

Malpractice and maladministration Policy



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1. Overview of the Policy

1.1 Who is the Policy for?

This Malpractice and Maladministration policy (the Policy) is for our customers, including learners and UAL Approved Centres who are undertaking or delivering UAL Awarding Body (we, us, our etc.) qualifications. The Policy must be consulted by those who are aware of, are involved in suspected or actual malpractice or maladministration, or work with us to deal with such cases.

The Policy is also for UAL Awarding Body, our awarding body staff, and anyone involved in any activity undertaken by UAL Awarding Body. In line with regulatory Conditions, we must be proactive in preventing malpractice and maladministration, and look to minimise Adverse Effects.

1.2 Scope

The Policy is designed to cover concerns raised about wrongdoing. This could be suspected or actual cases of malpractice and maladministration relating to a UAL Approved Centre delivering a UAL Awarding Body qualification. The Policy applies to all UAL Awarding Body qualifications, which can be found in our [Qualifications Guide](#).

We are committed to providing a high quality service and will investigate all suspected or actual cases of malpractice and maladministration that are reported, either directly from a UAL Approved Centre or another concerned party.

If an investigation results in evidence of malpractice or maladministration, we will impose the appropriate sanction and take the necessary steps to ensure that the interests of learners, centres and other concerned parties are protected as far as reasonably possible. This may include making arrangements for re-assessment or certification as appropriate.

1.3 Purpose

The Policy defines malpractice and maladministration and sets out the process that UAL Awarding Body and all UAL Approved Centres offering our qualifications must follow when reporting and dealing with any suspected or actual cases of malpractice and maladministration.

The Policy will ensure UAL Awarding Body and UAL Approved Centres handle suspected or actual cases of malpractice or maladministration in a consistent manner.

This document must be read in conjunction with:

- UAL Approved Centre Agreement
- [Sanctions Policy](#)
- [Complaints and Concerns Policy](#)
- [UAL Awarding Body Transparency Notice](#)
- [UAL Accessibility Statement](#)

1.4 Communication of the Policy

UAL Approved Centres must inform all staff involved in the management, delivery, assessment and quality assurance of UAL Awarding Body qualifications of the provisions of the Policy. It is vital that all learners registered on UAL Awarding Body qualifications are also made aware of the contents of the Policy and understand their responsibilities in relation to malpractice and maladministration.

We will ensure that the Policy is communicated to all UAL Approved Centres via our website and through external communications.

1.5 Reviewing the Policy

UAL Awarding Body will review the Policy on an annual basis, or more frequently in response to changes in regulatory Conditions and customer/stakeholder feedback.

Reviewing the Policy will ensure that UAL Awarding Body continues to comply with all relevant regulatory Conditions of Recognition, and through the Policy being applied properly, help our qualifications remain fit for purpose and for assessment outcomes to support fair and accurate judgements.

1.6 Definitions

1.6.1 Malpractice

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process, undermines public confidence in UAL Awarding Body qualifications, and/or impacts the validity of assessment outcomes.

Malpractice may include a range of issues from the failure to implement approval criteria, to the deliberate falsification of records in order to claim certificates.

Examples of malpractice are outlined in the Annex of the Policy.

Centre Staff malpractice – malpractice committed by a member of staff or contractor at a UAL Approved Centre, or an individual appointed as an assistant to a learner.

Candidate malpractice – malpractice committed by a learner during the course of any examination or assessment. This includes the preparation, presentation and authentication of any work, plagiarism, and the compilation of portfolios of assessment evidence.

1.6.2 Maladministration

Maladministration is defined as any activity, neglect, default or other practice that results in UAL Awarding Body, the UAL Approved Centre or learner not complying with the specified requirements for the delivery of UAL Awarding Body qualifications. Maladministration is typically unintentional and therefore is less likely to feature any deliberate activity that looked to cause harm or compromise the integrity of the assessment process.

Examples of maladministration are outlined in the Annex of the Policy.

