

BIIAB Qualifications Malpractice and Maladministration Policy

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Purpose

As an awarding organisation regulated by Ofqual, Qualifications Wales, CCEA Regulation and SQA Accreditation, BIIAB Qualifications is required to take reasonable steps to prevent the occurrence of malpractice and maladministration.

This policy outlines the actions that could bring the integrity of our qualifications into question and the practices that constitute malpractice and maladministration.

It sets out the procedures to be followed in identifying and reporting malpractice and maladministration, and the actions that we may take to manage and mitigate suspected occurrences.

Scope

This policy extends to all Centres delivering BIIAB qualifications and individuals involved in the development, delivery or awarding of BIIAB qualifications and End Point Assessments (EPA).

The policy applies to employees of BIIAB Qualifications and its contractors, Centre staff and learners involved with or dealing with suspected or actual malpractice or maladministration allegations.

Definition

BIIAB Qualifications defines malpractice and maladministration as 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 BIIAB Qualifications

It also covers identification of any incidents that may have a wider effect on qualification delivery e.g. other Learners, Centres, Awarding Organisations or End Point Assessment Organisations (EPAOs).

BIIAB Qualifications defines maladministration as any activity, practice or omission which results in centre or learner non-compliance with regulations and requirements. It includes mistakes or poor administration within a centre resulting in the failure to keep appropriate learner assessment records.

Should instances of identified maladministration persistently or repeatedly occur, this will be deemed as malpractice.

The list below provides examples of malpractice and maladministration for guidance purposes only. However, it is not an exhaustive list.

- Contravention of BIIAB Qualifications' Centre Approval conditions/agreement
- Failure to implement satisfactorily the conditions of approval within stated timescales

- Denial of access to resources (premises, records, information, learners and staff) by any authorised BIIAB Qualifications' representative and/or qualification regulators
- Postponement of visits by External Quality Assurers for more than six months
- Actions required by the EQA not being met within agreed timescales
- Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with our requirements
- Failure to adhere to our learner registration and certification procedures
- Failure to maintain auditable records
- Inaccurate recording of learner assessment decisions leading to invalid claims for certification
- Fraudulent claims for certificates
- The unauthorised use of inappropriate materials/equipment in assessment settings
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards
- Deliberate misuse of our logo or misrepresentation of a Centre's relationship with BIIAB and/or its recognition and approval status with BIIAB Qualifications
- Fabrication or forgery of assessment evidence, records or authentication statements by centres or learners
- Collusion of any nature including permitting collusion in examinations
- Contravention by Centres and Learners of the assessment arrangements we specify for our qualifications
- Insecure storage of assessment materials and examination papers
- Plagiarism of any nature
- Unauthorised amendment, copying or distributing of examination papers
- Inappropriate assistance to Learners by Centre staff (e.g. unfairly helping a Learner to pass a unit or qualification or an assessment)
- Deliberate failure to adhere to the requirements of our reasonable adjustments and special consideration policy
- 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 and maladministration can occur and be prevented
- Failure to follow a centre's own malpractice and maladministration policy and/or report occurrences

Reporting suspected or alleged cases of malpractice or maladministration.

Any individual that identifies, or is made aware of, suspected or actual cases of malpractice or maladministration at any time must immediately notify BIIAB Qualifications.

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.

It should be noted that our ability to investigate allegations will be dependent on the availability of documentary evidence. This becomes more difficult to produce and authenticate after a considerable amount of time has elapsed. Therefore, we encourage anyone who suspects a malpractice and maladministration incident has occurred to notify us as soon as possible.

Notifications and supporting evidence can be sent to the following postal address, or by email to customersupport@bii.org

BIIAB Qualifications Ltd
Infor House
1 Lakeside Road
Farnborough
GU14 6XP

All allegations must include (where possible):

- Centre's name, address and number
- Learner's name and BIIAB Qualifications registration number
- Centre and/or BIIAB Qualifications personal details (name, job role etc.) if he/she is involved in the case
- Title of the qualification which is affected or the nature of the service affected
- Date(s) and location that suspected or actual malpractice and maladministration occurred
- Full description of the suspected or actual malpractice and maladministration
- Written statements from those involved in the case e.g. witness statements, if appropriate
- Reporting person's name, position and contact details along with the date of the report

Whistle-blowing

Whistle-blowing is a term used to refer to an individual who discloses information relating to actual malpractice or maladministration and/or the covering up of such practices. The malpractice or maladministration is often committed by the individual's employer, although this is not necessarily the case.

Whistle-blowers have protection in law under the Public Interest Disclosure Act in certain circumstances.

If, when reporting an occurrence of maladministration or malpractice you wish to remain anonymous you must notify us of this.

