

Malpractice Policy

1. Introduction

This policy is aimed at examiners, teachers and candidates who are involved in the assessment of qualifications offered by the IDTA.

The purpose of this policy is to set out the procedures that candidates, teachers and examiners should follow if they wish to contact us about any potential instances of malpractice. The policy also gives details of the service provided by the IDTA.

This policy is available on our website at www.idta.org.uk or can be obtained by calling 01273 685652 or e-mailing info@idta.co.uk

This policy will be subject to review and monitoring by IDTA and if necessary will be amended and updated following feedback. All future versions to this policy will be flagged and will be posted on our website.

Please note that we treat all correspondence with individuals who make complaints or inform us of suspected malpractice in confidence and will not make details available to any other parties. Please see the Privacy Notice which is available on the IDTA website for information about how IDTA stores and processes any data or information which may be related to malpractice cases.

2. Ofqual Conditions of Recognition

For regulated qualifications, Ofqual, the qualifications regulator for England, sets out requirements for all awarding organisations to comply with¹. For malpractice, the Conditions are as follows:

Preventing malpractice and maladministration

A8.1 An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.

Investigating and managing the effect of malpractice and maladministration

A8.2 Where any such malpractice or maladministration is suspected by an awarding organisation or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding organisation must –

- (a) so far as possible, establish whether or not the malpractice or maladministration has occurred, and
- (b) promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.

¹ Ofqual Handbook <https://www.gov.uk/guidance/ofqual-handbook/section-a-governance>. Similar requirements apply for qualifications regulated in Wales by Qualifications Wales through their Standard Conditions of Recognition <https://www.qualificationswales.org/regulation-reform/regulating/regulatory-conditions/> and CCEA in Northern Ireland <https://ccea.org.uk/regulation/information-awarding-organisations/general-conditions-recognition>

Procedures relating to malpractice and maladministration

A8.3 For the purposes of this condition, an awarding organisation must –

- (a) establish, maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and
- (b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

A8.4 Where a Centre undertakes any part of the delivery of a qualification which an awarding organisation makes available, the awarding organisation must take all reasonable steps to keep under review the arrangements put in place by that Centre for preventing and investigating malpractice and maladministration.

A8.5 An awarding organisation must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with malpractice and maladministration.

Dealing with malpractice and maladministration

A8.6 Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to –

- (a) prevent that malpractice or maladministration from recurring, and
- (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence –

- (a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and
- (b) may affect another awarding organisation, it must inform that awarding organisation.

3. What is malpractice?

Malpractice is defined as any activity or practice, which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates. For the purpose of this policy this term also covers misconduct.

The categories listed below are examples of potential teacher, examiner and candidate malpractice. Please note that this is not an exhaustive list.

- Failure to adhere to our candidate registration and certification procedures
- Failure to maintain auditable records, e.g. certification claims
- Fraudulent claim for certificates
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance
- Deliberate misuse of our logo or name
- Plagiarism of any nature by candidates
- Submission of false information to gain a proxy or a qualification
- Disruptive behaviour by candidates

4. What is maladministration?

Maladministration is defined as any activity or practice, which results in non-compliance with regulations. Anybody identifying cases of maladministration should report them to the Chief Executive at IDTA.

We are obliged to investigate all cases of maladministration in liaison with the parties concerned. If an investigation results in evidence of maladministration, we will need to impose the appropriate sanction and take the necessary steps to ensure that the candidates' interests are protected as far as is reasonably possible. This may include making arrangements for re-assessment or certification, as appropriate.

5. How to notify us of suspected or actual cases of malpractice

Anybody who identifies or is made aware of suspected or actual cases of malpractice at any time must immediately report their findings to the Chief Executive by post, telephone or e-mail.

Postal address:
International House
76 Bennett Road
Brighton
East Sussex
BN2 5JL

E-mail: info@idta.co.uk

Tel: 01273 685652

Reports must include as much information as possible about the case, including, where applicable:

- teacher's name and address or Examiner's name
- candidate's name and registration number
- title and number of the qualification affected
- date(s) suspected or actual malpractice occurred
- full nature of the suspected or actual malpractice

6. Reviewing suspected or actual cases of malpractice

6.1 The review timescales at each stage of the process

The report suspected of malpractice will be acknowledged by the Chief Executive within 5 days of receipt.