1.6.3 Adverse Effect

An Adverse Effect is defined by the qualifications regulators as any act, omission, event, incident or circumstance that introduces prejudices to learners or adversely effects;

- The ability of the awarding body to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition;
- The standards of qualifications which the awarding body makes available or proposes to make available; or
- Public confidence in qualifications.

1.7 Matters beyond the scope of the Policy

The Policy refers to malpractice and maladministration as defined in section 1.6 above. If UAL Awarding Body deems a reported case to be beyond the scope of the Policy, we will consider whether an alternative UAL Awarding Body process must be followed and will notify all concerned parties of our decision. Below are some examples of issues that fall beyond the scope of the Policy:

- Personal grievances raised within a centre;
- The outcome of disciplinary or grade appeal proceedings; or
- Any issues relating to legal proceedings.

Please note that this list is not exhaustive and is provided for guidance only. There may be other situations that occur that fall beyond of the scope of this Policy.

2. Responsibilities

2.1 UAL Awarding Body

UAL Awarding Body will work with UAL Approved Centres to prevent cases of malpractice and maladministration through our centre support and monitoring visits, as well as through our Centre Assessment Standards Scrutiny (CASS) procedures.

When needing to conduct investigations, these will be led by trained individuals who have no personal interest in the case in accordance with the Policy. Investigations will be led by the Quality Assurance & Enhancement team who will use an evidence based approach to determine if malpractice or maladministration has occurred.

UAL Awarding Body will consider the source of the allegation or suspicion, as well as the nature of the information provided when establishing grounds for suspected or actual malpractice and maladministration.

During centre visits, our External Moderators will check that you've received the Policy and confirm that it has been disseminated to colleagues and learners.

2.2 Our responsibility to the qualifications regulators

As an awarding body recognised by the qualifications regulators in England, Wales and Northern Ireland, UAL Awarding Body is required to comply with all Conditions of Recognition to ensure the qualifications we offer and award are fit for purpose, valid, accurate and reliable.

It is a requirement of Conditions A6 Identification and management of risks, A7 Management of incidents, A8 Malpractice and maladministration and B3 Notification to Ofqual/Qualifications Wales/CCEA Regulation of certain events, that UAL Awarding Body looks to prevent and manage risks, investigates suspected or actual cases of malpractice and maladministration, and reports incidents to the qualifications regulators.

Where a report of a suspected incident, or an investigation identifies a potential or actual Adverse Effect, we are required to notify the qualifications regulators. In accordance with regulatory guidance, this must be done as soon as there is cause to believe that malpractice or maladministration has occurred or is likely to occur.

If an allegation may impact another awarding body and their qualification provision, we will inform the awarding body.

2.3 UAL Approved Centres

We require UAL Approved Centres to identify, minimise and manage malpractice and maladministration. You must have written policies in place that outline how you investigate and act on any suspected or actual cases of malpractice and maladministration. It is the responsibility of UAL Approved Centres to develop and maintain these policies, in line with the UAL Approved Centre agreement.

UAL Approved Centres must ensure all relevant staff (including subcontractors) involved in the management, delivery, assessment, moderation or verification of UAL Awarding Body qualifications, and learners undertaking our qualifications are aware of their responsibilities in relation to malpractice and maladministration.

We require UAL Approved Centres to report all cases of suspected or actual malpractice or maladministration as soon as they are discovered. UAL Approved Centres must enact their Malpractice and Maladministration policy, alert UAL Awarding Body immediately, undertake an investigation and document their findings in a report.

The report and any accompanying evidence must be sent to the UAL Awarding Body Quality Assurance and Enhancement team. More information detailing how a UAL Approved Centre must undertake an investigation and present a report to UAL Awarding Body can be found in section 3.3.

3. Malpractice and Maladministration procedure

3.1 Identifying possible or actual malpractice or maladministration

Anyone can identify and report what they consider as potential or actual cases of malpractice or maladministration. This can be centre staff, learners, parents or carers, awarding body staff, contractors or an external agency.

UAL Awarding Body may identify malpractice or maladministration via our standard quality assurance and monitoring processes, including through our CASS procedures. If our External Moderators or External Verifiers discover suspected or actual cases of malpractice or maladministration when visiting your centre, they will inform you of their intention to report their findings to the UAL Awarding Body Quality Assurance and Enhancement team.

