

Malpractice And Maladministration Policy

Policy Owner	Quality and Performance
Policy Status	Update May 2023
Policy Version	Final
Approved By	College Management Team
Review Date	June 2024
Renewal Date	May 2023
Distribution	All staff

Content	Topic	Page
1	Purpose and Scope	3
2	Centre Responsibility	3
3	Definitions	4
	3.1 Similarity – Turnitin and Artificial Intelligence	4
	3.2 Cheating	7
	3.3 Collusion	7
	3.4 Types of Malpractice	8
	Part 1 Centre Staff Malpractice	8
	1.1 Breach of Security	8
	1.2 Deception	9
	1.3 Improper Assistance to Candidates	9
	1.4 Failure to Comply with and Investigation	9
	1.5 Maladministration	10
	Part 2 Candidate Malpractice	11
4	Role and Responsibilities	12
5	Preventing Malpractice and Maladministration	13
6	Dealing with cases of (suspected) Malpractice	13
	6.1 Identification	13
	6.2 Investigation Timeliness and Process	13
	6.3 Conducting an Investigation	14
	6.4 Guidance on Conducting an Investigation	14
	6.5 Investigation Report	16
	6.6 Investigation Outcomes	16
7	Appeals against Malpractice decisions	16

1. Purpose and Scope

This policy is aimed at all awarding organisations and Burton and South Derbyshire College (BSDC) staff and learners who are delivering/registered on approved qualifications (including units), accreditations or Quality Assured Awards, and who are involved in suspected or actual malpractice and/or maladministration. This policy is to be used by all staff at the College to ensure that malpractice and maladministration investigations are dealt with in a consistent manner.

This policy covers all academic work of the college and all learners studying a qualification registered with an awarding organisation under the colleges centre number.

Higher Education: In cases of students enrolled on programmes approved by Higher Education Institutions (HE) the policies of the HEI will take precedence where applicable. In these cases, the relevant HEI policy should be referred to.

It also sets out the procedural steps that students and other personnel must follow when reporting suspected or actual cases of malpractice and/or maladministration and our responsibilities in dealing with such cases.

2. Centre Responsibility

It is important that staff involved in the management, assessment and quality assurance of qualifications, accreditations, OFS and QAA, and our learners are fully aware of the contents of the policy and that the centre has arrangements in place to prevent and investigate instances of suspected malpractice and maladministration. A failure to report suspected or actual malpractice/maladministration cases including similarity, cheating and collusion or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the centre. The colleges compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by awarding organisations periodically through ongoing centre monitoring arrangements.

Should an investigation be undertaken, the Head of Centre will:

- Ensure the investigation is conducted by competent investigators who have no personal involvement in the incident or personal interest in the matter
- Ensure the investigation is conducted in an effective, prompt, and thorough manner and that the investigator(s) look beyond the immediate reported issue to ensure that arrangements at the college are appropriate for all qualifications
- Respond timely and openly to all requests relating to the allegation and / or investigation. Co-operate and ensure that staff co-operate fully with any investigation and /or request for information.

This policy should also be read in conjunction with the Joint Council for Qualifications (JCQ) malpractice in guidance which has been updated to include the use of artificial intelligence in assessments and protecting the integrity of qualifications, which can be accessed by clicking [here](#)

This policy will be reviewed each year and be revised as and when necessary, in response to candidate and customer feedback, changes in our practices, actions from regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

In addition, this policy may be updated in light of operational feedback to ensure arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

3. Definitions

3.1. Similarity and Artificial Intelligence (AI)

Similarity is the presentation of someone else's work, or work created by AI, as your own and constitutes academic misconduct. For example, words, images, ideas, opinions, or discoveries, whether published or not, as one's own, or alternatively taking for one's own use, the artwork, images, or computer-generated work of others without properly acknowledging the source, with or without the owner's permission. Similarity by learners can occur in examinations, but is most likely to occur outside sat, unseen exams, i.e., in coursework, assignments, portfolios, essays and dissertations. Examples of similarity may include:

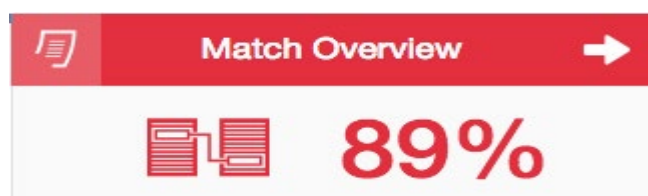
- Directly copying from written physical, pictorial, or written material without crediting the source
- Paraphrasing someone else's work without crediting the source

Work submitted for assessment must be the learner's own efforts and must be their own work. Learners are required to ensure that all submitted work is their own and valid for assessment purposes. Brief quotations from the published or unpublished works of another person, suitably attributed, are acceptable.

