assessment rounds. In these cases, candidates are required to submit a new assignment.

Completing investigations into malpractice or maladministration

The procedure outlined in this section is designed to ensure that decisions relating to assessment results are fair, consistent and based on full consideration of all of the available information. PTS' internal target is to complete the investigation of cases of suspected malpractice or maladministration within 4 weeks.

Notifying the regulatory authorities of malpractice or maladministration

PTS will report to the awarding body all cases of the above in which there is evidence that certificates may be invalid. PTS will co-operate with any follow-up investigations of malpractice or maladministration required by the awarding body and will agree with the awarding body on appropriate remedial action if there is evidence that certificates may be invalid. Please refer to Appendix A for specific requirements regarding malpractice for awarding body SQA.

If candidates wish to appeal against a malpractice / maladministration decision which has involved them, they may do so using the published **Appeals** procedure.

If learners disagree with their Assessor about an assessment decision or any other issue relating to assessment, they are invited to make an appeal.

If any learner is dissatisfied with the service received from an employee of PTS and wish to make a complaint then they are invited to follow PTS Complaints procedure.

Copies of all policies and procedures are made available to all learners during induction.

APPENDIX A

SQA MALPRACTICE REQUIREMENTS:

SQA Definition of malpractice "Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) that is a breach of SQA requirements", including any act, default or practice that:

- compromises, attempts to compromise, or may compromise, the process of assessment, the integrity of any SQA qualification, or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of SQA or any officer, employee or agent of SQA

Malpractice can arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance).

  Examples might include:

  - completing assessment work on behalf of learners; or
  - falsification of information leading to certification

- Some incidents of malpractice are unintentional. SQA define unintentional malpractice as 'maladministration', which includes incidents that arise due to ignorance of SQA requirements, carelessness or neglect in applying the requirements.

  Examples might include:

  - seeking approval to offer a new qualification after the deadline for new approval applications has passed; or
  - requesting late certification of learners after a regulated qualification's certification end date

Malpractice can include both deliberate non-compliance with SQA requirements and maladministration in the assessment and delivery of SQA qualifications.

PTS is committed to the development, implementation and monitoring of policies and procedures to minimise any opportunity for malpractice including in relation to:

- design of assessments
- security of assessment materials
- assessment delivery and completion of assessments
- quality assurance of assessment
- authentication of candidate evidence
- management of candidate assessment data; and
- management of the Centre's administrative systems

Examples of Candidate Malpractice may include:

- Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment — including the early and unauthorised removal of a question paper or answer booklet from the examination room.
- Collusion with others when an assessment must be completed by individual candidates.
- Copying from another candidate (including using ICT to do so) and/or working collaboratively with other candidates on an individual task.
- Misconduct — inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language, and having a prohibited electronic device that emits any kind of sound in the assessment room.
- Frivolous content — producing content that is unrelated to the assessment.
- Offensive content — content in assessment materials that includes vulgarity and swearing that is out with the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidates' rights to freedom of expression.
- Personation — assuming the identity of another candidate or a candidate having someone assume their identity during an assessment.
- Plagiarism — failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own.
- Prohibited items — items that candidates must not have with them at their allocated seat in the exam room because they can give an unfair advantage,

including: mobile phones; electronic devices such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information; books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary (except in specified subjects) — unless any of these things have been approved by SQA as part of an assessment arrangement.

Examples of Centre/ staff malpractice may include, but are not limited to:

- Managers or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award
- Deliberate falsification of records in order to claim certificates
- Excessive direction from assessors to candidates on how to meet national standards
- Failure to assess internally assessed unit or course assessment work fairly,
- Failure to apply specified SQA assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments
- Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions
- Failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements
- Insecure storage, transmission or use of assessment instruments, materials and marking instructions, resulting in a breach of assessment security
- Failure to comply with requirements for accurate and safe retention of candidate evidence, assessment and internal verification records
- Failure to comply with SQA's procedures for managing and transferring accurate candidate data
- Failing to register candidates within a qualification's accreditation period
- Making late registrations to the awarding body for qualifications in their lapsing period
- Requesting late certification of learners after the certification end date
- For all SQA qualifications, failure by a Centre to notify, investigate and report allegations of suspected Centre malpractice to SQA
- Deliberately withholding information about circumstances which may compromise the integrity of any SQA qualification and/or credibility of SQA
- Failure to take action as required by SQA or to co-operate with an SQA investigation in relation to concerns of malpractice

- For qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales, failure by a Centre to notify, investigate and report to SQA allegations of suspected candidate malpractice