BIIAB Qualifications will always consider investigating issues which are reported to us anonymously and 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.

However, we will investigate allegations from anonymous sources only where there is sufficient information to merit further investigation and/or sufficient detail to identify the qualification(s) which are implicated in the allegation.

Every reasonable effort will be made to keep a complainant's identity confidential where asked to do so, although this cannot be guaranteed, and identity may need to be disclosed to

- 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 BIIAB Qualifications is required by law to disclose identity

Those disclosing information should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure.

BIIAB Qualifications Responsibilities

BIIAB Qualifications will acknowledge and review all reports and notifications within 2 working days to establish if there are reasonable grounds for the suspicion or allegation. If it is possible that malpractice or maladministration has occurred or may occur, we will try to establish the facts and take all reasonable steps to prevent any adverse effect. If an adverse effect has already occurred, we shall mitigate it as far as possible and correct it.

As a regulated awarding organisation, we are required to notify our regulators when a malpractice and/or maladministration case, or suspected case, is identified that could impact the integrity of a regulated qualification.

BIIAB Qualifications approved centres are required to assist Ofqual and/or Qualifications Wales, CCEA Regulation, SQA Accreditation in Scotland, in any investigations made for the purposes of performing its functions including malpractice and maladministration investigations.

Where the allegation may affect another Centre or Awarding Organisation and their provision, BIIAB Qualifications will inform them in accordance the regulatory requirements. If we do not know the details of organisations that might be affected, we will ask the qualifications' regulator to help BIIAB Qualifications identify relevant parties that should be informed.

The Operations Manager is responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. He/she will review the notification and any supporting evidence to establish whether the malpractice or maladministration has occurred. The review will assess the situation and decide if an initial Centre investigation is appropriate or whether BIIAB Qualifications needs to immediately carry out a full investigation.

Should a member of staff or a lead independent investigator be required to investigate the allegations, he/she will have the appropriate level of occupational competence, have had no previous involvement in the circumstances surrounding the occurrence and have no personal interest in its outcome.

In all cases of suspected or actual malpractice and maladministration, BIIAB Qualifications will notify the Head of Centre involved of the allegation and how it will be investigated. In some cases, we may ask the Centre to investigate the issue together with our personnel.

If a Head of Centre is permitted to investigate, or a joint Centre/BIIAB Qualifications investigation is permitted, he/she will be provided with written notification of the scope of the investigation. **Guidance for Heads of Centre Conducting Investigations** can be found in Appendix 1 at the rear of this policy.

On completion of the Centre investigation, the Head of Centre will complete an Investigation Report which must be returned to the Operations Manager to review and evaluate its contents. The report form can be found in Appendix 2 at the end of this policy.

Centres should note that sanctions may be imposed whilst an investigation is carried out to protect both learners and the integrity of qualifications. This may include restrictions on centres registering and/or withholding results/certificating learners.

If the Head of Centre is not permitted to investigate, the Operations Manager will appoint a lead independent investigator to undertake the investigation on BIIAB Qualifications' behalf.

BIIAB Qualifications Investigations

BIIAB Qualifications aims to action and resolve all stages of the investigation within 30 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 shall advise all parties concerned of the likely revised timescale.

The investigation may involve:

- A request for further information from the Centre or BIIAB Qualifications' personnel
- Interviews (face to face or by telephone) with personnel involved in the investigation, whistle-blowers and/or learners
- Arrangements for BIIAB Qualifications' authorised personnel to carry out a Centre visit

BIIAB Qualifications expects all parties, who are directly or indirectly involved in the investigation, to co-operate fully with the investigation.

In instances where co-operation does not take place, it may be necessary to remove permanently or temporarily a centre's approval status, or withdraw learners from the qualification and inform the qualifications regulators.

If an independent investigator appointed by BIIAB Qualifications carries out a centre visit as part of the investigation, a fee of £295 is chargeable for the visit

Rights of Individuals

Members of centre staff and learners who are accused of, or implicated in, malpractice and maladministration will be informed in writing, where possible, of the allegation against them and understand what evidence there is to support the allegation.

Centre staff and learners implicated will be informed of the possible consequences should malpractice and maladministration be proven and give the opportunity to consider their response to the allegation, seek advice and to submit a written statement (s).

Centre staff and learners implicated will be informed of the route of appeal if a decision is made against them and that information relating to the malpractice and maladministration may be shared with other awarding organisations, regulatory authorities and other appropriate external agencies dependent on the details of the findings.

Investigation Outcomes

Following an investigation, the investigator will produce a report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned, the investigator and the Operations Manager.

The outcome decision for most investigations will be made by the Operations Manager, but in serious cases of malpractice and maladministration, the decision may be made by the BIIAB Qualifications Management Team.

