



IPED UK

Institute for Professional and Executive Development
United Kingdom

MALPRACTICE AND MALADMINISTRATION POLICY

1.0 Introduction

The Malpractice and Maladministration Policy affirms IPED's commitment to the maintenance of the highest standards with the aim of safeguarding the integrity of its assessments, qualifications and awards.

1.1 Malpractice

Malpractice refers to those actions that threaten the integrity of IPED qualifications. It is any action that breaches regulations and comprises or attempts to compromise the process of assessment, integrity of a qualification and/or validity of an award; hence giving rise to adverse effect. It also refers to those actions that have a potential to damage the authority and credibility of the awarding body. Malpractice may be deliberate; which may aim to give a learner an unfair advantage in an assessment; or unintentional as a result of ignorance of regulations, carelessness etc. Malpractice may involve a learner, approved centre or provider of IPED qualifications.

1.1.1 Learner malpractice

Examples of learner malpractices are described below, but are not limited to these statements. IPED reserves the right to deem as malpractice other acts that might occur. Malpractice by learners is deemed to occur when unauthorised means are used to gain an unfair advantage in an assessment process. Attempting to engage in a malpractice or actually engaging in one is not permitted by IPED.

- Plagiarism
- Collusion
- Impersonation in an examination or assessment
- Failing to abide by conditions in relation to examination rules, regulations and security
- Misuse of examination material(s)
- Introduction of unauthorised material(s)
- Behaving in such a way as to undermine the integrity of the assessment
- The alteration of any results document including certificates
- Cheating to gain unfair advantage
- Attempting to deceive examiners
- Disruptive behaviour in the examination room, e.g. offensive language, aggressive, violent or noisy conduct.

1.1.2 Centre malpractice

The following are examples of malpractices that a member of staff at a centre may be engaged in. This list is not exhaustive and other instances of malpractice may be considered by IPED at its discretion.

- Failing to keep any examination paper(s) and candidate assessment documentation secure
- Alteration of any examination paper(s)
- Facilitating and/or allowing impersonation
- Misusing the conditions for candidates with reasonable adjustment requests
- Failing to keep computer or paper files secure
- Falsifying records or certificates
- Poor invigilation of candidates
- Obtaining unauthorised access to examination papers or material prior to an examination or practical assessment

1.2 Maladministration

Maladministration is any activity, neglect or default or other practice that results in a centre or any other party not complying with the specified requirements for the development, delivery and/or assessment of a qualification as specified by the regulator(s) and IPED.

Examples of maladministration include but not limited to the following:

- Inadequate record keeping
- Failure to undertake appropriate investigation in incidents that can have adverse effect
- Providing misleading or inaccurate information or statements to the awarding body and regulator(s)
- Failure to implement conditions of approval within stipulated timescales
- Forgery of evidence
- Failure to respond to the awarding body promptly regarding any aspect of the delivery of its qualification(s) and more importantly regarding quality assurance
- Breaches of statutory requirements relating to the delivery and assessment of qualification(s)
- Contravention of centre/qualification approval conditions
- Fraudulent claim for certificates
- Withholding of information necessary for monitoring and continuous improvement
- Deliberate misuse of IPED logo and/or emblem.

As a regulatory requirement a centre must have its own policy on malpractice and maladministration. This policy must be sufficient and up to date.

A centre is required to know about malpractice and maladministration and have sufficient policies and procedures that seek to effectively prevent and tackle malpractice and maladministration. A centre is required to inform IPED immediately about a suspected and/or actual malpractice/maladministration, and the steps it has taken to investigate and deal with the incident to prevent re-occurrence.

A centre must be able to provide to IPED upon request its own policies and procedures for preventing, investigating and dealing with any occurrence of actual and/or suspected malpractice and/or maladministration. A centre's policy on malpractice and maladministration will be requested as part of any of the following:

- Application for centre approval from IPED
- Application for additional qualification delivery approval
- On going centre monitoring and quality assurance activities

Suspected or actual cases of malpractice and/or maladministration should be reported immediately to the Responsible Officer by emailing info@ipeduk.com. IPED will conduct a full investigation into all instances of suspected or alleged malpractice/maladministration and take appropriate action with respect to the individual(s) or parties concerned as necessary with the aim of maintaining the integrity of the qualification(s) irrespective of the underlying cause(s) or parties involved.

