



BBE
TRAINING



A CITRUS GROUP
COMPANY

Malpractice & Maladministration Policy



Malpractice & Maladministration Policy

Introduction

This policy relates to suspected or actual malpractice and maladministration on the part of candidates, centre staff and any others involved in providing the qualification under consideration. It is also for use by BBE staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner. It sets out the steps a centre, learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and BBE responsibilities in dealing with such cases. It also sets out the procedural steps BBE will follow when reviewing the cases.

DEFINITIONS

BBE (BBE Training Ltd)

Maladministration

Maladministration is essentially 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).

Maladministration

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. It 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 BBE
- 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. For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain, or groups of, learners.

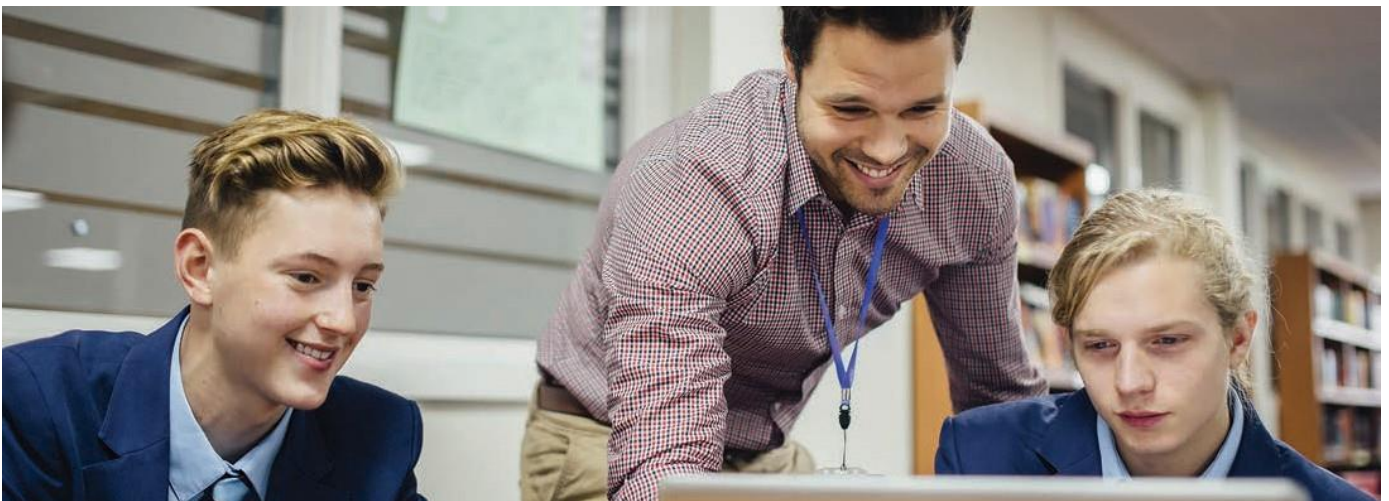


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Examples of Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework and examinations or malpractice in the conduct of the examinations/assessments and/or the handling of examinations papers, candidate scripts, mark sheets, cumulative assessment records, results and certifications claim forms etc. For example:

- failing to ensure that candidates' coursework or work to be completed under controlled conditions is adequately monitored and supervised
- under-qualified or non-qualified or unauthorised members of staff assessing candidates for access arrangements
- failure to use current assignments for assessments
- failure to train invigilators adequately
- failing to issue to candidates the appropriate notices and warnings
- failing to post notices relating to the examination or assessment in all rooms where examinations and assessments are held
- not ensuring that the examination venue conforms to awarding body requirements
- the introduction of unauthorised material into the examination room, either during or prior to the examination
- failing to ensure that mobile phones are placed outside the examination room and 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 in accordance with BBE Instructions for Invigilators
- failure to keep accurate records in relation to very late arrivals and overnight supervision arrangements
- failure to keep accurate and up to date records in respect of access arrangements
- granting access arrangements to candidates which do not meet the requirements of the Reasonable Adjustments and Special Consideration;
- granting access arrangements to candidates where prior approval if required has not been obtained
- failure to supervise effectively the printing of computer based assignments when this is required;
- failing to retain candidates' controlled assessments or coursework in secure conditions
- failing to maintain the security of candidate scripts prior to despatch to BBE or moderator
- failing to despatch candidate scripts / controlled assessments / coursework to BBE or moderators in a timely way
- failing to report an instance of suspected malpractice in examinations or assessments to the appropriate awarding body as soon as possible after such an instance occurs or is discovered
- failure to maintain appropriate auditable records e.g. certification claims and / or forgery of evidence
- failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by BBE
- the inappropriate retention or destruction of certificates
- persistent failure to adhere to learner registration and certification procedures.
- persistent failure to adhere to centre recognition and/or qualification requirements and/or associated actions assigned to the centre
- late learner registrations (both infrequent and persistent)
- unreasonable delays in responding to requests and/or communications from BBE
- inaccurate claim for certificates
- misuse of the BBE logo or misrepresentation of a centre's relationship with BBE and / or its recognition and approval status with BBE
- withholding of information, by deliberate act or omission, which is required to assure BBE of the centre's ability to deliver qualifications appropriately



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Examples of Malpractice by Centres

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice.