If the investigation confirms that Centre or Learner malpractice or maladministration has taken place, we will place sanctions on the Centre at an appropriate level according to our sanctions policy which is published in the Centre Handbook. We may:

- Impose actions on a Centre with specified deadlines to address the instance of malpractice/maladministration and to prevent it from recurring
- Inform the Centre and the regulators about any certificates deemed to be invalid, giving reasons and any action to be taken for reassessment and/or certification. We shall also require the Centre to let the affected Learners know the action we are taking and that their original certificates are invalid. BIIAB Qualifications will amend its database so that duplicates of the invalid certificates cannot be issued, and the Centre must amend its records to show that the original awards are invalid.
- Amend aspects of our qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from recurring
- Inform relevant third parties (e.g. 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, BIIAB Qualifications reserves the right to charge the Centre for any resits and re-issuing of certificates and/or additional EQA visits.
- The Operations Manager will record lessons learned from the investigation and pass these on to relevant internal colleagues to help BIIAB Qualifications prevent a recurrence.
- Should a Centre, member of Centre staff or a Learner wish to appeal against any action to be taken following an investigation, please refer to the BIIAB Qualifications Enquiry and Appeals Policy.

If an investigation confirms that malpractice or maladministration has taken place, BIIAB Qualifications will review its systems and procedures and make any necessary changes to ensure that appropriate checks are in place to prevent a similar situation recurring.

Notifying the Outcome

The Operations Manager will inform the centre in writing of the outcome of the Investigation detailing any actions put in place to mitigate the malpractice and maladministration or sanctions that have been determined, including any action to be taken against a member of centre staff or a learner.

A copy of this will also be sent to the centre's external Quality Assurer (EQA) who will arrange a visit to the centre to meet with the Head of Centre and ensure that the actions and mitigation are understood, so that subsequent visits can be arranged to track progress and satisfactory completion of actions.

The EQA will record progress against the action plan on the Centre EQA report and identify any specific concerns where necessary.

BIIAB Qualifications will review the report and determine if the implementation of the plan has been sufficient to remove a sanction or reduce the level of sanction. If the actions or mitigation is not completed, it will be considered whether to apply a higher sanction in line with the Sanctions Policy, as a preventative measure to protect the interests of learners' needs.

Allegations Involving BIIAB Qualifications Staff, Consultants or Contractors

BIIAB Qualifications takes positive steps to limit and avoid malpractice and maladministration by its staff and any third party it contracts or consults with as part of the design, development, delivery and awarding of its qualifications.

We do this through our secure administrative systems, employment and contractual procedures, conflicts of interest process and regular training and standardisation events.

Where allegations of malpractice and/or maladministration relate to a member of BIIAB staff, the investigation will be undertaken by a Director of BIIAB.

His/her investigation report and any action required to protect the integrity and standard of a qualification, test or assessment will be agreed with the Chair of the Governing Board.

The relevant internal managers will be informed, and the appropriate internal disciplinary procedures implemented.

In cases where the allegation relates to a Director of BIIAB, the Strategic and Commercial Director will undertake the investigation and agree any action required to protect the integrity and standard of a qualification, test or assessment with the Chair of the Governing Board.

The Strategic and Commercial Director will also agree on the appropriate internal disciplinary procedures to be implemented.

Where allegations of malpractice and/or maladministration relate to a consultant or contractor working for BIIAB Qualifications, the investigation will be undertaken by a Director of BIIAB.

His/her investigation report and any action required to protect the integrity and standard of a qualification, test or assessment, and the status of any on-going contractual arrangements, will be agreed with the Strategic and Commercial Director.

Policy Review Arrangements

This policy is subject to a three-year review cycle, or earlier, should any feedback or concern be brought to the attention of BIIAB Qualifications, to ensure it remains fit for purpose and the process and its outcomes are deliverable.



It is also reviewed as part of BIIAB Qualifications' continuous improvement monitoring through its annual self-assessment arrangements.

Appendix 1

Guidance for Heads of Centre Conducting Investigations

BIIAB Qualifications may permit centres to undertake investigations into potential malpractice and/or maladministration in examination/test or assessment processes where irregularities have been identified or reported to us.

Centres should read this document in conjunction with the guidance that is published at the end of the Malpractice and Maladministration Policy - Guidance for Carrying out an Investigation into Allegations of Malpractice and Maladministration.

Objectives of an investigation

The objective of an investigation is to establish the facts that relate to an allegation to:

- Determine if malpractice and maladministration has occurred
- identify the cause
- who is involved
- the scale of the malpractice and maladministration
- whether action is required to ensure the integrity of a test or assessment and the standards of the qualification and,
- reduce or prevent a recurrence of the malpractice and maladministration in future

Establishing the Facts

The primary rule of investigations is to conduct them with integrity and in an objective, professional and fair way. All relevant facts, evidence and circumstances must be considered without bias and it should not be assumed that because an allegation has been made, that it is true.