IPED will take the following actions:

- Investigate any allegations regarding malpractice or maladministration
- Impose sanctions as appropriate
- Withhold the issue of results/awards
- Report the matter to the regulator(s) and/or appropriate authorities where necessary

Where a centre suspects malpractice/maladministration has occurred on the part of a learner, member of centre staff or any other person(s) involved in the delivery and/or assessment of IPED qualification(s), the centre must report the malpractice or maladministration to IPED immediately through the Responsible Officer. Full details of the suspected malpractice/maladministration including the names of all persons who are suspected to be involved should be provided in writing immediately or as soon as practically possible along with relevant evidence or documentation.

A centre will be sanctioned if it fails to inform IPED of a suspected malpractice or maladministration or where it fails to cooperate with an investigation into suspected malpractice or maladministration.

Where an individual involved in the delivery and/or assessment of IPED qualifications suspects malpractice or maladministration has taken place he/she must inform IPED immediately through the Responsible Officer.

Full details of the suspected malpractice or maladministration including the names of all persons who are suspected to be involved should be provided in writing immediately or as soon as practically possible along with relevant evidence or documentation.

An individual will be sanctioned if he/she fails to inform IPED of a suspected malpractice or maladministration or where he/she fails to cooperate with an investigation into suspected malpractice or maladministration.

When a report of malpractice or maladministration is received by IPED, a full investigation will be launched into the matter. The Responsible Officer will inform the Executive Committee and thereafter immediately appoint qualified and competent person(s) to conduct an investigation into the suspected malpractice or maladministration. Interviews; both face-to-face and by telephone, including centre visits by persons authorized by IPED will be used in undertaking investigations.

Where the investigation includes alleged centre malpractice or maladministration the centre may be suspended from making any claims for registration or certification in the assessment concerned until the issue is resolved.

Where the malpractice involves a learner, a report from the learner's centre of study or centre of examination will be requested as part of the investigation.

Where suspected malpractice or maladministration involves an IPED staff or consultant, that individual will be suspended from all activities relating to the development, delivery, assessment and award of IPED qualifications pending investigations.

IPED will make the learner or centre staff accused of the malpractice fully aware in writing as soon as possible of the nature of the alleged malpractice and of the possible sanctions or consequences should malpractice or maladministration be proven.

Record of every action taken during an investigation will be made and kept to ensure transparency and to demonstrate that the investigation is being conducted in an appropriate manner. The report will include the mode of discovery of the alleged malpractice or maladministration, the investigations undertaken, evidence or documentation received, conclusions and decision reached, and any other recommendations.

The Responsible Officer (and Executive Committee) upon receipt of the report will determine:

- If regulations had been breached
- Appropriate measures to take to protect the integrity of the qualification and to prevent re-occurrence
- Appropriate measures to take to mitigate any adverse effect
- Appropriate sanctions to be applied

Parties involved in the malpractice or maladministration will be notified of the outcome of the investigation and/or sanctions in writing.

IPED will aim to resolve all incidents of malpractice or maladministration (upon receipt of all relevant documentation) and inform relevant parties of a decision within 30 working days. This will be done in writing through the post and/or email. If it is not possible for us to resolve the issue within this time frame, the relevant parties will be advised within 3 working days of knowing we will not be able to make a decision within the published timescale. We will advise relevant parties of a reasonable time frame within which we believe a decision can be made.

All serious incidents regarding malpractice and/or maladministration will be reported to the regulator(s) immediately.

2.0 Scope

This policy applies to all users of IPED qualifications including IPED staff, consultants and members, approved centres and learners. It applies to anyone involved in suspected or actual malpractice or maladministration.

