

## POLICY AND PROCEDURES FOR DEALING WITH MALPRACTICE & MALADMINISTRATION

GQAL acknowledges its responsibility to deal with any issues of malpractice or maladministration on the part of candidates, centre staff or any others involved in providing their qualifications.

GQAL is obliged to investigate all cases of malpractice or maladministration in liaison with the parties concerned. If an investigation results in evidence of malpractice or maladministration GQAL will take the necessary steps to ensure that the candidates' interests are protected as far as is reasonably possible, this may include making arrangements for re-assessment or re-certification. GQAL will take action to prevent a reoccurrence of the malpractice or maladministration and where necessary will impose an appropriate sanction.

### What is malpractice?

Malpractice is defined as 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 misconduct.

The categories listed below are examples of potential malpractice. Please note that this is not an exhaustive list.

- Plagiarism of any nature by candidates.
- Disruptive behaviour by candidates.
- Cheating in an examination.
- Fraudulent actions or behaviour.

Anybody who suspects malpractice at any time must immediately **report** their findings to the Responsible Officer

### What is maladministration?

Maladministration is defined as any activity or practice, which results in non-compliance with regulations. Anybody identifying cases of maladministration should report them to the Responsible Officer.

The categories listed below are examples of potential maladministration Please note that this is not an exhaustive list.

- Failure to adhere to our candidate registration and certification procedures
- Failure to comply with centre approval criteria (where these apply) or examination requirements
- Failure to maintain auditable records, e.g. certification claims
- Fraudulent claim for certificates
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance
- Deliberate misuse of our logo
- Submission of false information to gain a proxy or a qualification
- Failure to adhere to the requirements of our *Reasonable Adjustments and Special Considerations Policy*.

Anybody who suspects maladministration at any time must immediately **report** it to the Responsible Officer

We would expect centres approved by GQAL to carry out their own initial investigations into any suspected malpractice. We will provide guidance and support to centres to put arrangements in place to prevent and investigate malpractice.

### Malpractice and Maladministration reports

The **report** is received by the Responsible Officer who reviews it and decides whether:

1. There is sufficient evidence to launch an investigation
2. More evidence is needed before an investigation can be launched

### 3. There is insufficient evidence for an investigation

## DEALING WITH MALPRACTICE

### 1 The malpractice report

In the case of a **report** of suspected malpractice the Responsible Officer must be informed immediately, followed up by the information below:

- centre name
- teacher name
- candidate's name and registration number
- title and number of the qualification affected
- date(s) suspected malpractice occurred
- full nature of the suspected malpractice
- the full detail and results of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- written statements from those involved in the case; e.g. witness statements
- date of the report and the informant's name, position and signature.

The Responsible Officer will review the report, decide whether to recommend further investigation and respond to the informant within 5 working days to set out the initial findings and decision based on one of the three options above.

Should the Responsible Officer wish to launch an investigation they will carry out the following action.

### 2 Appointing the investigation team

The Responsible Officer will invite members of the Examination Standards Committee to take part in the investigation. A requirement for members of the investigation panel will be that they:

- have no personal interest in the case;
- have not had any previous dealings with those involved in it.

Members of the investigation panel will be expected to confirm their objectivity in the investigation and any potential conflicts of interest should be stated in advance of the investigation. Should there be a potential conflict of interest the Responsible Officer may decide to remove that person from the panel depending on the nature of the conflict.

### 3 The investigation process

The team will look through all the evidence presented and carry out further investigation to establish the nature of the malpractice and establish the facts of the case. They may need to:

- carry out site visits should failure of security or confidentiality of premises be in question;
- interview those involved to establish the facts of the case should there be discrepancies in the facts from different viewpoints;
- request further information from those involved.

After reviewing all the evidence, the team will come to a decision (this has to be a majority decision within the group if not unanimous) and inform the Responsible Officer. The team should report its findings formally to the Examination Standards Committee who will ratify the decision before the parties involved are informed of the decision.

Those involved will normally be informed within 30 days unless there is a reason why the investigation cannot be completed within that time, e.g. in some cases the investigation may take longer if GQAL deems it necessary to carry out site visits. In such instances, GQAL will advise all parties concerned of the likely revised timescale. If this is the case the team should inform the Responsible Officer who will in turn inform the parties involved of the delay and expected new timescale.