Turnitin

What is Similarity?

Turnitin's similarity detection system does not merely scan a piece of work for similarity, rather, it compares a learner's work against its extensive database, and if it identifies any instances where the learner's writing bears resemblance to or matches one of Turnitin's sources, it will flag that the work requires further review. The Turnitin database is vast, containing billions of web pages that include both current and archived content from the internet, a repository of works that learners have previously submitted to Turnitin, as well as thousands of periodicals, journals, and publications.



It is natural for an assignment to have some degree of similarity to the Turnitin database, particularly if the learner has used quotes and referenced sources correctly. The similarity score provided by Turnitin merely highlights potential areas of concern in a learner's work. Course Leaders and tutors can use this score as a tool during their review process to determine if any academic misconduct has taken place.

The terms "match" and "source" are distinct in Turnitin's similarity detection system. A match refers to text that is highly similar or identical to existing text, which will be highlighted in Turnitin. The colours used to highlight matches correspond with the sources listed in the insight panel. A source, on the other hand, is the specific location where a particular match was found, such as a web page, a learner paper, or a published journal. Sources are listed numerically in the insight panel, and it is possible to have multiple matches for each source. By selecting a source, users can view information about the number of matches found and the specific locations of those matches within the source.

Turnitin's similarity reports provide a summary of text that matches or is highly similar to the submitted paper. When a report is available, it will display a percentage similarity score, which can range from 0% to

100%. Reports that are still being generated are represented by a greyed-out icon in the similarity column, while reports that are not available may be delayed due to assignment settings. The colour of the report icon indicates the similarity score of the paper, with different percentage ranges indicating the degree of similarity detected. The possible similarity ranges are:

TITLE	SIMILARITY
Submission	0% 
Submission	6% 
Submission	43% 
Submission	58% 
Submission	80% 

Artificial Intelligence (AI)

AI - Use in Assessments

The use of AI tools to gather information and content for assessments that contribute towards qualifications is known as AI use in assessments. However, any misuse of AI tools in relation to qualification assessments is considered malpractice. It is important to note that AI tools are still being developed and there are limitations to their use, such as producing inaccurate or inappropriate content. AI chatbots are one such tool that responds to user prompts and questions based on patterns in data sets. They can complete various tasks such as answering questions, summarising text, writing essays and articles, and translating text. Misuse of AI tools in assessments, such as copying or paraphrasing AI-generated content, failing to acknowledge AI use, or submitting intentionally incomplete or misleading references or bibliographies, constitutes malpractice as defined in the JCQ Suspected Malpractice: Policies and Procedures which can be accessed by clicking on this [external link](#).

Acknowledging AI Use

Using AI tools to help with such things as idea generation or planning may be an appropriate use, though the context and the nature of the assessment must be considered. It is not acceptable AI tools to write an entire assessment from start to finish. Also, words and ideas generated by some AI tools make use of other, human authors' ideas without referencing them, which, as things stand, is controversial in itself and considered by many to be a form of plagiarism.

Acknowledging AI sources in work

When AI sources are used in assessed work they must be acknowledged. The tool used must be named and described how it was used and referenced in the following style.

- *No content generated by AI technologies has been presented as my own work*
- *Acknowledge the use of <insert AI system(s) and link> to generate materials for background research and self-study in the drafting of this assessment.*
- *Acknowledge the use of <insert AI system(s) and link> to generate materials that were included within my final assessment in modified form.*

Describe how the information or material was generated

A description of how the information or material was generated (including the prompts you used), what the output was and how the output was changed must be acknowledged using the following style of wording, depending on the nature of use:

- The following prompts were input into <AI system>: <List prompt(s)>
- The output obtained was: <Paste the output generated by the AI system>
- The output was changed in the following ways: <explain the actions taken>

Example of how to acknowledge, describe and reference AI in academic work:

Acknowledgement:

I acknowledge the use of ChatGPT (<https://chat.openai.com/>) to plan my assignment and generate some initial ideas which I used in background research and self-study in the drafting of this assessment.