The policy sets out the procedures to be followed when dealing with suspected or actual cases of malpractice or maladministration. Where malpractice or maladministration is suspected or is alleged and where there are reasonable grounds for that suspicion or allegation, IPED will promptly take all reasonable steps to establish whether or not malpractice or maladministration did occur, and take reasonable steps to prevent adverse effect. Where an adverse effect is unpreventable, IPED will take reasonable steps to mitigate it and correct it as far as possible.

It is IPED's aim to prevent the occurrence of malpractice and/or maladministration in the development, delivery, assessment and award of its qualifications. It is therefore obligatory for IPED staff, contractors and members, centres and learners to prevent malpractice and/or maladministration as far as possible.

3.0 Roles and responsibilities

3.1 IPED has a responsibility to:

- Prevent malpractice and maladministration by taking all reasonable steps as far as possible
- Ensure that there are sufficient and up-to-date policies and procedures in place to investigate suspected or alleged malpractice or maladministration
- Investigate suspected or alleged malpractice or maladministration
- Carry out and/or oversee investigations of suspected cases of malpractice or maladministration
- Establish whether a suspected or alleged malpractice has actually occurred
- Take all reasonable steps as far as possible to mitigate any adverse effect arising from malpractice or maladministration
- Ensure that centres have adequate and up-to-date procedures and policies for preventing and dealing with malpractice or maladministration, and that those procedures and policies are frequently reviewed as required
- Provide guidance to centres and other relevant parties as to how best to prevent, investigate and deal with malpractice or maladministration
- Put in place sufficient measures to ensure that any malpractice or maladministration does not re-occur
- Take actions that are appropriate and proportionate against those who are found guilty of a malpractice or maladministration or are responsible for it
- Inform other awarding organizations, the regulator(s) including appropriate authorities where necessary of a malpractice or maladministration

3.1.1 Responsibilities of IPED in preventing malpractice or maladministration within the organization

To help prevent malpractice or maladministration within IPED, it will be ensured:

- That all IPED staff, consultants and members are fully aware of what constitutes a malpractice or maladministration and that they are aware of the policies and procedures in place for preventing and dealing with them
- That staff, consultants and members have clear roles and responsibilities
- There are sufficient internal quality assurance procedures in place and that such procedures are regularly reviewed
- Staff are made fully aware of all internal quality assurance procedures and their responsibilities relating to them
- That all assessment and internal verification activities are properly carried out and recorded in accordance with the organization's quality assurance procedures (and those of the regulator/s)
- That staff are made fully aware of the sanctions that will be applied by IPED on individual(s) who are responsible for the occurrence of a malpractice or maladministration
- Sufficient and up-to-date policies on malpractice and maladministration are published, maintained and complied with at all times

3.2 A centre has a responsibility to:

- Comply with policies and procedures published by IPED on malpractice and maladministration
- Take all reasonable steps to prevent malpractice or maladministration from occurring (Please refer to centre responsibilities in preventing malpractice and maladministration)
- Promptly notify IPED of any incident of suspected or actual malpractice or maladministration
- Fully cooperate with IPED in investigating a malpractice or maladministration
- Carry out investigation of a malpractice or maladministration as requested by IPED
- Take appropriate actions (and as required by IPED) during and after an investigation into a case of malpractice or maladministration with the aim of mitigating the incident and to prevent re-occurrence

3.2.1 Responsibilities of a centre in preventing malpractice and maladministration

To help prevent malpractice and maladministration a centre must ensure that:

- Sufficient and up-to-date policies on malpractice and maladministration are published, maintained and complied with at all times
- All staff are aware of policies and procedures for tackling malpractice and maladministration at the centre
- All staff receive appropriate training and/or briefings on the centre's malpractice and maladministration policies and procedures
- All staff have clear roles and responsibilities regarding the delivery and assessment of IPED qualifications and any other related activities
- There is a documented internal quality assurance procedure that is clear and is subject to regular internal reviews
- Learners are made fully aware of what constitutes malpractice and the sanctions that will be imposed on them if they are found to have engaged in malpractices

✚ It is worth noting that ignorance of malpractice or maladministration policies and/or procedures cannot be used as an excuse or defence for breaching regulations. Ignorance in itself constitutes a malpractice or maladministration as it is the duty of the centre to ensure that those who are required to know have been properly informed and are fully aware of their responsibilities.