How to report concerns about malpractice

Any candidate or staff member can report suspected cases of malpractice. You can raise your concern by speaking to:

QA Leader (SQA Coordinator)
info@porttrainingservices.co.uk
01670 357030

Or directly to SQA:
Malpractice Team
SQA
Optima Building
58 Robertson Street
Glasgow
G2 8DQ
malpractice@sqa.org.uk

Investigating Suspected Malpractice

All concerns of possible malpractice will be treated seriously, and any investigation will be fair, robust and in proportion to the nature of the concern. PTS will conduct investigations in line with SQA's Standards for Devolved Investigations.
All reports of suspected malpractice will be investigated by the QA Leader under stage 1 and the Head of Training and HR Manager under stage 2.

Investigations into suspected malpractice will be undertake impartially and assessed only against the specific facts/evidence of the case. All investigations will be undertaken in the strictest confidence. All materials collected as part of an investigation will be kept secure and will not be disclosed to any third parties (other than the awarding body, regulator or police, where appropriate or in certain circumstances the candidate's employer.)

To investigate reports of suspected malpractice the QA Leader under stage 1 and the Head of Training under stage 2 may:

- Review assessment evidence and records
- Interview candidates
- Interview assessors and other members of staff
- Seek a second opinion from an internal verifier or other qualified member of staff.

Communicating outcomes

Outcomes of investigations into malpractice will be communicated in writing to the candidate or member of staff under investigation within 20 working days of result of findings.

Other interested parties (assessors, data management administrator, line manager or candidate's employer etc.) will be informed of outcomes in writing once the candidate has been informed.

Actions to be taken & Measures to be applied if malpractice is proven

Any actions to be taken as a result of malpractice being proven through investigation will be specified clearly in the written feedback on the outcome of the investigation.

Depending on the severity of the malpractice, possible measures and/or disciplinary actions may include but are not limited to:

- Candidate receiving a written warning
- Candidate assessment receiving a warning with revision of marks
- Candidate removal from the course
- Staff written warnings
- Staff dismissal

Candidates involved in an investigation of malpractice (whether candidate or Centre malpractice) will not be resulted for the assessments in question until the investigation is completed, the outcome decided and any appeal concluded.

Appeals against malpractice decisions

Appeals should be submitted in writing to the SQA co-ordinator within 10 working days of original decision.

Appeals will be reviewed by HR Manager and candidates will be informed within 5 working days of the result.

Appeals to SQA

PTS have the right to appeal a decision where a case of reported malpractice by our Centre has been confirmed through investigation by SQA.
We also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by our Centre to SQA.

Candidates have the right to appeal to SQA where:

- our Centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted our Centre's appeals process,
- SQA has asked our Centre to conduct an investigation and the candidate disagrees with

For regulated qualifications only:

Our Centre and our candidates have the right to request a review by the appropriate regulator (SQA Accreditation, Ofqual or Qualifications Wales) of the awarding body's process in reaching a decision in an appeal of a malpractice decision.

Record retention

Where an investigation of suspected malpractice is carried out, we will retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications. Records will include any work of the candidate, and assessment or verification records relevant to the investigation.

In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records will be retained for six years.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation will be retained for six years after the case and any appeal has been heard. If there is any doubt about whether criminal or civil proceedings will take place, we will keep records for the full six-year period.

Reporting Malpractice to SQA

PTS will manage suspected malpractice and maladministration in accordance with its own procedures and the specific requirements of the relevant awarding body. Where awarding-body notification is required, PTS will notify the awarding body within the timescale specified by that organisation.

We must inform SQA of any investigation carried out by an awarding body, industry body, funding agency or regulator which may or may not affect the delivery of SQA qualifications.

We must also promptly bring to SQA's attention any findings of Centre malpractice or maladministration communicated to us by another awarding or industry body. We must notify SQA promptly if another awarding body removes approval from our Centre, regardless of the reason given for this withdrawal.

SQA expects Centres to bring learner malpractice concerns for internal assessments to their attention only if:

- the concern came to our Centre's attention after submission of internal assessment marks
- the concern relates to candidate malpractice for a qualification regulated by SQA Accreditation, Ofqual or Qualifications Wales
- a candidate affected by a malpractice decision, who has exhausted their right of appeal within our Centre, wishes to exercise their right of appeal to SQA; or
- there are other exceptional circumstances, e.g. we believe that the malpractice case involves a criminal act (if the malpractice involves a criminal act the matter must also be reported to the police)