Where potential or actual cases of malpractice or maladministration are reported to UAL Awarding Body, whether by a UAL Approved Centre, UAL Awarding Body staff or other concerned party, we will instruct the UAL Approved Centre to undertake an investigation and produce a detailed report.

Following the submission of a report, we may need to request further information, or undertake a subsequent investigation. UAL Awarding Body may notify the regulator(s) at any point during the investigation if we have reason to believe an Adverse Effect may, or has occurred.

There may be instances where UAL Awarding Body will lead an immediate investigation when a case is particularly complex or severe. In such instances, we expect UAL Approved Centres to be active participants in our investigation and to produce their own report as part of the investigation. Similarly, there may be cases where the regulator(s) will lead the investigation.

3.2 Anonymity and Whistleblowing

There may be instances where the person notifying us of suspected or actual malpractice or maladministration wishes to remain anonymous. If the person notifying UAL Awarding Body wishes to remain anonymous, they must indicate this when notifying us.

UAL Awarding Body will keep the person's identity confidential, however there may be cases where we must provide their details 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 we are required by law to disclose your identity; or
- The qualifications regulators.

Should the need arise to disclose the identity of the person notifying UAL Awarding Body, the Investigating Officer will inform the person of the need to reveal their identity.

Please note that it may not be appropriate for UAL Awarding Body to share full details of the investigation or outcomes with the person who notified us.

3.3 How a UAL Approved Centre will conduct an investigation

When investigating, UAL Approved Centres must ensure:

- That the investigation is carried out by staff who have no personal involvement in the incident or the outcome of the investigation;
- The investigation is carried out in a thorough, prompt and evidence based manner
- That all staff co-operate and provide timely responses to requests for information;
- The UAL Approved Centre provide their investigation findings to UAL Awarding Body in the form of a report. This report may form the basis of a subsequent UAL Awarding Body investigation and must include supporting evidence as appropriate; and
- The report be submitted to quality.awarding@arts.ac.uk

Reports must include:

- UAL Approved Centre name, address and number;
- Learner ULN(s);
- UAL Approved Centre personnel's job titles if they are involved in the case;
- Title of the UAL Awarding Body qualification(s) affected, or nature of the service affected;
- Date(s) suspected or actual malpractice or maladministration occurred;
- Full nature of the suspected or actual malpractice or maladministration;
- Contents and outcome 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; and
- Date of the report and the informant's position and signature.

In accordance with regulatory Conditions, UAL Awarding Body must follow an established investigations procedure and upon request, provide guidance to UAL Approved Centres of how best to prevent, investigate and deal with malpractice and maladministration. This guidance is included in our investigations procedure, which is soon to be published on our website.

3.4 How UAL Awarding Body will conduct an investigation

As previously stated, UAL Awarding Body will ensure that the Investigating Officer has no actual or potential personal interest in the case.

The Investigating Officer will:

- Establish the facts of the case by collecting clear evidence from various sources, including as appropriate the report and supporting evidence submitted by the UAL Approved Centre;

- Undertake interviews with individuals connected to any suspected or actual malpractice and maladministration as required;
- Identify the cause of any issues;
- Establish a timeline of events;
- Determine how the issue can be resolved which may include issuing sanctions;
- Identify any trends which may indicate an Adverse Effect;
- Consider the actual or potential impact on Learners;
- Consider any action already taken by the UAL Approved Centre;
- Make an assessment of the seriousness of the event, taking account of relevant regulatory Conditions and guidance;
- Consider the urgency of any actions required to mitigate the actual or potential Adverse Effect (for example, because of proximity to an assessment on a specific date, or to the issuing of results or certificates); and
- Consider the actual or potential impact on public confidence, such as if the event has been, or is likely to be reported in the media or on social media.

There may be cases where UAL Awarding Body does not make the centre aware that the investigation is done in parallel with our standard quality assurance and monitoring regime.