- Denial of access to premises, records, information, learners and staff to any authorised BBE representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with BBE requirements
- Deliberate failure to adhere to learner registration and certification procedures
- Deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned to the centre
- Deliberate failure to maintain appropriate auditable records, eg certification claims and/or forgery of evidence
- Fraudulent claim for certificates
- The unauthorised use of inappropriate materials / equipment in assessment settings (eg mobile phones)
- Intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of BBE logo and trademarks or misrepresentation of a centre's relationship with BBE and/or its recognition and approval status with BBE
- Permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the centre
- Deliberate contravention by a centre and/or its learners of the assessment arrangements specified for the qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by learners/staff
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by centre staff (eg unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- False ID used at the registration stage
- Impersonation of a learner for an assessment
- Creation of false records
- Cash for certificates (e.g. the selling of certificates for cash)
- Selling papers/assessment details
- Extortion
- Fraud

Examples of Malpractice by Learners

- The alteration or falsification of any results document, including certificates
- A breach of the instructions or advice of an invigilator, examiner, or BBE 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 ICT to aid the copying)
- allowing work to be copied e.g. Posting written coursework 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)
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio
- Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework
- The misuse, or the attempted misuse, of examination and assessment materials and resources (e.g. Exemplar materials)
- Being in possession of confidential material in advance of the 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)

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Examples of Malpractice by Learners *continued*

- The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework or portfolios
- Impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment
- Plagiarism: unacknowledged copying from published sources or incomplete referencing; 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, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, mp3 players, pagers or other similar electronic devices
- The unauthorised use of a memory stick where a candidate uses a word processor
- Behaving in a manner so as to undermine the integrity of the examination.



Review Arrangements

BBE will review the policy annually as part of the annual self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback, changes in our practices, actions from the 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 our arrangements for dealing with suspected cases of malpractice and maladministration remain effective. This section sets out the procedure for investigating alleged malpractice by centre staff or learners.

Centre's Responsibility

Centre staff involved in the management, assessment and quality assurance of BBE qualifications should be fully aware of this and the centre's own internal policy in place to prevent and investigate instances of malpractice and maladministration.

A failure to report suspected or actual malpractice/maladministration cases, or to have effective arrangements in place to prevent such cases, may lead to sanctions being imposed on the centre.

Guidance may be given to centres on how to prevent, investigate, and deal with malpractice and maladministration. The way in which centres take reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by BBE periodically through our ongoing centre monitoring arrangements.

Should an investigation be undertaken into the centre, the head of centre must:

- respond speedily and openly to all requests relating to the allegation and/or investigation
- cooperate and ensure their staff cooperate fully with any investigation and/or request for information



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Reporting Suspected Malpractice or Maladministration

Examiners, moderators and verifiers, members of centre staff or learners who suspect malpractice must report this immediately to BBE in writing setting out a full account of the incident together with any supporting evidence.

All allegations must include (where possible):

- centre's name, address and number
- learner's name and BBE registration number
- centre/BBE personnel's details (name, job role) if they are involved in the case
- details of the BBE course/qualification affected or nature of the service affected
- nature of the suspected or actual malpractice and associated dates
- details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances.

If a centre has conducted an initial investigation prior to formally notifying BBE the centre should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. Such investigations would normally involve the head of centre (if there is an investigation into allegations of malpractice or irregularities against the head of the centre or the management of the centre then such investigations should be carried out by the Chair of the Governing Body of the centre or his/her nominee). However, it is important to note that in all instances the centre must immediately notify BBE if they suspect malpractice or maladministration has occurred as we have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice and maladministration reported to BBE we will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

Confidentiality and Whistleblowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. However it is preferable for those individuals to reveal their identity and contact details to BBE and then to request BBE not to divulge their identity if concerned about possible adverse consequences. While BBE are prepared to investigate issues which are reported anonymously, we will always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates. Requests for anonymity will be respected by BBE except where this is not possible for legal reasons.

Information by telephone must be followed by a written statement before it can be used in any investigation. BBE will consider each disclosure of information sensitively and carefully, and decide upon an appropriate response. Although BBE aim to keep the identity of whistle blowers confidential, this cannot be guaranteed if their identity is required by another agency, for example:

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- the courts (in connection with court proceedings) another person to whom we are required by law to disclose your identity
- other third parties where we consider it necessary to do so (e.g. the regulator Ofqual)

A whistle blower should also recognize that they may be identifiable to others due to the nature or circumstances of the disclosure.