✚ To enable IPED comply with its Conditions of Recognition, all reasonable steps will be taken to keep under review arrangements put in place by approved centres for preventing and investigating malpractice and maladministration.

✚ IPED will upon request from an approved centre, provide to that centre guidance as to how best to prevent, investigate and deal with malpractice and maladministration.

4.0 Procedures for dealing with malpractice and maladministration

4.1 Identifying malpractice and maladministration

Malpractice and maladministration can be identified through:

- Effective internal quality assurance procedures, invigilation and on going monitoring and review
- Maintenance of effective complaint-feedback systems that ensure that complaints or information received from learners, staff, centres, employers and members of the general public are promptly responded to and investigated in the most appropriate manner

Notification of malpractice or maladministration by a third party or a 'whistleblower'

A whistleblower is a person who reports suspected wrongdoing or misconduct at work or in an organization. Notification of suspected or actual malpractice by a third party or whistleblower is very important in helping IPED maintain the integrity of its qualifications and assessments. It is therefore essential that whistleblowers are protected and treated in such a way that will not lead to them being prejudiced for making a disclosure.

Both IPED and centres have a responsibility to protect whistleblowers and take steps to ensure that they are treated in such a way that will not lead to them being prejudiced. If IPED or a centre is notified of a malpractice or maladministration by a whistleblower, the organization must first seek to establish the accuracy of the allegation. This should be done by obtaining enough information about the case from the whistleblower as possible. In all cases, permission from the whistleblower must be sought before his/her name is used in further investigations. If the whistleblower does not permit the use of his/her name any such usage should be avoided as much as possible. The whistleblower should however be made aware that in some cases involving regulator(s) and appropriate authorities his/her name may be disclosed if required.

The whistleblower should be requested to put his/her disclosure in writing and forwarded to the Responsible Officer (email: info@ipeduk.com). He/she should indicate in writing whether or not he/she wishes to remain anonymous. It is the responsibility of the organization to ensure that a whistleblower's request to remain anonymous is respected. Failure to ensure that a whistleblower's request to remain anonymous is respected is against IPED policy on whistleblowing, and responsible person(s) will be held accountable and subject to relevant sanctions or disciplinary actions.

Even where a whistleblower does not request to remain anonymous, it is the responsibility of the organization to ensure that he/she is not unfairly treated or prejudiced.

A whistleblower has a right to file a complaint about an unfair treatment he/she has received as a result of the disclosure. Such complaints should be sent to the Responsible Officer. The Executive Committee will fully investigate the complaint and take appropriate actions within 30 working days.

4.2 Investigating the malpractice or maladministration

Where malpractice or maladministration is suspected by IPED, or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, IPED will:

- a. So far as possible, establish whether or not the malpractice or maladministration has occurred, and
- b. Promptly take all reasonable steps to prevent any adverse effect to which it may give rise, and where any such adverse effect occurs, mitigate it as far as possible and correct.

When a notification of malpractice or maladministration is received by IPED, the Responsible Officer will officially acknowledge receipt in writing within 3 working days and advise that the incident will be looked at as appropriate. The Responsible Officer will seek to obtain as much information as possible about the malpractice or maladministration and make arrangement for an investigation.

Where malpractice or maladministration involves a centre, IPED may:

- Require the Head of Centre or an appropriate centre staff to conduct an investigation into the incident
- Nominate a third party to conduct the investigation and give them a clear terms of reference
- Conduct the investigation itself (or with another body)

In all cases guidance and support necessary for the conduct of any such investigation will be provided by IPED and timescales agreed with relevant parties to ensure that the investigation is completed as quickly as possible.