In accordance with regulatory Conditions, UAL Awarding Body must undertake investigations in line with our written investigations procedure, which will form the basis of a final, summative report.

3.5 Timescales

The following timescales have been set for the Policy:

Stage 1	Acknowledge the report of malpractice or maladministration	Within 5 working days from receipt
Stage 2	Investigation	Within 30 working days of acknowledgement
Stage 3	Outcome and actions	Within 10 working days of completion of the investigation
Stage 4	Appeal eligibility acknowledged	5 working days from receipt of appeal
	Decision whether grounds for appeal met	10 working days from receipt of appeal
	Final appeal outcome	20 working days from receipt of appeal

If it is likely that any stage of the investigation may take longer, for example if a case is particularly complex, we will advise all parties and provide a revised timescale.

3.6 Use of sanctions during an investigation

UAL Awarding Body reserves the right to implement sanctions at the time a UAL Approved Centre notifies us or during an investigation where there may be a risk of an Adverse Effect. Sanctions can include the suspension of registrations and certifications at the UAL Approved Centre. This may be restricted to the qualification related to the investigation or across all UAL approved provision at the centre.

Any sanctions imposed will be in accordance with the UAL Awarding Body Sanctions Policy and seek to protect the interest of learners and the validity of our qualifications.

3.7 Outcome and actions

Following an investigation, we will share a summary of the final report and any associated action plan with the UAL Approved Centre, as well as with the qualifications regulators and any concerned parties as required.

Where the Investigating Officer has concluded the outcome of malpractice and/or maladministration, UAL Awarding Body will implement the Sanctions Policy as required.

Examples of actions we may take are:

- Increased monitoring visits to provide support to the UAL Approved Centre in order to improve;
- Issuing an action plan to the UAL Approved Centre;
- Requiring specific training to be undertaken by the UAL Approved Centre;
- Informing third parties, for example funding agencies or other awarding bodies, if there is a potential risk to their qualifications;
- An increase in the UAL Approved Centre's risk rating.

UAL Awarding Body will communicate the outcome and actions within 10 working days of completion of the investigation, as outlined in section 3.5.

We reserve the right to charge for additional quality assurance activities, for example bespoke training for UAL Approved Centres.

3.8 Right of appeal

Only UAL Approved Centres can request for an appeal of the outcome i.e. actions or sanctions given following the outcome of a malpractice and maladministration investigation, and this must be made within 10 working days of receiving the outcome.

The request for an appeal must be sent via email to quality.awarding@arts.ac.uk and can only be requested on the following grounds:

- Procedures through which the original issue was investigated were not followed
- The outcome is considered unreasonable; or

- New material evidence is produced, which they were not able to disclose for valid reasons during the original investigation.

The request for an appeal will be reviewed by a Quality Assurance and Enhancement Officer who has not been connected to the original investigation in any way, in accordance with regulatory Conditions. Within 10 working days the UAL Approved Centre will be notified if the grounds for appeal have been met. A review will be completed based only on the grounds for appeal listed above.

At the end of the review the Quality Assurance and Enhancement Team will write to the UAL Approved Centre outlining their final decision. The following outcomes are available:

- The original outcome is upheld; or
- The recommendation is that the matter is referred back for reinvestigation

The outcome of the appeal will be notified in writing within 20 working days of receipt of the appeal request.

UAL Approved Centres who have exhausted the appeals process within the Policy and are still dissatisfied with the outcome may contact the following regulatory authorities:

- The Office of Qualifications and Examinations Regulation (Ofqual)
- Council for Curriculum Examination and Assessment (CCEA Regulation)
- Qualifications Wales

3.9 Your UAL Awarding Body contact for the Policy

If you have any queries about the contents of this policy, please contact:
quality.awarding@arts.ac.uk

4. Data Protection

UAL Awarding Body is committed to protecting your privacy and being transparent about how your data is processed. Personal data is processed by UAL Awarding Body in accordance with the UAL Awarding Body Transparency Notice, sometimes referred to as a 'Privacy Notice'. This sets out UAL Awarding Body's data processing practices and your rights and options regarding the ways in which your personal information is used and collected, in line with the General Data Protection Regulation (GDPR). If you have a query about the way in which UAL Awarding Body processes your data, contact information is provided at the end of the Transparency Notice.

