

Malpractice and Maladministration Policy

Policy Number	14
Organisation	YGAM & YGAM Innovation Ltd
Policy owner	Head of Quality Assurance
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Introduction

This policy sets out to define the procedures to be followed in the event of any dispute or allegation regarding staff malpractice in the assessment of internally and externally marked courses or qualifications or the conduct of delegates attending workshops which adversely affects the learning or assessment of other learners or delegates. Attempted or actual malpractice activity will not be tolerated.

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 or programmes and/or damage the authority of those responsible for conducting the assessment and certification, or could otherwise compromise the reputation of Young Gamblers Education Trust (known as YGAM), YGAM Innovation Ltd or the wider qualifications or training community.

Malpractice may involve any or all of the following: candidates, staff or volunteers 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.
- Disruptive or abusive behaviour by delegates which affects the learning experience for the other delegates.
- Falsifying attendance records to obtain certification.
- Failing to abide by the instructions of an assessor – This may refer to the use of resources which the candidate has been specifically told not to use
- The alteration of any results document

Staff malpractice could be:

- Contravention of, or continued failure to meet centre approval requirements of the awarding organisations' 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
- Making claims for certification prior to the candidate completing all the requirements of the assessment.
- Tampering with learners work prior to external moderation/verification
- Fabricating assessment and/or internal verification records or authentication statements

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

Staff Malpractice Procedure

Investigations into allegations will be coordinated by YGAM Head of Quality Assurance, who will ensure the initial investigation is carried out within ten working days. The investigation will involve establishing the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true. Where appropriate, the staff member concerned and any potential witnesses will be interviewed and their version of events recorded on paper.

The member of staff will be:

- Informed in writing of the allegation made against him or her
- Informed what evidence there is to support the allegation
- Informed of the possible consequences, should malpractice be proven
- Given the opportunity to consider their response to the allegations
- Given the opportunity to submit a written statement
- Given the opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)
- Informed of the applicable appeals procedure, should a decision be made against him/her
- Informed of the possibility that information relating to a serious case of malpractice will be shared with the relevant awarding organisation and may be shared with other awarding organisations, the regulators Ofqual, the police and/or professional bodies.

If work is submitted for moderation/ verification or for marking which is not the learners own work, the awarding body may not be able to give that candidate a result.

Staff Malpractice Sanctions

Where a member of staff is found guilty of malpractice, the YGAM Head of Quality Assurance in conjunction with the Chief Executive Officer may impose the following sanctions:

- Written warning: Issue the member of staff with a written warning stating that if the offence is repeated within a set period of time, further specified sanctions will be applied
- Training: Require the member of staff, as a condition of future involvement in both internal and external assessments to undertake specific training or mentoring, within a particular period of time, including a review process at the end of the training
- Special conditions: Impose special conditions on the future involvement in assessments by the member of staff
- Suspension: Bar the member of staff in all involvement in the administration of assessments for a set period of time

- Dismissal: Should the degree of malpractice be deemed gross professional misconduct, the member of staff could face dismissal from his/her post

Appeals

The member of staff may appeal against sanctions imposed on them. Appeals will be conducted in line with YGAM's Appeals or Grievance and Disciplinary Policy.

Candidate / Learner Malpractice Procedure

If a trainer or assessor suspects a learner of malpractice or identifies behaviours which indicate malpractice:

- The learner will be informed by the trainer or assessor and the allegations will be explained.
- The learner will have the opportunity to give their side of the story before any final decision is made.
- If the learner accepts that malpractice has occurred, he/she will be given the opportunity to repeat the assignment.
- If found guilty of malpractice following an investigation, the YGAM trainer or assessor may decide to re-mark previous assignments and these could also be rejected if similar concerns are identified.
- In cases whereby the training comprises of a short one or two day workshop, the learner will be asked to leave and will be informed that they will not receive a certificate of attendance.

Appeals

In the event that a malpractice decision is made, which the learner feels is unfair, the learner has the right to appeal in line the Appeals Policy.

Prevention of Malpractice and Maladministration

YGAM and YGAM Innovation Ltd are committed to ensuring the programmes and qualifications it delivers are robust and fair and has put measures in place for staff and candidates to prevent instances occurring. These measures include:

- Providing 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.
- Identifying 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 assisting candidates where permitted: Assessors must be clear over how they may “assist candidates” in relation to assessments/portfolios. Candidates with access arrangements must not be assisted beyond what is permitted by the regulations.
- Dealing with staff and candidate malpractice in the correct and appropriate manner: If staff or candidates are suspected of engaging in any of the behaviour/actions detailed in above then this needs to be dealt with in the appropriate manner. Senior leaders must ensure that all instances are investigated and report instances accordingly.
- Providing clear information for candidates or delegates: 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.