



Malpractice and Maladministration Policy

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Department: Compliance



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Malpractice and Maladministration Policy

Awarding Organisation - YES

End-point Assessment Organisation - YES

Version Control

The following table presents the version control of this policy:

Version	Date	Reason for Change	Changes approved by:
POL015-V23-2	Nov 2023	Notification to other Awarding Organisations (A8.7) added, (sections 6 and 8)	COO

1. Introduction

As a regulated Awarding Organisation, we take Malpractice and Maladministration seriously and are committed to ensuring the integrity of our qualifications. This policy details the process of dealing with suspected or confirmed malpractice or maladministration.

2. Purpose

This policy outlines the actions that could bring the integrity of FutureQuals qualifications into question, the practices that constitute malpractice and maladministration and sets out the procedures that should be followed to manage and mitigate suspected occurrences.

It sets out the process to be followed when reporting suspected or actual cases of malpractice and/or maladministration and who is responsible for dealing with such cases.

It also sets out how FutureQuals will review the circumstances which led to the suspected or actual cases of malpractice and support any investigations.

3. Supporting Documents

This policy should be read in conjunction with the following policies and procedures:

- FutureQuals Assessment Principles
- FutureQuals Sanctions Policy
- FutureQuals Public Interest Disclosure (Whistleblowing) Policy

4. Links to Ofqual Regulatory Criteria

Regulator	Regulatory rule or guidance document	Regulatory condition / principle
CCEA	General Conditions of Recognition	A8, C1
ESFA	Conditions for being on the register of end point assessment organisations	EPA011
Ofqual	General Conditions of Recognition	A8, C1
Qualifications Wales	Standard Conditions of Recognition	A8, C1
SQA Accreditation	SQA Accreditation Regulatory Principles	12, 13, 18

5. Definitions

Malpractice:

Malpractice is defined by FutureQuals as any act or activity of improper practice and includes maladministration, misconduct, plagiarism, and collusion whether deliberate or unintentional.

Malpractice is any activity, practice or omission which deliberately contravenes regulations and compromises the:

- integrity of a regulated qualification
- internal assessment process including Functional Skills controlled assessments
- external assessment and examination process including Functional Skills paper based and online invigilated tests
- validity of results or certificates
- reputation and credibility of FutureQuals

The categories listed below are examples of Centre and learner malpractice. Please note that these examples are not exhaustive and are guidance on FutureQuals' definition of malpractice:

- Contravention of our centre and qualification approval conditions
- Failure to satisfactorily implement conditions of approval within stated timelines
- Inadequate centre procedures for the induction of staff or any contracted person involved in the delivery of qualifications
- Failure to provide learners and staff, including contractors, with the knowledge of their responsibilities through policies and procedures that includes the possible consequences of non-compliance, how malpractice can occur and be prevented
- Failure to review systems, policies, and procedures to ensure they remain fit for purpose
- Centre postponement of visits by our EQA for more than 6 months
- Denial of access to resources (premises, records, information, learners, and staff) by any authorised FutureQuals representative and/or qualifications regulators
- Failure to carry out delivery, internal assessment, internal moderation or IQA in accordance with our requirements
- Failure to conduct assessments or other external assessments according to FutureQuals' procedures or regulation
- Inaccurate recording of learner assessment decisions leading to invalid claims for certification
- Fraudulent claim for certificate
- Submission of false information to gain a qualification
- Intentional withholding of information from FutureQuals which is critical to maintaining the rigour of quality assurance
- Deliberate misuse of the FutureQuals logo and other trademarks
- Deliberate falsification, fabrication or forgery of assessment evidence, records or authentication statements by centres or learners
- Failure to retain accurate learner assessment decision for the specified timescale
- Plagiarism of any nature by learners, this includes the use of artificial intelligence (AI) to generate evidence
- Any form of impersonation or cheating to gain an improper advantage
- Collusion by learners i.e. allowing another learner to copy work or the unsanctioned collaboration between a learner or another individual in the production of work that would be submitted
- Deliberate destruction of another's work.