Description of use of AI:

I used ChatGPT to create a structure which I then adapted in my assignment choosing to focus on Bloom's contribution to education and learning theory. I used one further ChatGPT prompt to generate some high-level ideas about how Bloom's taxonomy has been widely used for curriculum design and assessment.

Turnitin's AI Detection Tool

Turnitin has recently introduced an AI writing detection tool in response to the growing prevalence of AI and ML. As a result, **all learners, regardless of their level of study, are now required to upload their digital assessments to Turnitin.** Upon opening the similarity report, a blue AI indicator in the side panel will be visible, which denotes the use of the AI writing detection tool. The percentage displayed indicates the overall proportion of the document that Turnitin estimates was generated using AI writing tools such as ChatGPT. This information is only visible to the tutor and not to learners. However, it is recommended that learners are informed of the existence of AI writing detection and as with the similarity report generated by Turnitin, the result of the AI writing detector tool is a prompt for further investigation.

To access the full AI report, click on the AI indicator button. The report highlights in blue the text segments of the assignment that Turnitin's model predicts were written with the assistance of AI. Similar to the similarity score, it is important the highlighted text is reviewed to determine whether it is acceptable for the assignment at the same time examining the learner's saved questions and computer-generated content. The Turnitin report also includes useful resources, such as information on how Turnitin's AI writing detection works, which may aid you in addressing AI writing with your learners.

If after using Turnitin it is suspected that a learner has used AI in an assessment, a professional discussion can be a valuable tool to explore and confirm their knowledge and understanding of the topic. Here is how you can approach the discussion in such a situation:

1. Set the context: Begin by acknowledging the importance of academic integrity and the need for authentic, independent work. Explain the concerns or suspicions regarding the learner's submission and explain the need to discuss their understanding of the topic further.
2. Ask open-ended questions: Pose questions related to the assessment task or topic to gauge the learner's comprehension. Encourage them to explain their thought processes, reasoning, and the steps they took to arrive at their answers. This enables assessment of their understanding and to determine if they have a deep grasp of the subject matter.
3. Focus on conceptual understanding: Instead of directly asking if they used AI, delve into the underlying concepts and principles. Ask questions that require them to apply their knowledge, analyse information, or provide explanations. This approach helps assess their understanding beyond surface-level answers that could potentially be generated by AI.

4. Observe critical thinking skills: Pay attention to the learner's ability to think critically and problem-solve. Encourage them to justify their answers, provide evidence, and consider alternative perspectives. This helps you evaluate their ability to engage with the topic and identify any inconsistencies or gaps in their understanding.
5. Request explanations and examples: Ask the learner to provide detailed explanations or examples that support their answers. This helps verify if their understanding is based on personal engagement with the material or if it is merely a regurgitation of information generated by AI.
6. Address discrepancies or inconsistencies: If there are any discrepancies between the learner's submitted work and their verbal responses during the discussion, gently ask about the differences. Seek clarification and encourage them to reflect on the potential sources of those inconsistencies.
7. Provide guidance and feedback: Based on the professional discussion, offer constructive feedback and guidance to the learner. If there are strong suspicions that AI was used, address any concerns directly and explain the importance of academic integrity. Reinforce the value of independent learning, critical thinking, and personal engagement with the subject matter.
8. Approach the discussion with an open and non-confrontational attitude. The purpose is to foster a dialogue that helps to gain a deeper understanding of the learner's knowledge and assess their comprehension and guide the learner toward authentic learning experiences.

3.2. Cheating

The term cheating includes, without limitation:

- Being in possession of notes, 'crib notes', or textbooks during an examination other than an examination where such usage are permitted
- Communicating during the examination with another candidate
- Having prior access to the examination questions unless permitted to do so by the rules of the examination
- Substitution of examination materials
- Unfair or unauthorised use of an electronic calculator/device
- Impersonation
- Use of a communication device during the examination
- Any deliberate attempt to deceive

3.3. Collusion

Collusion is an example of unfair means because, like similarity, it is an attempt to deceive the examiners by disguising the true authorship of an assignment, or part of an assignment. Its most common version is that learner A copies, or imitates in close detail, learner B's work with learner B's consent. But it also includes cases in which two or more learners divide the elements of an assignment among themselves, and copy, or imitate in close detail, one another's answers.