5. Equality

UAL Awarding Body believes that equality and diversity is integral to our inclusive curriculum, our creative innovation, our global reputation and the richness of UAL Awarding Body. UAL Awarding Body is committed to addressing inequality and celebrating diversity in order to sustain an accessible and inclusive environment for all learners, centres, governors, visitors, community and commercial partners with whom we engage. For more information about accessibility please review our accessibility statement [here](#).

Appendix

Examples of malpractice

The list below contains some examples of centre and learner malpractice:

- Contravention of our UAL Approved Centre and qualification approval conditions
- Failure to satisfactorily meet approval criteria
- Denial of access to resources (premises, records, information, learners and staff) for any authorised UAL Awarding Body representative and/or the qualifications regulators
- Actions required by our External Moderators or External Verifiers not being met within agreed timescales
- Failure to carry out delivery, internal assessment, or internal verification in accordance with our requirements
- Failure to handle assessment related documentation securely
- Failure to adhere to our learner registration and certification procedures
- Failure to continually adhere to our qualification/centre approval criteria
- Failure to maintain auditable records, e.g. certification claims
- Fraudulent claim for certificates, including any falsification of assessment outcomes
- Intentional withholding of information from us which is critical to maintaining robust quality assurance mechanisms
- Deliberate misuse of the UAL Awarding Body logo or that of the qualifications regulator(s)
- Forgery of evidence
- Learners breaching the rules of an assessment, collaborating with other learners inappropriately or tampering with the work of others
- Plagiarism of any nature by learners.

Examples of maladministration

The list below contains some examples of centre maladministration:

- Failure to maintain accurate records of learner registrations;
- Failure to comply with reasonable adjustments and/or special considerations request forms;
- Failure to appropriately administer assessments, such as failing to deliver assessment under controlled conditions where required;
- Failure to accurately complete and provide mark sheets;
- Administrative errors resulting from inattention;
- Poor communication, resulting in procedural delays;
- Unintentional withholding of information from us which is critical to maintaining robust quality assurance mechanisms; or
- Any actions that lead to learners having an unfair advantage or disadvantage.

Allegations of malpractice or maladministration may be brought to our attention by a range of sources. These may include:

- UAL Awarding Body's own quality assurance systems or monitoring visits may identify that a centre is not adhering to quality assurance procedures
- UAL Approved Centres may report instances of malpractice or maladministration themselves
- A learner may have a legitimate complaint about a UAL Approved Centre's personnel or practices that he or she raises with the awarding body
- An employer or parent (on behalf of the learner) may report an incident to UAL Awarding Body
- Whistle blowers may report allegations of malpractice or maladministration to UAL Awarding Body. Their identity must not normally be disclosed without their permission. If the informant wishes for any matter to remain confidential, this must be clearly stated when first contacting UAL Awarding Body.
- Anonymous allegations may be reported to UAL Awarding Body; however, the allegation can only be acted on if there are sufficient details to identify the UAL Approved centre. UAL Awarding Body will log the information in case other similar allegations are reported and trends emerge
- External organisations such as qualifications regulators, SSCs (Creative & Cultural Skills or Skillset) and funding agencies may notify UAL Awarding Body of the need for an investigation.

Links to regulatory Conditions

UAL Awarding Body is required to comply with all Conditions of Recognition produced by the three UK qualifications regulators, Ofqual, Qualifications Wales and CCEA Regulation.

The Policy is underpinned by the below regulatory Conditions:

Regulatory body	Relevant Condition
<u>Ofqual</u> <u>Qualifications</u> <u>Wales</u> <u>CCEA</u> <u>Regulation</u>	A6 – Identification and management of risks
	A7 – Management of incidents
	A8 – Malpractice and maladministration
	B3 – Notification to Ofqual/Qualifications Wales/CCEA Regulation of certain events
	C2 – Arrangements with centres
	I1 – Appeals and certificates
	J1 – Interpretation and definitions