- Obtaining examination or assessment material without authorisation, including using devices to take photos or screenshots
- Introduction of unauthorised material into an exam room, for example notes, study guides, own blank paper, personal stereos, mobile phones, and other similar electronic devices
- Obtaining, receiving, exchanging, or passing on information during an examination (or the attempt to) by means of talking, using written notes, electronic devices or non-verbal communication
- Copying from another learner, or knowingly allowing another student to copy from their own work
- Failure to follow a centres own malpractice and maladministration policy and/or report occurrences to FutureQuals
- Tampering with learner's scripts or assessed work after collection
- Improper assistance to learners in the production of assessed work
- Poor invigilation of learners during online, paper based or controlled assessments including Functional Skills tests and assessments
- Failing to keep Functional Skills assessment or test papers secure prior to assessment.
- Behaviour of delivery staff that does not meet the expected standards of professionalism required to be approved to be on the Future Quals approved facilitator register.

Maladministration:

Maladministration is defined as any persistent activity, practice or omission which results in centre or learner non-compliance with regulations and requirements. It includes cases of persistent mistakes or poor administration within a centre resulting in the failure to keep appropriate learner assessment records.

Adverse effect:

As defined by Ofqual, the Office of Qualifications and Examinations Regulation, Qualifications Wales and CCEA Regulation:

An adverse effect is an act, omission, event, incident, or circumstance if it:

- Gives rise to prejudice to Learners or Potential Learners, or
- Adversely effects
 - The ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,
 - The standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - Public confidence in qualifications.

For FutureQuals, an adverse effect is also an act, event, incident, or circumstance that adversely effects our ability to develop, deliver and award qualifications regulated by SQA Accreditation in accordance with its Regulatory Principles

6. Responsibilities

Centres - All approved Centres are required to have in place and maintain a policy and process for preventing and investigating malpractice and maladministration. The policy and process must be shared with centre staff, learners and any other party involved in the administration, delivery and quality assurance of FutureQuals qualifications.

Centre staff - Anyone involved in the assessment process and or administration of FutureQuals qualifications, that has had an instance of alleged malpractice or maladministration brought to their attention or anyone that suspects malpractice or maladministration has occurred, must report it immediately to FutureQuals.

All those involved in the administration, delivery, assessment, quality assurance and invigilation of FutureQuals qualifications must report any suspected or actual malpractice or maladministration at the earliest opportunity.

Learners - Learners must report any suspected or actual malpractice or maladministration to the centre or FutureQuals at the earliest opportunity.

Should the person providing the notification wish to remain anonymous, this is to be stated within the correspondence and every reasonable effort will be made to protect the identity of the person providing this does not prejudice any investigation.

Please refer to the FutureQuals Public Interest Disclosure (Whistleblowing) Policy if you wish to protect your identity.

FutureQuals - FutureQuals must determine whether an incident has the potential to have an adverse effect on learners at other FutureQuals Approved Centres or Awarding Organisations. If there is a risk of such adverse effects (as defined by Condition B3.2), then inform relevant organisations and appropriate regulatory bodies. FutureQuals must notify SQA Accreditation of all potential malpractice regardless of any adverse effect being identified.

7. Policy

FutureQuals record all alleged cases on the Malpractice Live tracker and assign a unique number to each case.

Centres should note that sanctions could be imposed whilst the investigation is carried out to protect both learners and the integrity of FutureQuals qualifications. This may include restrictions on centres registering and/or certificating learners. Refer to the FutureQuals Sanction Policy for further information.

Reporting malpractice or maladministration to FutureQuals

FutureQuals provides an online reporting form (FutureQuals M1 Report form) that should be used; however, we will accept any written report, letter or email that sets out the details of the alleged malpractice and/or maladministration. The communication must be sufficiently detailed and include any evidence that supports the allegation to enable an investigation to commence.

Reporting of alleged Malpractice/Maladministration cases must include the following information,

- Full centre details
- Reporting Person's Name, Position and contact details.
- Name(s) and registration details of any Learners affected or involved
- Individuals involved
- Qualification Details
- Assessment details
- Details of the alleged malpractice/maladministration including Dates, Times, and Locations

Further details of what should be included when reporting suspected or actual malpractice or maladministration can be found in the M1 form on the FutureQuals website.

Reporting details and findings of the internal investigation to FutureQuals

FutureQuals provides an online reporting form (FutureQuals M2 Investigation Report form) that should be used by centres to report the findings and outcomes of their investigation however we will accept any written report, letter or email that sets out the details requested.

Plagiarism through Artificial Intelligence (AI)

We recognise that learners may use AI to create evidence for their assessments. To mitigate this, we suggest that Centres use the following recommendations (please note, this is not an exhaustive list):

- During the Learner's induction ensure that they understand that all evidence produced for assessments must be their own, with any copied content referenced appropriately.
- Ensure that Assessors are briefed regularly and updated on plagiarism developments, and conduct standardisation tests for Assessors.
- Use AI-powered software such as Turnitin to compare evidence available including websites and AI bots.
- Conducting interviews with Learners to discuss their evidence should you have any concerns of the authenticity of the evidence.