It is an offence to copy, or imitate in close detail, another learner's work, even with their consent (in which case it becomes an offence of collusion). It is also an offence of collusion to consent to having one's work copied or imitated in close detail. Learners are expected to take reasonable steps to safeguard their work from improper use by others. Collusion should not be confused with the normal situation in which learners learn from one another, sharing ideas, as they generate the knowledge and understanding necessary for

each of them to undertake an assignment successfully and independently. Nor should it be confused with group work on an assignment where this is specifically authorised in the assignment brief.

3.4. Malpractice

The term 'malpractice' covers any deliberate actions, neglect, default, or other practice that compromises, or could compromise:

- The assessment process
- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of Burton and South Derbyshire College
- The qualification or the wider qualifications community.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates. Failure to deal with an identified issue may in itself constitute malpractice.

Types of Malpractice

The following are examples of malpractice. This is not an exhaustive list and as such does not limit the scope of the definitions set out in this policy. Other instances of malpractice may be identified and considered by the awarding bodies at their discretion.

Part 1. Centre Staff Malpractice

1.1. Breach of Security

Any act which breaks the confidentiality of question papers or materials, and their electronic equivalents, or the confidentiality of candidates' scripts or their electronic equivalents.

It could involve:

- failing to keep examination material secure prior to an examination
- discussing or otherwise revealing information about examinations and assessments that should be kept confidential, e.g., internet forums/social media
- moving the time or date of a fixed examination beyond the arrangements permitted within the JCQ publication Instructions for conducting examinations. Conducting an examination before the published date constitutes centre staff malpractice and is a clear breach of security
- failing to adequately supervise candidates who have been affected by a timetable variation (this would apply to candidates subject to overnight supervision by centre personnel or where an examination is to be sat in an earlier or later session on the scheduled day)
- releasing candidates early from a timetabled assessment (e.g., before 10 a.m. for a morning session examination)
- permitting, facilitating, or obtaining unauthorised access to examination material prior to an examination
- failing to retain and secure examination question papers after an examination in cases where the life of the paper extends beyond the particular session, e.g., where an examination is to be sat in a later session by one or more candidates due to a timetable variation

- tampering with candidate scripts, controlled assessments, coursework, or non-examination assessments after collection and before despatch to the awarding body/examiner/ moderator (this would additionally include reading candidates' scripts or photocopying candidates' scripts prior to despatch to the awarding body/examiner)
- failing to keep secure computer files which contain candidates' controlled assessments, coursework, or non-examination assessments.

1.2. Deception

Any act of dishonesty in relation to an examination or assessment including, but not limited to:

- inventing or changing marks for internally assessed components (e.g., non-examination assessments) where there is no actual evidence of the candidates' achievement to justify the marks awarded
- manufacturing evidence of competence against national standards
- fabricating assessment and/or internal verification records or authentication statements entering fictitious candidates for examinations or assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud)
- substituting one candidate's controlled assessment, coursework, or non-examination assessment for another's
- providing misleading or inaccurate information to an awarding body, candidates and/or parents.

1.3. Improper assistance to candidates

Any act where assistance is given beyond that permitted by the specification or regulations to a candidate or group of candidates, which results in a potential or actual advantage in an examination or assessment.

For example:

- assisting candidates in the production of controlled assessment, coursework, nonexamination assessment or portfolios, beyond that permitted by the regulations
- sharing or lending candidates' controlled assessment, coursework, or non-examination assessment with other candidates in a way which allows malpractice to take place
- assisting or prompting candidates with the production of answers
- permitting candidates in an examination to access prohibited materials (dictionaries, calculators etc.)
- prompting candidates in an examination/assessment by means of signs, or verbal or written prompts
- assisting candidates granted the use of a Communication Professional, an Oral Language Modifier, a practical assistant, a prompter, a reader, or a scribe beyond that permitted by the regulations.

