

Malpractice & Maladministration

Introduction

Following Active IQ's requirements, this document states the procedures and guidance to prevent and deal with malpractice and Maladministration.

We aim to comply with Active IQ's procedures to prevent and investigate - malpractice and maladministration.

BISMA is committed in providing appropriate internal controls and audit trails, in order to prevent malpractice.

We are committed in providing adequate arrangements to prevent and investigate instances of malpractice and maladministration.

Review arrangements

This Policy will be reviewed annually, as part of our annual self-evaluation arrangements and we will revise it as and when necessary, in response to customer and learner feedback, changes in the training provider's¹ practices, as well as actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

In addition, this guidance may be updated in light of operational feedback, to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

Details about how to feedback any views and to contact BISMA or Active IQ (Awarding Body²) are been provided at the end of this guidance.

Definition of Malpractice

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 the training provider, or 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 groups of learners.

Examples of malpractice

¹ Training Provider: refers to "BISMA". PS. Please note "Academy" is a simplified way to refer to BISMA.

² Awarding Body: refers to "Active IQ". PS. Please note that, sometimes "Active IQ" is also referred as "Awarding Organisation".

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 awarding body representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with the training provider's requirements
- Deliberate failure to adhere to the training provider's learner registration and certification procedures
- Deliberate failure to continually adhere to the training provider's centre recognition and/or qualification approval requirements or actions assigned to us as a training provider
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim(s) for certificates
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of the awarding body's logo and trademarks or misrepresentation of a training provider's relationship with Active IQ and/or its recognition and approval status with Active IQ
- Collusion or permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the training provider.
- Deliberate contravention by the training provider and/or its learners of the assessment arrangements we specify for our qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so)
- Personation - assuming the identity of another learner or having someone assume your identity during an assessment
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by the Academy or our Academy's staff (e.g. 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

Definition of Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements from Active IQ, and includes the application of persistent mistakes or poor administration within BISMA (e.g. inappropriate learner records).

Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify BISMA and/or Active IQ. In doing so the person making the allegation should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Training Provider's name, address and number
- Learner's name and awarding body/training provider's registration number
- Training provider personnel's details (name, job role) if they are involved in the case
- Details of the Awarding Body 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 BISMA or anybody else involved in the case, including any mitigating circumstances

BISMA will conduct an initial investigation prior to formally notifying the awarding body, the Academy will ensure that staff involved in the initial investigation is competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances we will notify Active IQ, if we 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 us we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

Responsibility for preventing malpractice and/or maladministration

BISMA will prevent, as best as we can, malpractice and maladministration, to establish and maintain, and at all times comply with Active IQ's up-to-date written procedures for the investigation of suspected or alleged malpractice or maladministration.

The Academy will ensure:

- All staff is aware of our policies and procedures and receives appropriate training/briefings on these
- Staff will have clear roles and responsibilities
- There is a documented internal quality assurance procedure/methodology that is clearly in place and is subject to regular internal reviews
- There are documented internal standardisation arrangements in place and evidence that these take place at least once a year (if not more)
- Learners are informed of their roles and responsibilities in terms of not doing anything that may be deemed a malpractice and jeopardise their potential achievements
- All assessment and internal verification activities are accurately recorded and carried out in accordance with the Academy's internal quality assurance arrangements and in line with our expectations as outlined in its qualification guides etc...
- All registration and certification records are subject to appropriate internal review before submission

Malpractice / maladministration investigation procedures

We will investigate instances of malpractice/maladministration using the following stages:

Stage 1: Briefing and record-keeping

The Academy will ensure that our staff involved in an investigation is competent and fully informed about their job role. All investigators must maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately.

The officer assigning the investigating officer(s) will stipulate and/or provide secure storage arrangements for all material associated with an investigation in case of subsequent legal challenge. There may be occasions when a joint investigation occurs with the training provider, with the roles of the two teams being clarified by the Awarding Body. It is the centre's responsibility to ensure their investigators are fully aware of the agreed roles and processes to follow in the investigation.

Stage 2: Establishing the facts

Investigators will review the evidence and associated documentation, including THE Active IQ guidance on the delivery of the qualifications and related quality assurance arrangements.

Issues to be determined are:

- What occurred (nature of malpractice/substance of the allegations)
- Why the incident occurred
- Who was involved in the incident
- When it occurred
- Where it occurred – there may be more than one location
- What action, if any, the centre has taken

Stage 3: Interviews

Interviews will be thoroughly prepared, conducted appropriately and underpinned by clear records of the interviews. The stages of an interview are:

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

Face-to-face interviews should normally be conducted by two people, with one person primarily acting as the interviewer and the other as note-taker.

Those being interviewed should be informed that they may have another individual of their choosing present, and that they do not have to answer questions. These arrangements aim to protect the rights of all individuals.

Stage 4: Other contacts

In some cases, learners or employers may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post or email.

Whichever method is used, the investigator will have a set of prepared questions. The responses will be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual.

Stage 5: Documentary evidence

Wherever possible documentary evidence should be authenticated by reference to the author; this may include asking learners and others to confirm handwriting, dates and signatures.

The awarding body will provide receipts for any documentation removed from BISMA. Independent expert opinion may be obtained from subject specialists about a learner's evidence and/or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

Stage 6: Conclusions

Once the investigators have gathered and reviewed all relevant evidence, a decision is made on the outcome.

Stage 7: Reporting

A draft report is prepared and factual accuracy agreement obtained. The final report is submitted to the Internal Verifier for review and sign-off and shared with the training provider and relevant parties within the Academy.

Stage 8: Actions

Any resultant action plan is implemented and monitored appropriately and training provider notified.

Training Provider Details:

- Name: BISMA
- E-mail: info@bisma.co.uk
- Phone Number: 0800 612 798

Awarding Body Details:

- Name: Active IQ
- E-mail: info@activeiq.co.uk
- Phone Number: +44(0)1480 467950