8. Process

Malpractice may be detected in several ways. For example:

- By a centre tutor, assessor, invigilator, Internal Quality Assurer (IQA) or another member of centre staff or a contractor
- By a FutureQuals EQA or other member of staff involved in the quality assurance process or through other visits made to the centre
- Allegations made to FutureQuals verbally or in writing that have been made openly or anonymously.

Allegations that have been made to FutureQuals or to a centre may come from a learner, third party or other interested party. The allegation may be made by an individual that has identified or witnessed something personally or that has been made aware of something through a third party by word of mouth. It may be something that has happened or is happening that is inappropriate.

If the alleged notification received relates to a qualification regulated by SQA Accreditation, in accordance with principle 14, QA will notify the Accountable Officer of such notification for the Accountable Officer to notify SQA Accreditation of the suspected case.

The investigation itself comprises of the following panels being convened:

- M1 panel – The panel review what has happened/been reported and agree the relevant party(s) to investigate.
- M3 panel – The panel reviews the M1, M2 and evidence provided and agrees an outcome to the investigation detailing any associated actions, sanctions and/or recommendations.

The M1 panel considers the contents of notification and conducts a review, on an individual basis, taking into consideration all the information available:

- If the Head of Centre has been implicated in the allegation,
- The risk rating of the Centre,
- Whether the qualification is deemed to be low/medium/high risk
- The nature of the allegation.

Following the review on the notification of the alleged malpractice case, the M1 panel will reach a decision as to how the case should be investigated.

Should the Centre be permitted to carry out an investigation, QA will notify the Head of Centre and request that the outcomes of the investigation are reported on using the M2 Investigations Report.

If the Head of Centre is not permitted to investigate, the Centre must find an alternative individual to investigate.

If an allegation involves fraud or a serious breach of examination security, the investigation will be carried out by FutureQuals in conjunction with the Head of Centre.

The assigned investigator(s) is not to have been involved in the circumstances of the occurrence nor have a vested interest in the outcome of the investigation.

It is FutureQuals expectation that the person(s) assigned to investigate the alleged case will carry out the investigation in accordance with Appendix 1 - Guidance for Carrying out an Investigation into Allegations of Malpractice and Maladministration policy, to ensure that any investigation is conducted in a fair, reasonable, and legal manner and that proper records are maintained.

FutureQuals will evaluate the implications and nature of each malpractice or maladministration incident. If an incident has the potential to have an adverse effect (as defined by Condition B3.2), on learners at other FutureQuals Approved Centre or Awarding Organisations FutureQuals will take proactive steps to inform relevant Approved Centres, Awarding Organisations and Regulators in a timely fashion.

9. Monitoring and evaluation of the policy

The tools we use for implementing and monitoring policies, procedures and processes include regular meetings at operational and senior level. Each policy, procedure or process is assigned to a manager who is responsible for its successful operation, addressing any issues arising from it and evaluating its effectiveness in meeting its purpose. This forms part of the controls that guide our business to ensure compliance with legislative and regulatory requirements.

Data required in support of a policy, procedure or process is held in line with the FutureQuals Data Protection Policy (Privacy Standard) based on GDPR best practice.

Policies are stored on Share Point. Additionally, in line with our Business Continuity Plan, a hard copy of every policy is held in the Executive Office, should IT systems fail. It is the responsibility of the Executive Office Manager to ensure that the latest version of a policy (or procedure/process) is available in hard copy.

10. Review

This policy shall be reviewed periodically by the Head of AO Operations or updated should there be any changes to legislation, regulation or custom and practice.

Appendix 1 - Guidance for Carrying out an Investigation into Allegations of Malpractice and Maladministration

The primary principle of investigations is to conduct them in a fair and legal manner that ensures all evidence is considered without bias.

When investigating, establish the facts that relate to an allegation in a systematic way. This will help you to identify if irregularities have taken place and by whom and establish the root cause and scale of the malpractice. It will aid you to determine what remedial action is required to maintain the integrity of an assessment and reduce the risk to current learners and establish how to mitigate against the risk of the same issue occurring in future.

Clearly define what is covered in the scope of the investigation and what falls outside that won't be investigated. This will help to manage any unrealistic expectations, if appropriate ensure that all parties are agreed on the scope.