Any investigation should be based on the following principles:

- It should be conducted in a fair, reasonable and legal manner
- Information and evidence should be considered without bias
- Investigations should be carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome

Objectives of the investigation

- To establish the facts relating to allegations in order to determine whether any regulation(s) have been broken
- To establish the nature and scale of the alleged malpractice
- To identify the cause of the malpractice or maladministration and those involved
- To provide information necessary for taking actions with respect to mitigating any adverse effect
- To determine remedial actions or measures that are to be taken to prevent re-occurrence
- To establish whether any action is required in respect of any certificates already issued
- To obtain evidence to support any sanctions to be applied to those responsible for the malpractice or maladministration
- To identify any change(s) needed to be made to existing policies and/or procedures

The following investigation procedures must be followed in any of the following circumstances:

- Centre conducts its own investigation as requested by IPED
- A third party conducts an investigation on behalf of IPED
- IPED conducts its own investigation (or together with another body)

Stage I

Briefing and record keeping

- All those involved in the conduct of an investigation must be well aware of their responsibilities and must have a clear brief about the investigation. The need for confidentiality must be clearly known to anyone involved in the conduct of an investigation
- Materials collected as part of an investigation must be securely kept. Any such materials should not be disclosed to any third parties other than the regulator(s) and relevant authorities
- Every investigator must maintain an auditable record of every action during an interview to demonstrate that they have acted appropriately
- Investigators must retain the following records in line with IPED requirements:
 - Report containing a detailed account of the circumstances of alleged malpractice
 - Details of any investigations relating to the malpractice
 - Written statement(s) from relevant parties
 - Assessment materials (such as learner answer booklets etc.) relevant to the investigation
 - Copies of all correspondence relevant to the investigation
 - Records of action(s) taken to remedy the situation

The officer assigning the investigation will determine and/or provide secure storage arrangements for all materials associated with an investigation in case of subsequent legal challenge.

Stage II

Establishing the facts

In establishing facts; evidence, relevant documentation and IPED guidance on the delivery of the qualification including related quality assurance arrangements must be thoroughly reviewed by the investigators.

In establishing facts, the following issues are to be determined:

- What occurred (that is the nature of the malpractice or substance of the allegation)
- Why the incident occurred
- Who was involved in the incident
- When it occurred
- Where it occurred
- What action(s) has been taken (if any by centre or IPED)

Stage III Interviews

Interviews should be thoroughly prepared and appropriately conducted. Responses to questions (which should be prepared for the interview) should be recorded and retained. Interviewers may use the "P.E.A.C.E" technique:

- Plan and Prepare
- Engage and Explain
- Account
- Closure
- Evaluation

Individuals suspected of being involved in a malpractice should be informed of the allegation made against them in writing and the evidence that may be made available to support allegation. They should be given the opportunity to present their response to the allegation and submit a written statement or seek advice should they require it. They should be informed of the possible sanctions if the malpractice is proven and the appeal process available to them.

Face-to-face interviews

Where a face-to-face interview is being conducted, this should be done by two authorized persons with one person acting primarily as an interviewer and the other as a note-taker. Individuals being interviewed should be made aware that they may be accompanied by another person of their choice and that they do not have to answer questions.

Telephone interviews

As much as possible interviews should be conducted in person. However where a face-to-face interview is not possible a recorded telephone interview should be conducted. All reasonable steps must be taken to avoid impersonation.

Conducting centre visit as part of the investigation

A centre visit will be carried out in any instance of suspected or actual malpractice or maladministration. Centre visits will be undertaken by a competent person appointed by IPED who has no personal interest in the outcome of the ongoing investigations. The visit will seek to obtain additional information relevant to the investigation to enable IPED establish the facts of the matter.

Where a centre visit is required as part of the investigation, IPED will inform the Head of Centre and/or any other appropriate person(s) about the visit at least 5 working days before the scheduled visit in writing (through post/email).

Other contacts

Where required, other parties who may have information and/or evidence useful to the investigation may be contacted. This may be done in through face-to-face interviews, telephone interviews, by post or email.

Stage IV

Documentary evidence

Documentary evidence should be authenticated by reference to the author wherever possible; by asking relevant parties to confirm handwriting, dates and signatures. Where documentary evidence is removed from a centre, this should be properly recorded and retained. Independent expert opinion may be sought from subject specialists about a learner's evidence and/or from a specialist organization such as a forensic examiner who may comment on the validity of documents.