BBE aims to keep informants updated as to the progression of the allegation, but will not disclose details of ongoing investigations. In addition, it may not be appropriate to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons (eg disclose full details on the action that may be taken against the parties concerned).



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Responsibility For The Investigation

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be examined promptly by BBE to establish if malpractice or maladministration has occurred. All reasonable steps will be taken to prevent any adverse effect from occurring as defined by the regulator Ofqual.

All suspected cases of malpractice and maladministration will be passed to our Quality Assurance Senior Manager (QASM) and BBE will acknowledge receipt, as appropriate, to external parties within 48 hours.

The QASM will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. A relevant member of staff (e.g. an EV) will be allocated to lead the investigation and establish whether or not the malpractice or maladministration has occurred and review any supporting evidence received or gathered by BBE.

At all times we will ensure that BBE personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.



Responsibility For The Investigation

The evidence will be considered by the QASM. Should they have a personal knowledge or interest in the case then nominees will be established to deal with the particular investigation. At this stage the following are confirmed:

- correct procedures have been followed
- the information supplied by the centre is comprehensive – further information is requested if appropriate
- individuals involved have been given the opportunity to present a written statement
- the facts are established where there is conflicting information
- whether BBE assessment regulations have been broken and who is responsible for the breach
- proposed measures to be taken to protect the integrity of the assessment and prevent future instances
- the nature of the proposed penalty to be applied.

The proposed measures and penalties are recommended to the Executive for its formal approval.

Notifying Relevant Parties

In all cases of suspected, or actual, malpractice the Head of the Centre involved in the allegation will be informed (except when the head of the centre or management is under investigation; in which case communication will be with the Chair of Governors, Local Authority officials or other appropriate authorities) that BBE will be investigating the matter. In the case of learner malpractice, the centre may be asked to investigate the issue in liaison with BBE personnel – in doing so we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

BBE may communicate directly with former members of centre staff who have been accused of malpractice, if appropriate (eg the staff member is no longer employed by the centre) and/or communicate directly with a learner or their representative (eg if there is a contradiction in the evidence provided during an investigation or where the centre is suspected of being involved in malpractice).

Where applicable, the Responsible Officer, or QASM on behalf of the Responsible Officer will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration. Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed on BBE by the regulator Ofqual. If we do not know the details of organisations that might be affected we will ask Ofqual to help us identify relevant parties that should be informed. If fraud is suspected and/or identified we may also notify the police.

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Responsibility For The Investigation

We aim to action and resolve all stages of the investigation within 28 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so, investigations will be based around the following broad objectives:

- to establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred
- to identify the cause of the irregularities and those involved
- to establish the scale of the irregularities
- to evaluate any action already taken by the centre
- to determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification
- to ascertain whether any action is required in respect of certificates already issued
- to obtain clear evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with our Sanctions Policy
- to identify any adverse patterns or trends.

BBE may request further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will:

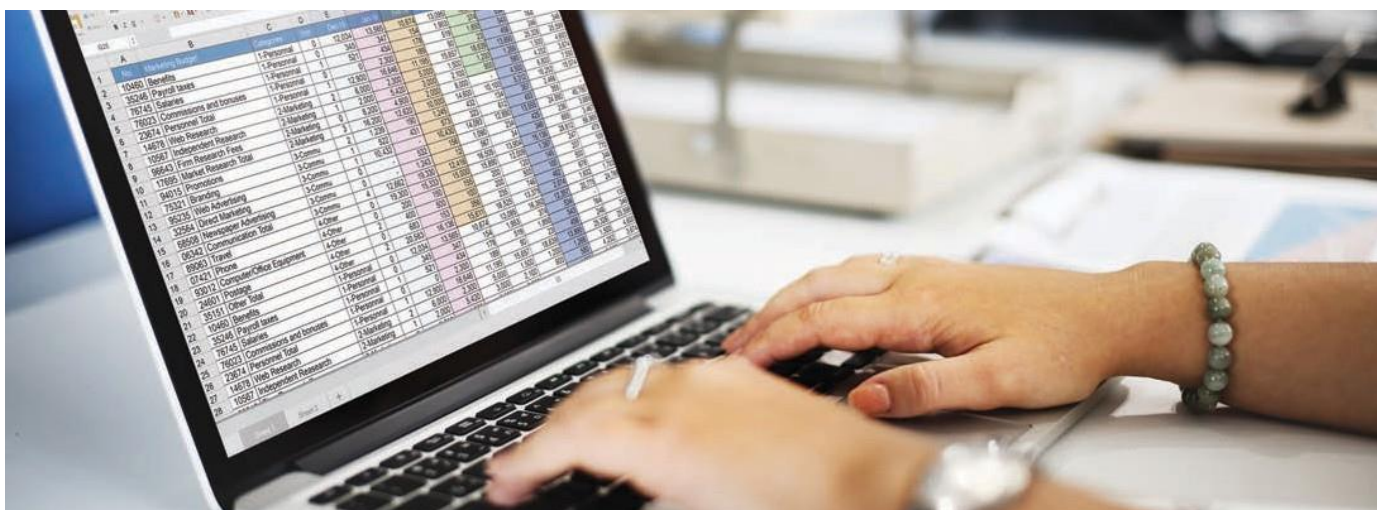
- ensure all material collected as part of an investigation is kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a centre will be retained for a period of no less than five years. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter
- expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to impose sanctions on the centre in accordance with our Sanctions Policy, in order to protect the interests of learners and the integrity of the qualifications.

