

# Malpractice and Maladministration Policy

## 1. Introduction

Malpractice, maladministration is concerned with non-compliance and includes those acts or practices that breach IBSL's Centre Agreement, or any of its policy, regulations or procedures. It also includes acts or practices that:

- compromises, or attempts to compromise assessment;
- the integrity of any qualification;
- the validity of a result or certificate; and/or
- damages the integrity of IBSL, its qualifications, staff or contractors; or a Centre or Centre staff.

This policy is intended to protect the interests of Learners and the integrity of IBSL, its qualifications and its delivery Centres. Where malpractice or maladministration is found there are often penalties involved for those who have perpetrated the malpractice or maladministration event or act.

This policy should be read alongside IBSL's Centre Agreement and Sanctions Policy.

IBSL's *Academic Misconduct Allegation and Report Form (Exams)* may also be used by Centre's identifying and investigating Learner malpractice in IBSL assessments and examinations.

Individuals should also be aware of IBSL's Whistleblowing Policy if they have any concerns about revealing their concerns and their identity.

## 2. Scope

This policy applies to IBSL staff, contractors and Trustees; Centres and Centre staff; and Learners.

Centres are required to make sure their staff and registered Learners are fully aware and understand this policy.

Wherever possible IBSL and its Centres must act to prevent malpractice or maladministration occurring.

Malpractice and maladministration can sometimes be discovered some time later after the event or act contributing to it has occurred. IBSL will investigate historical cases of malpractice or maladministration.

Centre's should have their own malpractice or maladministration policy and procedures in place.

## 3. Definitions

### Malpractice

Malpractice is any activity or practice that deliberately contravenes IBSL policy, regulations or procedures. It includes acts such as cheating; and those that could be considered a crime and punishable in law.

It includes deliberate acts to compromise assessments, results or certificates; the integrity of IBSL staff, Trustees or contractors; IBSL qualifications and the Awarding Organisation; or an IBSL delivery Centre and its staff.

### Examples of malpractice

- Copying from another Learner.
- Collusion in an assessment.
- A Learner plagiarising other's work.
- Deliberate failure to carry out assessment or quality assurance as prescribed.
- Deliberate failure to conduct assessments in the required conditions.
- Preparing Learners for assessments based upon prior knowledge of the assessment requirement, and that challenges the integrity of the assessment.
- Providing undue support to Learners in their assessments.
- Supporting Learners to change their answers in assessments.
- Falsifying Learner ID.
- Fraudulently making certificate claims.
- Sharing, or selling confidential assessment materials or information.

### **Maladministration**

Maladministration is any activity or practice that results in non-compliance with IBSL policy, regulations or procedures. It is concerned with activity and practices that jeopardises, or results in non-compliance with required administrative arrangements and practices.

It includes, for example, poor administrative practices being applied in a Centre that results in persistent mistakes.

### Examples of maladministration

- Not following IBSL procedures and policy for Learner registration and submission of results.
- Consistently not completing, or returning required information correctly, or within required timescales.
- Failing to keep required accurate records.
- Deliberate delay to, or not providing requested information.
- Misrepresenting IBSL qualifcators despite guidance.

## **4. Malpractice or Maladministration Process**

### **4.1 Reporting Concerns**

If anyone identifies, becomes aware of suspected, or witnesses an actual case of malpractice or maladministration at any time they must immediately notify IBSL. This means that Learners, Centre staff, IBSL staff or contractors, or anyone else who has a concern has a duty to alert IBSL.

Reporting a concern is an important step to make sure real, or potential issues are identified and addressed at the soonest opportunity.

To report a concern please use the report form at Appendix 1.

For Centres, where suspected malpractice or maladministration is identified, the head of Centre must advise IBSL of this at the earliest opportunity. The Centre should aim to initially conduct its

own malpractice or maladministration investigation, however, the advice or involvement of IBSL may be required.