1.4. Failure to co-operate with an investigation

- failure to make available information reasonably requested by an awarding body in the course of an investigation, or in the course of deciding whether an investigation is necessary; and/or
- failure to investigate on request in accordance with the awarding body's instructions or advice; and/or

- failure to investigate or provide information according to agreed deadlines; and/or failure to immediately report all alleged, suspected, or actual incidents of malpractice to the awarding body.

1.5. Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, or malpractice in the conduct of examinations/assessments and/or the handling of examination question papers, candidate scripts, mark sheets, cumulative assessment records, results, and certificate claim forms, etc.

For example:

- failing to ensure that candidates' controlled assessment, coursework, non-examination assessment or work to be completed under controlled conditions is adequately completed and/or monitored and/or supervised
- failure, on the part of the head of centre, to adhere to awarding body specification requirements in the delivery of non-examination assessments, Endorsements and other projects required as part of a qualification. These include the GCSE English Language Spoken Language Endorsement
- inappropriate members of staff assessing candidates for access arrangements who do not meet the criteria as detailed within Chapter 7 of the JCQ publication Access Arrangements and Reasonable Adjustments
- failure to use the correct tasks/assignments for assessments
- failure to train invigilators and those facilitating access arrangements adequately, e.g., readers and scribes, leading to non-compliance with the JCQ publications
- failing to issue to candidates the appropriate notices and warnings, e.g., JCQ Information for candidate's documents
- failure to inform the JCQ Centre Inspection Service of alternative sites for examinations
- failing to post notices relating to the examination or assessment outside all rooms where examinations and assessments are held
- not ensuring that the examination venue conforms to the requirements as stipulated in the JCQ publication Instructions for conducting examinations
- failing to prevent the introduction of unauthorised material into the examination room, either prior to or during the examination (NB this precludes the use of the examination room to coach candidates or give subject-specific presentations, including power-point presentations, prior to the start of the examination) failing to remind candidates that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the examination starting
- failure to invigilate examinations in accordance with the JCQ publication Instructions for conducting examinations
- failure to have on file for inspection purposes accurate records relating to overnight supervision arrangements
- failure to have on file for inspection purposes appropriate evidence, as per the JCQ publication Access Arrangements and Reasonable Adjustments, to substantiate approved access arrangements processed electronically using the Access arrangements online system

- granting access arrangements to candidates who do not meet the requirements of the JCQ publication Access Arrangements and Reasonable Adjustments
- granting access arrangements to candidates where prior approval has not been obtained from the Access arrangements online system or, in the case of a more complex arrangement, from an awarding body
- failure to effectively supervise the printing of computer-based assignments when this is required
- failing to retain candidates' controlled assessments, coursework, or non-examination
- assessments securely after the authentication statements have been signed or the work has been marked
- failing to maintain the security of candidate scripts prior to despatch to the awarding body or examiner; failing to despatch candidates' scripts, controlled assessments, coursework or nonexamination assessments to the awarding bodies, examiners, or moderators in a timely way
- failing to notify the appropriate awarding body immediately of all alleged, suspected, or actual incidents of malpractice
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by an awarding body
- breaching the published arrangements for the release of examination results
- inappropriate retention or destruction of certificates
- failing to recruit learners with integrity, including the recruitment of learners who have not met the qualification's minimum entry requirements wherever stipulated and/or the recruitment of learners who are unable or otherwise unlikely to complete the qualification.

Part 2: Candidate Malpractice

For example:

- the alteration or falsification of any results document, including certificates
- a breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations
- failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments
- collusion: working collaboratively with other candidates, beyond what is permitted
- copying from another candidate (including the use of technology to aid the copying)
- allowing work to be copied, e.g., posting work on social networking sites prior to an examination/assessment
- the deliberate destruction of another candidate's work
- disruptive behaviour in the examination room or during an assessment session (including the use of offensive language)