BBE also reserve the right to withhold a learner's, and/or cohort's, results for all the course/ qualifications and/or units they are studying at the time of the notification or investigation of suspected or actual malpractice/maladministration. If we find that the complexity of a case, or a lack of cooperation from a centre, means that BBE are unable to complete an investigation, we will consult the relevant regulatory authority in order to determine how best to progress the matter.

Where a member of BBE staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation the QASM will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.



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Investigation Report

If we believe there is sufficient evidence to implicate an individual/centre in malpractice/ and/or maladministration we will:

- inform them (preferably in writing) of the allegation
- provided them with details of the evidence we found to support our judgment
- inform them of the possible consequences
- inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (eg police)
- provided them with an opportunity to consider and respond to the allegation and our findings
- inform them of our appeals policy should they wish to appeal against our decision.

After an investigation, we will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- identify where the breach, if any, occurred
- confirm the facts of the case (and any mitigating factors if relevant)
- identify who is responsible for the breach (if any)
- contain supporting evidence where appropriate (eg written statements)
- confirm an appropriate level of remedial action to be applied.

We will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party who notified us of the suspected or actual case of malpractice, we will also inform them of the outcome – normally within 5 working days of making our decision. In doing so we may withhold some details, if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our staff the report will be agreed by the QASM with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.



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Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place we will consider the action to take to:

- minimise the risk to the integrity of certification now and in the future
- maintain public confidence in the delivery and awarding of qualifications
- discourage others from carrying out similar instances of malpractice or maladministration
- ensure there has been no gain from compromising our standards.

The actions BBE may take include (this list is indicative only and is not meant to form an exhaustive list):

- Impose actions in relation to the centre with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring such as:
 - undertaking additional visits to the centre to provide them with a greater level of support and/or monitoring depending on their needs and performance
 - requiring specific centre staff to undergo additional training and/or scrutiny by the centre if there are concerns about their ability to undertake their role in the delivery of BBE qualifications effectively
 - not permitting specific centre staff to be involved in the delivery or assessment of BBE qualifications (e.g. not permitting an individual to invigilate BBE examinations or assessments altering the way, and the period in which, centres receive examination/assessment materials from BBE if there are concerns around their ability to maintain the security and confidentiality of such materials.)
 - appointing independent invigilators to observe an exam at the centre if there are concerns around the centre's arrangements and/or the centre is unable to resource particular exams.
- Impose sanctions on the centre – if so, these will be communicated to the centre in accordance with our sanctions policy along with the rationale for the sanction(s) selected
- Take action against learners in relation to proven instances of cheating, plagiarism and fraud, such as directly and/or via the centre taking one or all of the following:
 - issuing a written warning that if the offence is repeated further action may be taken
 - loss of all marks/credits for the related work/unit
 - disqualification from the unit(s)/qualification
 - placing a ban for a set period of time from taking any further qualifications with us.
- In cases where certificates are deemed to be invalid, inform the centre concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also ask the centre to let the affected learners know the action we are taking and that their original certificates are invalid. We will ask the centre – where possible – to return the invalid certificates to BBE We will also amend our database so that duplicates of the invalid certificates cannot be issued and we expect the centre to amend their records to show that the original awards are invalid
- Amend aspects of our qualification development, delivery and awarding arrangements and, if required, assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring
- Inform relevant third parties (eg funding bodies) of our findings in case they need to take relevant action in relation to the centre.

In proven cases of malpractice and/or maladministration by a centre, BBE reserves the right to charge the centre for any resits and reissuing of certificates and/or additional EV visits. The fees for this will be the current BBE prices for such activities at the time of the investigation.

In addition, to the above the QASM will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help BBE prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant party (ies) wishes to appeal against our decision to impose sanctions, please refer to our Appeals Policy.

Last review: June 2024

Next review: June 2025