Stage V

Conclusions

A decision must be made on the outcome of the investigation once all evidence have been gathered and reviewed by investigators. Conclusions and decisions must be based on evidence with a proposed course of action identified and agreed upon between investigators and organization.

Stage VI

Reporting

A draft report must be prepared and factual accuracy agreement obtained. A final report will then be prepared and submitted to the Head of Centre, IPED through the Responsible Officer and relevant parties.

Stage VII

Actions

After the final report has been received and copies sent to relevant parties, any of the following actions will be taken by IPED:

- Application of relevant sanctions
- Implementation and monitoring of action plans
- Revision of the Risk Analysis and Management, and Contingency Plans to capture any new risks identified
- Revision of policies and/or procedures as necessary to take into considering any new risks

- ✚ Where IPED has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence:
 - a. May affect a centre undertaking any part of the delivery of a qualification made available by IPED, IPED will inform that centre, and
 - b. May affect another awarding organization, IPED will inform that awarding organization.

- ✚ Where IPED establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications it makes available or proposes to make available, IPED will promptly take all reasonable steps to:
 - a. Prevent that malpractice or maladministration from recurring, and
 - b. Take action against those responsible which will be proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.

5.0 Sanctions

The level of sanction(s) imposed on a centre, centre staff and/or learner will be proportionate to the level of non-compliance during the investigation. IPED will impose appropriate sanctions on individuals or centres found guilty of a malpractice or maladministration with the aim of:

- Maintaining the integrity of the qualification or award
- Preventing an individual or party from gaining an advantage in an assessment by engaging in the malpractice
- Serving as a deterrent to prevent re-occurrence

Depending on the level of risk posed by the malpractice, IPED may issue a firm and final warning to those involved or apply any of the following sanctions as appropriate.

Sanctions to be applied where a centre is found to have engaged in malpractice and/or maladministration

- Disallowing future involvement of the member of staff (involved in the malpractice or maladministration) from taking part in the delivery and assessment of IPED qualifications
- Suspension of registrations/certification of either the award concerned or for all other assessments
- Withdrawal of the approval of the study/exam centre

Sanctions to be applied where a learner is found to have engaged in malpractice

- Declaring as invalid the result of the assessment
- Withholding results/awards for all affected assessments
- Disqualifying learner(s) from taking part in future IPED assessments or examinations for a given period of time as decided by IPED.

6.0 Appeals

Learners and centres may appeal the decision made by IPED regarding the outcome or decision of an investigation into malpractice or maladministration. A request for an appeal must be made within 15 working days of IPED communicating the outcome or decision of the investigation to the respective party(s). The appeal must be made in writing and addressed to IPED Responsible Officer.

Upon receipt of the request a review will be conducted by a panel consisting of competent members (appointed by the Executive Committee) who had no involvement in the original decision process and who have no personal interest in the decision under review. The panel (which will be chaired by the Responsible Officer) will consider the report made at the initial stage including any new information or evidence that may be provided later by relevant parties. The appeal decision will involve at least one decision maker who is not an employee of the awarding organization, an assessor working for the organization or otherwise connected to it.

The outcome of the appeal will determine whether the initial decision will be upheld (with or without a change to the sanction imposed) or overturned.

Appeal decisions will be made within 30 working days after the request for appeal was officially made. This will be communicated to relevant parties in writing through the post and/or email. If it is not possible for us to make a decision within this time frame, the relevant parties will be advised as soon as possible. We will advise relevant parties of a reasonable time frame within which we believe a decision can be made.

7.0 Review of the Malpractice and Maladministration Policy

This policy shall be reviewed annually by the Executive Committee in consultation with the Advisory Board and relevant stakeholders.

However a review may be done anytime by the Executive Committee as and when required in line with regulatory and/or legal requirements.

Any review(s) will be in the best interest of the organization and users of its qualifications and services.