



Malpractice and Maladministration Policy

Policy Statement

Autus is committed to ensuring access to fair assessment for all candidates (service users), protecting the integrity of qualifications we award and full compliance with the expectations of our Awarding Bodies. To that end, this policy is designed to define malpractice and maladministration, clarify the roles and responsibilities of candidates, centres and Autus and outline the procedures to be followed in cases of suspected malpractice or maladministration.

We are a charitable organisation that delivers accredited qualifications and formally accredits the learning of our service users. When a service user is registered for an accreditation they become a 'candidate' for the purposes of this policy and will be referred to as such in this policy.

Scope and Definitions

Malpractice is any deliberate activity, neglect, default or other practice that compromises or could compromise the integrity of the assessment process and/or the validity of certificates. Examples of malpractice include but are not limited to:

- Criminal practices such as bribery or falsification of records
- Plagiarism or condoning plagiarism
- Failure to maintain the security and confidentiality of an assessment
- Contravention of examination regulations (including but not limited to collusion, disruption, copying, tampering with others' work, accessing prohibited information, impersonation and permitting any of the above to occur)
- Failure to follow other assessment-related procedures correctly
- Failure to abide by deadlines for examination procedures
- Tampering with candidates' work after collection and before verification
- Assisting candidates in the production of work outside the awarding body guidance
- Redacting or changing examination questions or assignment tasks
- Denial of access to resources (premises, records, information, learners and staff) for any authorised Autus representative and/or the regulatory authorities
- Failure to carry out actions required by External Quality Assurers/Standards Verifiers within agreed timeframes
- Deliberate failure to maintain auditable records (e.g. certification claims)
- Deliberate misuse of Autus' logos and trademarks
- Persistent instances of maladministration.

Maladministration is any activity, neglect, default or other practice that results in non-compliance with administrative regulations and requirements. Examples of maladministration include but are not limited to:

- Persistent failure to adhere to registration and certification procedures
- Persistent late learner registrations
- Unreasonable delays in responding to requests and/or communications from Autus and/or External Quality Assurers/Standards Verifiers

- Failure to train invigilators adequately
- Failure to invigilate to Autus' standards
- Failure to ensure that assessment venues meet Autus' standards
- Failure to maintain appropriate auditable records (e.g. certification claims)
- Inaccurate claims for certificates

Special Considerations

Malpractice and maladministration imply an element of negligence, corruption or incompetence. Events which affect a candidate adversely but are not caused by negligence, corruption or incompetence (e.g. an assessment being disrupted by an emergency situation) are not considered to be malpractice or maladministration. The only exception to this is when events that affect a candidate adversely are not directly caused by negligence, corruption or incompetence, but could have been avoided had a person or persons not acted in a negligent, corrupt or incompetent manner.

Duties and Obligations

Autus and its staff and volunteers have a duty to:

- Report all suspected instances of malpractice and/or maladministration
- Supply any further information required by investigators
- Co-operate fully with any investigations into suspected malpractice and/or maladministration

Candidates have a duty to:

- Comply with all assessment regulations
- Report all suspected instances of malpractice and/or maladministration
- Supply any further information required by investigators
- Co-operate fully with any investigations into suspected malpractice and/or maladministration

Autus' leadership team and Board of Trustees have a duty to:

- Make all staff, volunteers and candidates aware of this policy
- Oversee all investigations into suspected malpractice and/or maladministration
- Ensure that investigations are carried out by competent investigators who have no personal involvement in the issue or interest in the outcomes
- Ensure that investigations are carried out in an effective, prompt and thorough manner
- Take such action as is necessary to preserve the integrity of the assessment (e.g. cancelling and rearranging assessments)
- Review and revise internal policies and procedures to prevent any identified cases of malpractice and/or maladministration from recurring
- Report any instances of malpractice and/or maladministration to the regulators and awarding bodies in accordance with their Conditions of Recognition
- Report any instances of malpractice and/or maladministration that may have resulted in the invalidation of certificates to the regulatory authorities and cooperate fully with them in any follow-up actions required
- Report any instance of malpractice that is reasonably likely to have involved a criminal offence to the police and cooperate fully with them in any investigations.

Reporting Malpractice

Anyone who identifies or is made aware of suspected or actual cases of malpractice must report it to the CEO or Board of Trustees immediately. They should put this report in writing and include supporting evidence. All allegations should include the following, where relevant:

- The names of any learners, staff members and/or volunteers involved in the case
- Details of the course, qualification or service affected
- Nature of the suspected or actual malpractice
- Date of the report and the informant's name, position and signature

Reports of suspected or actual malpractice should be sent by email to donna@autus.org.uk (CEO) or dawn@autus.org.uk (Learning and Development Manager) or by post to Board of Trustees, Autus, 44 Dunbar Ave, Norbury, London SW16 4SD

All reports of malpractice and/or maladministration will be treated in the strictest confidence. If you are concerned about possible adverse consequences, you may request Autus not to divulge your identity. Autus is not obliged to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

Investigations into Suspected Malpractice

In accordance with regulatory requirements, all suspected cases of malpractice will be examined promptly to establish if malpractice has occurred and all reasonable steps will be taken to prevent any adverse event from occurring.

All suspected cases of malpractice will be passed to the CEO who will acknowledge receipt, as appropriate, to other parties within 5 working days.