#### **4.2 Responsibility for Investigation**

Acknowledgement of any reports will be issued at the earliest opportunity from IBSL.

All reported cases of malpractice and maladministration will initially be handled by IBSL's Responsible Officer.

In accordance with the Regulatory requirements all suspected cases of malpractice and maladministration will be investigated promptly by IBSL. All reasonable steps will be taken by IBSL to prevent any adverse effect from occurring.

The Responsible Officer will identify an appropriate individual to investigate the suspected malpractice or maladministration. The individual must:

- have no prior knowledge or interest in the issue, and will not be known to the individual/Centre i.e. there must be no conflicts of interest in carrying out an investigation
- understand the issues involved, and be aware of any relevant policy or procedures in place
- be available to investigate in a timely manner.

An investigator will be appointed to look at the case and carry out the investigation. The investigator will prepare an investigation plan and identify the evidence they need to examine. The investigator will keep records of their work and findings; which is passed to IBSL once the investigation is completed.

All information and evidence relating to the instigation will be kept in a secure and confidential file set up for this purpose.

#### **4.3 Cooperation with Investigations**

IBSL requires all relevant persons to provide information and evidence when requested and to do so in a timely manner. IBSL's investigator may need to interview individuals, visit premises and examine evidence held locally.

Requests for information may include reports of investigations or evidence arising from Centre based investigations.

Where Centres or Centre staff do not comply with IBSL requests for information they may be subject to relevant IBSL sanctions as laid out in its Sanctions Policy.

The Responsible Officer will be the coordination point for all communications. Where a Centre investigation is being undertaken by IBSL, the Centre will be kept in touch with progress via the IBSL's Responsible Officer.

#### **4.4 Reporting Findings and Applying Sanctions**

The malpractice or maladministration report and any recommendations will be shared with and agreed by the IBSL' Responsible Officer before it is issued.

IBSL will share its final report and recommendations with relevant individuals, or the Centre where applicable. Investigation reports will be available within 25 working days of the date of a malpractice or maladministration case being acknowledged by IBSL.

Where appropriate IBSL will formally write to individuals, or the Centre to advise them of any sanctions that will be applied.

Those individuals, or the Centre may challenge the findings and outcomes of the malpractice or maladministration report and associated sanctions via IBSL's Appeals Policy.

## **5. Confidentiality**

Sometimes an individual making an allegation of malpractice or maladministration may wish to remain anonymous. If you are concerned about possible adverse consequences, you should ask that IBSL do not divulge your identity.

IBSL will investigate issues that are reported anonymously and aim to confirm the identity of those who make anonymous allegations.

## **6. Sanctions**

IBSL may apply sanctions to Centres or Learners where they are implicated in malpractice or maladministration.

IBSL staff where they are implicated in malpractice or maladministration will be disciplined according to IBSL's staff policies.

## **7. Lessons Learned**

Any malpractice or maladministration investigation exercise must be evaluated to identify if there are measures or changes that IBSL might reasonably put in place to prevent such an occurrence in the future.

### Reporting Malpractice or Maladministration

|  |  |
|--|--|
| <b>Your name</b>   |  |
| <b>Your</b> <ul style="list-style-type: none"> <li>• email contact</li> <li>• phone number</li> </ul>                |  |
| <b>Centre name (if relevant)</b>   |  |
| <b>What is your status? e.g. Learner, Teacher/Trainer, Assessor, Centre Staff (state role), Other – please state</b> |  |

|   |
|---|
| <b>Explain the malpractice or maladministration you wish to report:</b>               |
| <b>Date of occurrence, where relevant:</b>  |
| <b>What evidence is available to support your report?</b>                             |
| <b>Who else is aware of the above – please include names and contact information:</b> |
| <b>Any other relevant information?</b>  |

|                |               |
|----------------|---------------|
| <b>Signed:</b> | <b>Dated:</b> |
|----------------|---------------|

Please include any relevant evidence where ever possible.

Please send this form to Michelle Jones.