

MALPRACTICE & MALADMINISTRATION POLICY

Last updated: **22/05/2019**

The Teacher Trainer Ltd. would hereafter be referred to as TTT in this document.

Scope of the policy

This policy is provided for TTT customers, including learners and staff members who are using, delivering or are involved in suspected or actual malpractice and/or maladministration for the courses and qualifications that TTT offer.

Purpose of the policy

The purpose of this policy is to set out the steps to follow when reporting suspected or actual cases of malpractice and maladministration. It is also in place to review those processes which led to the suspected or actual case of malpractice and/or maladministration and to support any investigations.

As an approved centre with various Awarding Organisations, TTT will act upon any reports of suspected or actual cases of malpractice and/or maladministration that are received regarding the staff or learners, which may affect the integrity of training courses, qualifications and quality assurance systems. TTT also has a professional responsibility to report non-adherence to this policy to the Awarding Organisations.

Location of the policy

This policy is available for all staff members, third parties and learners to access. The most up to date version of the policy is available on our website www.theteachertrainer.co.uk.

Communication of the policy

It is important that staff involved in the management, delivery, assessment and quality assurance of nationally recognised qualifications and learners undertaking these qualifications, are fully aware of the contents of the policy.

Review of the policy

TTT will review the policy annually and/or revise it as and when required. The review process includes analysis of monitoring data, consultation with and feedback from customers, learners, clients, staff and other stakeholders, changes in practices, actions required by Awarding Organisations or changes in legislation to determine the impact of the policy and any action required. Our review will ensure that our procedures continue to be consistent with the regulatory criteria and are applied properly and fairly in arriving at judgements.

Malpractice policies & procedures

TTT has a formal procedure to deal with any allegations of academic malpractice. It is one of the most formal and potentially serious procedures TTT has and in cases of extreme cheating it can lead to a learner being deregistered. Learners are usually asked to attend malpractice hearings when TTT suspects that some form of academic malpractice has occurred. The usual process for getting to this stage involves some suspicion of malpractice when a tutor is marking an assessment or assignment. TTT may sample assessments and assignments for academic malpractice.

Definition of malpractice

Malpractice is any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates. For the purpose of this policy, this term also covers professional misconduct.

In brief, malpractice can involve the following categories:

- Cheating in exams
- Plagiarism
- Collusion in coursework (working with someone else)
- Fabrication and falsification
- Impersonation
- Breaching anonymity requirements as prescribed by the course, etc.

Most malpractice cases involve plagiarism. Alongside that, when malpractice occurs, it is not always intentional. Any assessment decisions thrown into doubt because of assessment malpractice will be reviewed before certificates are claimed.

Definition of maladministration

Maladministration is any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (e.g. inappropriate learner records).

The categories listed below are examples of centre and learner malpractice and maladministration. Please note that these examples are not exhaustive and are for guidance purposes:

- Plagiarism of any nature by learners
- Forgery of evidence
- Exam irregularities of any nature by learners
- Exam irregularities of any nature by staff
- Submission of false information to gain a proxy or a qualification
- Discriminatory, bullying or harassing behaviour
- Unprofessional conduct
- Behaviour likely to endanger the health or safety of the public
- Breach of confidentiality including staff members, learners or information
- Failure to meet Awarding Organisation's or regulator's requirements
- Falsifying assessment and/or exam records
- Falsifying administration records

Preventing learner malpractice

TTT will take positive steps to prevent and reduce the occurrence of malpractice by learners. These will include:

- a) Using the induction period and the course specification to inform learners of TTT's policy on malpractice and consequent penalties.
- b) 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.

- c) Introducing procedures for assessing work in a way that reduces or identifies malpractice, e.g. plagiarism, collusion, cheating, etc.

These procedures may include

- the requirement for interim work to be handed in before final deadlines to give a picture of the learner's progress
 - 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 learner's learning styles and abilities
- d) Ensuring access controls are installed to prevent learners from accessing and using other people's work when using networked computers.

Reports into malpractice and/or maladministration must include the following

- The learner's name
- Staff member details (name, job role) if they are involved in the case
- The title of the qualification affected, or nature of the service affected
- The date(s) suspected or actual malpractice and/or maladministration occurred
- The full nature of the suspected or actual malpractice and/or maladministration

TTT Actions

- We will acknowledge reports received within 3 working days of receipt
- We will arrange for appropriate personnel to review the report and commence the investigation
- We will aim to action and resolve all investigations within 7 working days of receipt of the report
- We will advise on the outcome of our investigation within 2 working days of making our decision
- We will report any suspected or actual incidents of malpractice and/or maladministration to the Awarding Organisation.

What happens if you are suspected of malpractice?

TTT strongly recommends that learners look at the course documents as the policy is clearly set out in terms of process and sanctions.

What happens when malpractice is suspected?

TTT investigates all cases of malpractice and maladministration in liaison with any parties concerned. If an investigation finds evidence of malpractice or maladministration, we will take the necessary steps to ensure that the learners' interests are protected as far as is reasonably possible.

When we receive a report of malpractice and/or maladministration, we will allocate a panel comprising senior staff members to investigate. The panel will review the report and supporting evidence and carry out the investigation. The panel would be made up of the course Tutor, the Assessor and the Internal Quality

Assurer. In cases where the Tutor is the same person as the Assessor, a third person from the general public could be invited so that the learner does not feel cornered by the staff members. These panel members will usually be listed in the email/letter that the learner receives about the alleged malpractice. The panel usually starts with the Internal Quality Assurer (IQA) introducing the panel and explaining the purpose of the meeting. The learner will be asked to hand their response to the IQA at the hearing. The IQA will note their response and ask if the learner would like to make a statement about how they feel malpractice has occurred. Then the panel will ask any relevant questions that they may have about the work in question. Then the learner is usually asked to leave and wait outside the hearing while the panel discusses whether malpractice has occurred, and which outcomes/sanctions might be appropriate. The learner is then normally asked to return and is informed of the recommended outcome.