- failing to report to the centre or awarding body the candidate having unauthorised access to assessment related information or sharing unauthorised assessment related information on-line
- exchanging, obtaining, receiving, passing on information (or the attempt to) which could be assessment related by means of talking, electronic, written, or non-verbal communication
- making a false declaration of authenticity in relation to the authorship of controlled assessment, coursework, non-examination assessment or the contents of a portfolio
- allowing others to assist in the production of controlled assessment, coursework, nonexamination assessment or assisting others in the production of controlled assessment, coursework, or non-examination assessment
- the misuse, or the attempted misuse, of examination and assessment materials and resources (e.g., exemplar materials)
- being in possession of unauthorised confidential information about an examination or assessment bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations)
- the inclusion of inappropriate, offensive, obscene, homophobic, transphobic, racist, or sexist material in scripts, controlled assessments, coursework, non-examination assessments or portfolios
- impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment
- similarity: unacknowledged copying from, or reproduction of, published sources, or AI generated work
- theft of another candidate's work
- bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators (when prohibited), dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries (when prohibited), translators, wordlists, glossaries, iPods, mobile phones, MP3/4 players, pagers, Smartwatches, or other similar electronic devices
- the unauthorised use of a memory stick or similar device where a candidate uses a word processor facilitating malpractice on the part of other candidates
- behaving in a manner so as to undermine the integrity of the examination.

4. Roles and Responsibilities – Malpractice & Maladministration

Incidents of malpractice/maladministration can potentially lead to Learners/Candidates being disadvantaged and can require the conduct of costly and time-consuming investigations which may cause reputational damage to the College. It is, therefore, in everyone's interest to prevent malpractice or maladministration from occurring, wherever possible. Where it is not possible to prevent this, it is in everyone's interest to ensure that all cases of suspected or actual malpractice malpractice/maladministration are dealt with quickly, thoroughly, and effectively.

Centres/centre staff have roles and responsibilities in relation to malpractice /maladministration. They are responsible for:

- Taking reasonable steps to prevent malpractice/ maladministration from arising.

- Advising Learners/Candidates of policy on malpractice/ maladministration during their induction.
- Implementing systems and procedures for recording all suspected instances of learner malpractice and making this information available to Awarding Bodies during quality assurance activities on site and/or on request and assisting with any investigations into malpractice/maladministration
- Being vigilant to possible instances of malpractice and maladministration.
- Implementing any actions required during and after investigation into a case of malpractice.
- Taking action required to prevent the recurrence of malpractice/ maladministration.

5. Preventing Malpractice and Maladministration

It will always be preferable to prevent malpractice/maladministration than to deal with it once it has occurred. Staff can help prevent malpractice and maladministration by:

- Ensuring they understand what activity constitutes malpractice and maladministration; their role in preventing it and the need to communicate relevant points to all members of centre staff
- Understanding and complying with the College's guidance on prevention of Malpractice/ Maladministration
- Ensuring that staff regularly and thoroughly conduct quality monitoring

6. Dealing with cases of (suspected) malpractice

6.1 Identification

Malpractice may be identified:

- At course level through on-going quality assurance activity and monitoring e.g., internal quality assurance activity
- At whole college level through intelligence, complaints or feedback received e.g., from centre staff, Learners/Candidates, or other stakeholders etc.
- Through scheduled quality assurance activity and monitoring e.g., external quality assurance activity
- Through internal examinations sampling
- Through information from other organisations e.g., other awarding bodies, sector skills councils or funding agencies etc.

A suspected case of malpractice will be investigated by a member of the CMT who is independent of the staff/learner/candidate/process under investigation.

6.2. Investigation timelines and process

All Investigations into malpractice and suspected malpractice should aim to:

- Establish the facts, circumstances and scale relating to malpractice /allegations / complaints in order to determine whether any irregularities have occurred. (It is important to remember that just because an allegation has been made it should not be assumed that malpractice has actually occurred)
- Identify the cause of the irregularities and those involved
- Inform the Awarding Body if it is suspected that malpractice and/or maladministration has occurred. (For policy on malpractice relating to Awarding Organisations see the JCQ publication Guidance for dealing with instances of suspected malpractice in examinations, the latest issue <https://www.jcq.org.uk/>)
- Identify and, if necessary, take action to minimise the risk to current learners/Candidates and requests for certification
- Evaluate any action already taken
- Determine whether remedial action is required to reduce the risk to current learners/candidates and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued

- Obtain evidence to support any sanctions to be applied, and/or to members of staff, in accordance with awarding body procedures
- Identify any patterns or trends
- Identify any changes to policy or procedure that need to be made.