Anyone undertaking investigations must review all documentation and evidence that includes the arrangements in place for quality assurance and the specific requirements for the delivery of the qualification.

The following should be determined:

- the nature of the malpractice and maladministration or irregularity or the substance of the allegation
- when and where it occurred
- why it occurred
- who was involved

Responsibilities

The Head of Centre acts on behalf of BIIAB Qualifications if he/she has been permitted to undertake the investigation on behalf of BIIAB Qualifications. This also includes responsibility for writing the investigation report.

Heads of Centre must personally supervise any investigation and ensure that it is conducted in a timely, open manner. If it is necessary to delegate the responsibility to another member of staff, they must hold an appropriate level of authority in the centre. He/she:

- 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
- must not have been involved in the occurrence/allegation at an earlier stage
- not connected with the team or department involved in the allegation

Heads of Centre must cooperate with BIIAB Qualifications' requests, ensure that their staff also cooperate fully with the investigation and inform staff members and learners of their individual rights as set out in the section titled **Rights of Individuals**.

If it is necessary as part of the investigation to interview a learner or a member of centre staff, the Head of Centre or delegated member of staff must conduct the interview in accordance with the centre's own policy for conducting disciplinary procedures.

As part of that process, you must inform individuals of the possible penalties that could be imposed if the malpractice and maladministration allegation is found to have occurred. The Head of Centre must also ensure compliance with any actual penalties or sanctions imposed because of the malpractice and maladministration case.

Rights of Individuals

Members of centre staff and learners who are accused of, or implicated in, malpractice and maladministration should be informed, preferably in writing, of the allegation against them and understand what evidence there is to support the allegation.

Centre staff and learners implicated should be informed of the possible consequences should malpractice and maladministration be proven and give the opportunity to consider their response to the allegation, seek advice and to submit a written statement (s).

He/she should also be informed of the route of appeal if a decision is made against them and that information relating to the malpractice and maladministration may be shared with other awarding organisations, regulatory authorities and other appropriate external agencies dependent on the details of the findings.

Reporting Arrangements

The Head of Centre must complete a full investigation report that includes a full account of the allegation and details of the investigation that has been carried out. It should be accompanied by information that explains the circumstances and documentary evidence that supports the investigation findings. It should be submitted no more than 10 working days after permission is granted by BIIAB Qualifications to undertake the investigation.

This should include (the list is not exhaustive):

- procedures for advising learner and centre staff of the requirements for conducting examinations, tests and/or assessments
- written statements from learners and centre staff implicated in the malpractice and maladministration. If the chance to submit a written statement is declined, provide an indication or information that supports that they have been given an opportunity to do so
- if relevant, a written statement from a learner's employer on the company's headed notepaper
- statements written on the centre's headed notepaper from:

- learners
- invigilators
- assessors
- internal quality assurers
- any other members of staff or individuals who have information about the allegations or have witnessed the alleged malpractice and maladministration
- if the alleged malpractice and maladministration took place during a controlled assessment or a test taken under exam conditions, a seating plan that shows the position of each learner in the exam room
- any learner work that is relevant to the investigation including copies of any plagiarised material
- assessment records, internal quality assurance records and any other material relevant to the investigation
- information on any mitigating factors or circumstances including relevant medical reports and,
- any other information that is relevant to the investigation, specific to the circumstances of the malpractice and maladministration, specific to the qualification or that has been requested by BIIAB Qualifications.

Once the report is submitted, BIIAB Qualifications will review the centre's report and supporting evidence and advise the centre and other relevant parties of the outcome of the investigation within 10 working days of deciding to accept the report and its decision to impose any resulting actions.

Appendix 2

BIIAB Qualifications

Date of report	
Centre Name	
Centre Number	
Full Qualification/End-Point Assessment Title and code	
Component code (where applicable)	
Learner/s involved (if appropriate)	
Staff involved (if appropriate)	
Area of concern	
Investigation Team (Name, position and signatures *)	
Report Written By	
Reported Reviewed and Signed off By	<i>To be completed by the Head of Centre if the investigation was delegated to another member of staff</i>

Investigation Report Form

*Investigators who sign this report are confirming that any individuals involved have been notified of the issue and been given the opportunity to comment and, where appropriate, submit a written signed statement.

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Purpose of the Investigation

Background and nature of allegation

Key Issues

Information and evidence including documentation/information reviewed

Findings from the investigation and/or review of documentation including compliance/non-compliance with centre processes and procedures and BIIAB Qualifications' requirements