The Board of Trustees will appoint an investigator of appropriate competence, with no personal involvement in the case or interest in the outcome. The investigator will seek to establish the full facts and circumstances of any alleged malpractice. All persons involved in an investigation must cooperate fully with the investigator. As well as requesting and reviewing relevant information, where appropriate, the investigator may interview the persons involved and any potential witnesses. Please note that: a) any potential interviewee has the right to be accompanied by another person and must be informed of that right in sufficient time for them to make such arrangements; b) all young people and vulnerable adults to be interviewed must be accompanied by an appropriate adult.

All material collected as part of an investigation will be kept secure. All material collected as part of an investigation that leads to sanctions, withdrawal of certificates and/or criminal proceedings will be kept until the case and any appeals have been heard and for five years thereafter.

Autus reserves the right to withhold a learner's, and/or cohort's results for all the qualifications for which they are studying at the time of the notification and/or investigation of suspected or actual malpractice. Autus also reserves the right to suspend any member of staff or volunteer who is under investigation for malpractice, or to move him/her to another role.

If appropriate, Autus may find that the complexity of a case or a lack of cooperation from those involved means that it is unable to complete an investigation. In such circumstances, Autus will consult the relevant regulatory authority to determine how best to proceed.

If Autus believes that there is sufficient evidence to implicate an individual in malpractice, it will:

- Inform them in writing of the allegation
- Provide them with details of the evidence found to support the allegation
- Inform them of the possible consequences
- Inform them that information relating to the allegation and/or investigation may be, or has been, shared with the regulators and/or other relevant bodies (e.g. the police)
- Provide them with an opportunity to consider and respond to the allegation and findings
- Inform them of the Appeals Policy should they wish to appeal against the decision.

Investigation Report

After investigating an allegation of malpractice, the investigator must submit a full written report to the Board of Trustees. Reports should be produced in the following format:

- Statement of process: what steps have been taken to investigate this alleged malpractice
- Statement of facts: an account of the circumstances of malpractice that have been established as facts
- Written statements from all those involved in the investigation
- In the cases of malpractice in examinations, details of any unauthorised material found in the examination room
- Any mitigating factors or additional information
- Verdict as to whether or not malpractice has occurred
- Identity of the person or persons responsible for the breach, if any
- Appropriate level of remedial action to be taken.

Autus will make the final report available to the parties concerned and regulatory authorities where appropriate.

Possible Outcomes

The conclusions reached by investigations and consequent actions to be taken may include the following:

- **Maladministration and malpractice determined not to have occurred.** In this case, no further action will be taken under this policy.
- **Maladministration or malpractice likely to have occurred.** If there is not sufficient evidence to prove that malpractice and/or maladministration have occurred, but there is enough to suggest that either may have occurred, we may still take action.
- **Malpractice and/or maladministration demonstrated, or, on the balance of probabilities, highly likely to have occurred.** Under these circumstances, Autus will take action proportionate to the seriousness, impact and/or frequency of the occurrence.

Action to be Taken in the Event of Malpractice and/or Maladministration

If an investigation confirms that malpractice and/or maladministration has taken place, Autus will consider what action to take to:

- Minimise the risk to the integrity of certification now and in the future
- Maintain public confidence in the delivery and awarding of qualifications
- Discourage others from carrying out similar instances of malpractice and/or maladministration
- Ensure that there has been no gain from compromising Autus' standards.

Actions Autus may take against members of staff and/or volunteers found to be guilty of malpractice and/or maladministration include:

- Written warnings that if the offence is repeated, further specified sanctions will be applied
- Requiring the staff member or volunteer to undertake specific training and/or scrutiny within a particular period of time, followed by a review process
- Imposing special conditions on the involvement of the staff member or volunteer in any future assessments
- Suspending the staff member or volunteer for a given period of time

- Transferring the staff member or volunteer to a different role
- For severe offences, dismissal.

Actions Autus may take against candidates found to be guilty of malpractice and/or maladministration include:

- Removal of credits/marks for the relevant work
- Disqualification from the relevant assessment
- Banning the candidate for a set period of time from pursuing any further courses with Autus.

Other actions Autus may take in the event of confirmed malpractice and/or maladministration include:

- Invalidating certificates, informing the regulatory authorities of this invalidation and the reasons for it, arranging reassessment where appropriate and amending internal records to show that the awards have been invalidated
- Amending qualification assessment and/or monitoring arrangements and associated guidance to prevent the recurrence of malpractice and/or maladministration
- Informing relevant third parties (e.g. funding bodies) of the findings in case they need to take action
- Recording any lessons learnt and passing them on to anyone who may have a responsibility to prevent such cases of malpractice and/or maladministration
- Carrying out additional and/or related investigations if the investigator suspects that the problem may be more widespread.

Appeals

Appeals against decisions taken and sanctions applied following malpractice investigations should be addressed to The Board of Trustees. The Board of Trustees will appoint an independent body such as London Youth Federation to review the appeal. Appeals should be accompanied by supporting evidence and should include:

- The name of the person making the appeal
- The date(s) of the assessment
- The nature of the service or programme affected
- The date of the investigator's decision
- The reasons for the appeal against the decision and/or sanctions
- The date of the appeal

The deadline for submitting an appeal is 30 working days from the date of the investigator's decision.

The appellate body will review the case to ensure that this policy and the procedures outlined within it have been followed correctly and that any sanctions (or other responses from Autus) are consistent and proportionate.

If at any point the person making the appeal wishes to be legally represented, this must be discussed with Autus.

Autus reserves the right to be legally represented also.