GQAL expects all parties, who are either directly or indirectly involved in the investigation, to fully co-operate. In instances where a centre or its candidates do not co-operate, GQAL may have no alternative but to take action against those involved for non-compliance. Possible actions for non-compliance can be found in GQAL's Sanctions Policy. During the investigation the review process may involve:

- a request for further information from those involved;
- interviews (face to face or by telephone) with those involved in the investigation;
- arranging for authorised personnel to carry out a site visit.

#### **4 Referring matters to the Board of Directors**

There may be instances where the Examination Standards Committee wishes to refer the decision about the investigation to the Board of Directors. In all cases of malpractice, the Responsible Officer will report any investigations and outcomes to the Board of Directors for note. However, in cases where the Board of Directors is called on to make or ratify a decision by the Examination Standards Committee, the majority vote will apply.

#### **5 Outcome of the investigation**

GQAL will consider all factors put forward by the centre or the candidate in determining the appropriate sanctions. GQAL's Sanctions Policy provides information about the range and degree of sanctions that may be imposed. These will be determined in proportion to the scale and type of malpractice.

##### ***~ candidate malpractice***

If the investigation confirms that candidate malpractice has taken place, GQAL may impose one or more of the following sanctions on the candidate:

- disallowing all or part of the candidate's external assessment marks;
- not issuing the candidate's certificate(s);
- disqualification from the qualification;
- no refunds for fees will be paid.

##### ***~ teacher or centre malpractice***

If the investigation confirms that centre or teacher malpractice has taken place, GQAL may impose one or more of the following sanctions on the centre:

- suspension of a centre's approval status or teacher membership status for all GQAL qualifications;
- suspension of candidate registration for the qualification;
- suspension of the certification service for the qualification;
- no refunds for fees will be paid.

##### ***~ examiner malpractice***

**If an examiner is reported to be colluding with candidates the evidence will be passed to the Responsible Office and will be closely monitored. If collusion is corroborated, then the examiner will be dismissed from the examining panel and the candidates in question will be re-examined.**

#### **6 Referring matters to the regulatory bodies**

The Responsible Officer will inform the regulators if a malpractice investigation is taking place, where appropriate GQAL will agree the appropriate course of action with the regulator. GQAL will co-operate with the regulators should it be decided that they need to participate in or in exceptional cases lead the investigation. There may involve:

- a request for further information from those involved;
- interviews (face to face or by telephone) with those involved in the investigation;

- arranging for authorised personnel to carry out a site visit.

In cases where certificates for qualifications approved by the regulatory authorities are deemed to be invalid, we will inform the centre, the candidate and the regulatory authorities of the reasons why they are invalid and provide details of action to be taken for reassessment and/or certification.

## **7 Reporting the outcome to the parties involved**

After an investigation, the team will produce a draft report for the centre to check for factual accuracy. Any subsequent amendments will be agreed between the centre and us.

Once the report has been ratified by the Examination Standards Committee, and the Board of Directors, it will be made available as a final report to the centre, and to the regulatory authorities and other external agencies as required.

We will advise all interested parties of the outcome of our investigation within 10 working days of making our decision.

If an independent/third party notified us of the suspected or actual case of malpractice, we will inform them of the outcome.

## **8 Imposing and monitoring sanctions**

Any sanctions imposed will be decided by the Examination Standards Committee and ratified by the Board of Directors. Those involved will be informed as part of the reporting process.

Sanctions will be imposed based on the scale and nature of the malpractice and will be imposed in a proportionate manner as outlined in the Sanctions Policy.

The Responsible Officer will monitor the agreed sanctions. Any actions that need to be taken as part of these sanctions will be monitored by the Responsible Officer and reported to the Board of Directors.

Should any additional measure be required (e.g. for continued non-compliance during the monitoring period) the Responsible Officer will request a decision to be made by the Board of Directors to extend the sanction finish date or escalate them.

Either at notification of a suspected case of malpractice or at any time during the investigation, GQAL reserves the right to suspend any claims for candidate certification submitted by the centre involved.

## **9 Appeals/Complaints against our decision to impose sanctions**

If an appeal is to be made against GQAL's decision to impose sanctions, it must be made in writing to the Responsible Officer within 30 days of receipt of notification of a sanction as a complaint. The Responsible Officer will refer the appeal to a GQAL Appeals Panel for a final decision.

<b>Advice Received</b>	<b>Advisory Council</b>	<b>01/03/2017</b>
<b>Approved</b>	<b>Board of Directors</b>	<b>08/03/2017</b>
<b>Next Review</b>		<b>March 2020</b>