As the investigator(s), you will act on behalf of FutureQuals and should personally supervise the investigation. If it is necessary to delegate the responsibility to another member of staff, they must hold an appropriate level of authority.

Investigators must be unbiased, impartial and have no conflict of interest with the person/s that raised the allegation or with anyone involved in the allegation. Investigators must not have been involved in occurrence/allegation at an earlier stage.

Drafting an investigation plan, will help identify any issues that need to be addressed and allow the focus to be on the fundamental issues that require investigation. Set out key dates and key activities that need to be completed to ensure that you can comply with the deadline FutureQuals requires for completion of the investigation.

Key activities may include desk-based research and gathering evidence. This may include meetings and investigative interviews to establish facts on and off site, collecting written statements and analysing evidence, determining recommendations, and drafting an investigation report.

All investigators must maintain an auditable record of each action undertaken during an investigation to evidence that they have conducted the investigation appropriately and to withstand scrutiny from FutureQuals and any interested party including the regulators.

As part of the investigation, it may be necessary to authenticate documentary evidence. For example, learners or third parties may need to confirm handwriting, dates, and signatures to support authenticity of evidence. Any materials associated with the investigation, including written, signed, and dated statements from learners, invigilators (if the incident took place during an invigilated Functional Skills test or multiple-choice examination) or third parties must be stored securely in the event of challenge and to ensure that evidence can be supplied to FutureQuals on request.

When conducting interviews whether face to face or by telephone, it is advisable to include prepared questions and to record the responses. Face to face interviews should be conducted by two people with one person acting as interviewer and one as note-taker.

Notes from interviews are required to bear scrutiny and as such, you may wish to produce a draft transcript of the interview that the interviewee can check for factual accuracy and confirm that it is a true reflection of the interview that took place.

An effective interviewing technique to use is the “PEACE” model:

- Plan and prepare
- Engage and explain
- Account
- Closure
- Evaluation.

To ensure that an individual’s rights are protected, an interviewee must be informed that they may be accompanied by someone and that they do not have to answer any questions.

When analysing the evidence, identify all points on which the evidence is consistent as this will help you focus on areas where there is no consistency. You will need to consider how credible the evidence is and establish any corroborating evidence that you can test it against.

When the investigation has concluded a full written report must be drafted and submitted to FutureQuals. It must explain and record the conclusions you have reached and provide a full account of the circumstances of the alleged malpractice and detail the investigation you have conducted.

The report should not include the names of any whistle-blower or individual that expressed a wish to remain anonymous and, as far as possible, not include an information that could potentially reveal identity.

Submit the report to FutureQuals QA with any material and/or evidence that is relevant to the investigation. This may include signed and dated written statements by learners, centre staff or third parties, internal quality assurance records, learner work and assessment records. If submitting this by post, you must send it by a trackable, secure service and a signature obtained as proof of delivery.

To assist you, the investigation process has been broken down into different stages and more detailed guidance can be found below. This information is not exhaustive:

Stage 1 – Initial investigation

- Study the information provided with the allegation to clarify what the issue is. This may include interviewing the informant either in person or by telephone, asking for more information or requesting documentary evidence such as assessment records or portfolios.
- Decide whether there is a case for further investigation. At this stage, it is possible to conclude that no malpractice took place, which the allegation was in fact maladministration, that malpractice has taken place and it is clear how to deal with it, or that the facts, scale, or circumstances of the alleged malpractice need more clarification.

Stage 2 – Detailed investigation

- Establish all the facts that surround the potential case. This may include a visit to the centre, sub-centre or satellite sites, interviews with staff and/or learners, an in-depth study of records and a review of learner evidence.
- It is particularly important to evaluate the scale of the alleged malpractice, for example to consider other learners working with an assessor whose work is being questioned, the wider quality assurance implications raised by the issue under investigation and the practice of other assessors.
- Draw conclusions on the cause of the issue, who is involved both directly and possibly by omission and on the risk to other learners and/or the certification process.