6.3 Conducting an investigation

During any investigation, the following principles should be adhered to:

6.3.1 Principles

Confidentiality – by their very nature investigations usually necessitate access to information that is confidential to the College or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties.

Rights of individuals – where an individual is suspected of malpractice, they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice if they wish to. They should also be informed of what the possible consequences could be if the malpractice is proven and of the possibility that other parties may be informed e.g., the regulators, the police, the funding agency, and professional bodies. The appeals process should also be communicated to them.

Staff Interviews - these interviews will be conducted in line with college policy and procedures (including the policy for conducting disciplinary enquiries). Staff may request that they are accompanied by a friend or colleague and these requests should be processed in line with college and/or Awarding Organisation policy.

Candidate Interview - Where a candidate is to be interviewed and they are a minor or vulnerable adult, the College will consider the need to have a parent/guardian or representative present or to have the permission of a parent/guardian prior to the interview taking place.

Retention and storage of evidence and records – all relevant documents and evidence should be retained in line with Awarding Organisation’s stated policy and procedures.

Decisions and action plans – all conclusions and decisions should be based on evidence. A course of proposed action should be identified and agreed by the investigating officer and implemented and monitored by the individual’s line manager until the point of completion. The actions should address the improvements that are required to any policies and procedures as well as any action that is related to staff or other resources.

6.4 Guidance on conducting an investigation

The following process is recommended for conducting investigations. It is intended that the stages involve generic key activities; however, not all these would be implemented in every case.

Stage 1: Briefing and record-keeping

Anyone involved in the conduct of an investigation should have a clear brief and understanding of their role. All investigators must maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately.

Stage 2: Establishing the facts

Investigators should review the evidence and associated documentation, including Awarding Body guidance on the delivery of the qualifications and related quality assurance arrangements.

Issues to be determined:

- What occurred (nature of malpractice/substance of the allegations)
- Why the incident occurred
- Who was involved in the incident?

- When it occurred
- Where it occurred – there may be more than one location
- What action, if any, has been taken

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Stage 3: Interviews

Thorough preparation is needed prior to any interview.

- Interviews should include prepared questions; responses should be recorded. Interviewers may find it helpful to use the 'PEACE' technique:
 - Plan and prepare
 - Engage and explain
 - Account
 - Closure
 - Evaluation.
- Face-to-face interviews where practicable, should normally be conducted by two people with one person primarily acting as interviewer and the other as note-taker. Those being interviewed should be informed that they may have another individual of their choosing present providing they are independent to the investigation.

Stage 4: Other contacts

In some cases, learners/candidates or employers may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post or by email.

Whichever method is used, the investigator should have a set of prepared questions. The responses will be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual.

Stage 5: Documentary evidence

Wherever possible documentary evidence should be authenticated by reference to the author; this may include asking learners/candidates and others to confirm handwriting, dates, and signatures. Receipts

should be given for any documentation removed from an associated site. Independent expert opinion may be obtained from subject specialists about a candidate's evidence and/or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

Stage 6: Reporting

A draft report is prepared including all the relevant facts (see section on Reporting). The report should also include recommendations and proposed actions.

Stage 7: Conclusions

Once the report has been reviewed by Deputy Principal of Corporate Relations, a decision will be made on the outcome, or it may be decided to investigate further.

Stage 8: Actions

Any resultant action plan is implemented and monitored appropriately by People and Performance.

6.5 Investigation report

Where the investigation into the alleged malpractice has been conducted a written report should be submitted to the Vice Principal and Executive Director and be accompanied by the following documentation:

- A statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations conducted by the Director of Curriculum
- Written statements from the centre staff and learners/candidates who have been interviewed as part of the investigation
- Any work of the learner and internal assessment or verification records relevant to the investigation
- In the case of candidate malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future. Any mitigating factors that should be considered.

The above records and documentation in line with college record retention requirements. In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for the required period after the case and any appeal has been heard.

6.6. Investigation outcomes

All decisions to take further action following the outcome of the investigation will be based only on the evidence available.

7. Appeals against malpractice decisions

If a member of staff disagrees with the outcome of the investigation, they may appeal following the disciplinary procedure for staff. If a learner/candidate disagrees with the outcome of the investigation, they may appeal following the Appeals process in the Learner Disciplinary Policy.