Once a report of suspected malpractice is received, it will be investigated by an individual identified by the Chief Executive. The Chief Executive will select the individual on the basis that they have:

- Suitable experience in investigating and reporting on malpractice/maladministration
- Competence to deliver clear reports of investigations within the expected timescales
- No conflict of interest with the individuals or organisations identified as part of the investigation.

We will endeavour to finish our investigations no longer than 30 working days from the receipt of the report. Please note that in some cases the investigation may take longer; for example, if a visit to premises is required. In such instances, we'll advise all parties concerned of the likely revised timescale.

We will advise all interested parties of the outcome of our investigation within 10 working days of making our decision.

6.2 The investigation process

We expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us. In instances where a teacher or their candidates do not co-operate, we may have no alternative but to permanently or temporarily withdraw the teacher's candidates from registering for IDTA qualifications and may also inform the regulatory authorities. In the case of fraudulent activities, we may refer the case to Trading Standards or the police.

During the investigation the review process may involve:

- a request for further information from the centre or personnel involved
- interviews (face to face or by telephone) with personnel involved in the investigation

Once an investigation is concluded, the report will be received by the Chief Executive who will make a decision on:

- The level of sanction to be applied
- Whether to refer the case to the regulatory authorities
- Whether to refer the case to Trading Standards/the police
- Escalation to the Board of Directors - where a decision is referred to the Board of Directors, the majority vote will apply.

Where applicable, we will inform the appropriate regulatory authorities of any investigation into suspected or actual cases of serious malpractice and will agree the appropriate course of remedial action with them. Please note that in exceptional cases, the regulatory authorities may lead the investigation.

In cases where certificates for qualifications approved by the regulatory authorities are deemed to be invalid, we will inform the teacher and the candidate and the regulatory authorities of the reasons why they are invalid and provide details of action to be taken for reassessment and/or certification.

Either at notification of a suspected or actual case of malpractice or at any time during the investigation, we reserve the right to suspend any claims for candidate certification submitted by the teacher involved.

6.3 The outcome of the investigation

Candidate malpractice

We will consider all factors put forward by the teacher or the candidate in determining the appropriate sanctions.

If the investigation confirms that candidate malpractice has taken place, we will have to impose one or more of the following sanctions:

- Disallowing all or part of the candidate's examination
- Not issuing the candidate's certificate(s)
- Disqualification from the qualification.

Examiner malpractice

If an examiner is reported to be colluding with candidates or teachers the evidence will be passed to the Chief Executive and will be closely monitored. If collusion is corroborated, then the examiner will be dismissed from the examining panel and the candidates in question will be re-examined.

Other forms of malpractice

For other forms of malpractice, the Chief Executive will decide the most appropriate action to take which could include:

- For member teachers a suspension or removal of membership of the IDTA
- Escalation of the malpractice to other organisations where there is a suspected fraud or other criminal offence (e.g. Trading Standards or the Police)

6.4 Reporting the outcome

After an investigation, the Chief Executive will send a draft report for the respondent to the malpractice investigation to check for factual accuracy. Any subsequent amendments will be agreed between the respondent and the Chief Executive.

We will make the final report available to the respondent and any other individuals or organisations involved in the case.

We will also keep the regulatory authorities² informed of the details of an investigation and report the outcomes to them as soon as they are known.

If the investigation into the malpractice affects another awarding organisation we will inform them of the outcomes of the investigation.

If an independent/third party notified us of the suspected or actual case of malpractice, we will inform them of the outcome.

7. Appeals against our decision to impose sanctions

If you wish to appeal against our decision to impose sanctions, please refer to our *Appeals Policy* available from our website at www.idta.org.uk

² The regulatory authority for England is Ofqual, the regulatory authority for Wales is Qualifications Wales and the regulatory authority for Northern Ireland is CCEA.