Stage 3 – Review of the findings and conclude

- Look at what action has already been taken, possibly by the centre once they have realised there is a problem or by FutureQuals, possibly by way of interim sanctions. Decide whether this is sufficient or whether further action is required and on what timescale.
- Determine the risk to other learners, the standards of the qualification and the certification process. If this is high, contact FutureQuals immediately to recommend interim actions until the report is concluded.
- Recommend actions to be taken by the various parties involved to resolve the situation, to preserve the integrity of the qualification and to protect learners. This may include recommending no certificates be issued until certain steps have been taken or the invalidation and return of certificates already issued.
- Where sanctions are recommended to be imposed on a centre, a member of centre staff or a learner, this must be supported by evidence that is clearly related to a breach of rules, regulations or centre approval. Refer to the Sanctions Policy for further information.

Stage 4 – Reporting

- Outcomes of the investigation must be submitted to QA using the M2 Investigation Report within 10 working days for an initial centre investigation or 30 working days for a FutureQuals investigation unless a longer period has been previously agreed.
- The report should include recommendations for action but both the centre and those involved in a FutureQuals investigation must understand that it is FutureQuals Malpractice Panel that takes the final decision about the outcome and next steps to be taken. The FutureQuals Senior Leadership Team has formal oversight of all malpractice and maladministration investigations and outcomes.
- The M2 Investigation Report should be accompanied by the following documentation, as appropriate:
 - A statement of the facts, a detailed account of the circumstances of alleged malpractice and details of any investigations carried out by the centre.
 - Written statements from centre staff and learners who have been interviewed as part of the investigation including invigilation staff and any individual responsible for delivering Functional Skills tests and assessments
 - Any work of the learners and internal assessment, learner responses or quality assurance records relevant to the investigation.
 - Any external test papers and learner responses or documentation secured that relates to malpractice in online testing or tests undertaken under examination conditions

- In the case of learner malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future.
- Any mitigating factors that should be considered.
- The centre or those involved in a FutureQuals investigation should be aware that the FutureQuals Malpractice Panel will agree the report and if necessary, pass it on to relevant parties, normally the Head of Centre, to agree factual accuracy.
- As part of the report, the centre or those involved in a FutureQuals investigation may recommend changes to FutureQuals policies or procedures if it is felt they contributed to the malpractice.

Retention and storage of evidence and records

All records and evidence applicable to malpractice/maladministration investigations, including action plans and/or sanction level applied will be retained for a minimum of three years.

Decisions and action plans

All conclusions and decisions must be based on evidence. A course of proposed action will be identified, agreed between the centre and FutureQuals, implemented, and monitored to the point of completion.

The actions should address the improvements that are required to the Centre's policies and procedures as well as any action that is related to staff of other resources.

Appendix 2 - FutureQuals Malpractice/Maladministration M3 Panel Terms of Reference

The FutureQuals Malpractice M3 Panel shall consider and determine whether the M2 Investigation Report and evidence submitted to it by those that have concluded an investigation into an allegation of malpractice, provide evidence of malpractice having taken place. The Panel will also determine the actions and/or sanctions that need to be put in place to mitigate the incident and the time frames that should be applied, in accordance with the Sanctions Policy.

Composition

FutureQuals Malpractice Panel is formed, as a minimum, by the Responsible/Accountable Officer, Head of Quality Assurance (QA) and a QA Manager that have not previously been involved in the investigation.

Should any member of the Panel be conflicted and unable to sit on the panel a suitable additional member of the panel will be appointed. This may include an independent appropriately qualified expert who is not employed by FutureQuals, or in any other way connected to the organisation.

A secretary may be present at each meeting of the Panel stages to take notes of the meeting but shall not be involved in the proceedings.

Proceedings of meetings

The Panel may appoint advisers to provide advice at the meeting, but they will not be involved in the decision-making process of the appeal outcome.

The Panel shall convene when necessary to ensure that malpractice cases are heard and acted on promptly and in line with the timeframes stated within this policy.

At each meeting of the Panel all members must be present for the proceedings to be valid, except in the event of exceptional circumstances outside the control of the Panel or any member.

The Panel will review M2 Investigation Report and any evidence provided as part of the investigation to ensure that procedures were applied consistently, properly, and fairly.

The Panel may request additional information from the centre/learner, arrange discussions with centre staff and/or appoint an appropriately competent independent person to visit the centre if necessary.

The Chair may, at their discretion, adjourn or suspend proceedings for any such period as the Chair deems reasonable if the additional information is not readily available or arrangements need to be made to visit a centre.

QA will complete an M3 Outcome Report, agree the M3 Outcome Report with the Responsible/Accountable Officer, and notify the centre of the Panel's decision within twelve working days.

All notes of the proceedings shall be evidenced and must be kept securely in the FutureQuals electronic information management system, for a minimum of three years.



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