We recommend that learners write down their statement beforehand so that they (the learner) are clear about what they (the learner) want to say, and do not forget to mention any key points.

The Investigation Process

During the investigation the panel's review may involve:

- A request for further information
- Interviews (face to face or by telephone) with personnel involved in the investigation
- We will make informed decisions based on the evidence
- We will protect the identity of the 'informant' if required

As part of our approved centre status with various Awarding Organisations, we may inform the relevant Awarding Organisation of any investigations and reports produced from investigations into suspected or actual cases of malpractice and maladministration. The relevant Awarding Organisation reserves the right to lead and/or review any reported investigations into malpractice and/or maladministration within approved centres.

Types of questions a learner may be asked at a malpractice hearing:

- What do you understand plagiarism to be?
- What does your course specification say about plagiarism - have you read it? If not, why not?
- If you are expected to ensure confidentiality by making certain data and information anonymous, then what guidance are you given about how to do this?
- Is any information provided in lectures/seminars/workshops/online resources about avoiding plagiarism?
- What have you done since finding out about this hearing? Who have you talked to/asked for help/explanations?
- How did you put the piece of work together?
- Did you get any written/oral guidelines in putting it together?
- What source material did you use - where did you get it from?
- How did you use the source material?
- Did you photocopy from books? Did you highlight text?
- How did you transfer these notes to your actual assignment?
- Did you paraphrase the source material?
- Did you re-write it in your own words?
- Did you get information from the internet?
- Did you copy and paste text from the internet to a word document? Did you print the page?

- Then what did you do with the text - was it inserted into the assignment, did you treat it as notes?
- What do you understand about referencing/bibliographies?
- What referencing systems are you required to use in your department? (E.g. Harvard referencing - would be normal unless told otherwise by a tutor).

The panel makes a recommendation to the IQA about which penalty might be appropriate. Then the IQA makes a final decision based on the panel's recommendation which can be exactly the same as the penalty recommended or can be more lenient.

The learner should provide as much information as is pertinent to the case at the hearing. After the meeting, a learner can also write a letter of mitigation to the assessor stating their case.

If issues regarding malpractice and maladministration are reported directly to the relevant Awarding Organisation, TTT would allow the relevant Awarding Organisation access to the centre, including staff members, learners, learners' work and third-party information (as required) in order to fully investigate any issues.

Potential outcomes

If the investigation confirms that learner malpractice has taken place, TTT would have no alternative but to impose one or more of the following sanctions on the learner. Please note that this list is not exhaustive:

- Disallowing all or part of the learner's assessment evidence
- Disallowing a learner to undertake an exam
- Disallowing all or part of the learner's external assessment marks
- Not requesting the learner's certificate(s) from the Awarding Organisation
- Disallowing a learner to undertake a qualification or course with
- Disqualification from the qualification
- The learner's grade may be revoked
- The learner may be asked to redo/repeat the work
- The panel may decide that malpractice has not occurred
- The learner may be permanently excluded/deregistered from the organisation

There is no automatic right of reassessment if a learner is failed on the basis of malpractice. Learners who breach TTT regulations may be disqualified from courses/subjects for which they have been enrolled.

In cases of malpractice and/or maladministration by learners, TTT will make learners aware that their final results may be void if the case is proven. Any certificates which have already been issued by the relevant Awarding Organisation may be deemed to be invalid. Certificates may need to be returned to the Awarding Organisation.

If a learner is not satisfied with the investigation process or outcome conducted by TTT, they can escalate their issues to the relevant Awarding Organisation to investigate. In that case, the decision regarding any malpractice and/or maladministration investigation undertaken by the relevant Awarding Organisation would be final.

Malpractice by staff

The following are examples of malpractice by staff. The list is not exhaustive and other instances of malpractice may be considered by TTT at its discretion:

- Failing to keep any 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/scribe, 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
- Obtaining unauthorised access to assessment/examination/test material prior to an assessment/examination/test

Action to be taken where there is evidence of malpractice

If there is evidence or allegation of assessment malpractice by centre staff, there will be a process of investigation. This will be conducted in a form commensurate with the nature of the malpractice. All malpractice concerns should be reported to Phenil Mehta who will nominate an investigating officer, if necessary. In all other cases, Phenil Mehta would normally conduct investigations himself. Investigations will proceed through the following stages:

- The member of staff will be informed about the issues, possible consequences and right of appeal
- Collection of evidence related to the alleged malpractice
- The review of evidence and production of a report
- A formal meeting between the Quality Nominee (Phenil Mehta) and the member of staff against whom an allegation has been made

Possible actions taken

In cases where it is believed that there is clear evidence of malpractice:

- The appropriate Awarding Organisation will be informed by TTT of the allegation of malpractice and they will be given the supporting evidence
- TTT may take internal disciplinary action in line with policies and procedures. This action will be commensurate with the seriousness of the malpractice

Safeguarding Certification

- Use only Awarding Organisation forms to record marks/grades
- Marks/grades awarded must be randomly sampled by the IQA

- Sample size must meet criteria set by IQA strategy
- Complete unit marks/grades must be recorded as one entity
- Assignments are marked and verified within a time frame of 15 days (more in extenuating circumstances)
- All certificates awarded by the Awarding Organisation must be checked against individual learner records held on the learner progress records
- If errors are detected on certificates, the course tutor(s) must be notified immediately
- The course administrator or tutor(s) must liaise with the Awarding Organisation to ensure that the correct certificate is issued

Staff members that are found to be in breach of the above policy and procedures will be subject to TTT's Staff Disciplinary Process.