

## **Suspected Malpractice/Maladministration**

### **Guidance for centres and training providers**

#### **Introduction**

This document has been provided by the NCTJ to help illustrate a possible approach to creating a policy for, and detecting and dealing with cases of, suspected malpractice and/or maladministration at your centre or training provider. It is not intended to be prescriptive, fully inclusive, nor indicate that this is the only approach acceptable to the NCTJ; nor is it intended to imply that using it will guarantee compliance with the NCTJ requirements. It is each centre/training provider's responsibility to ensure they have in place appropriate internal controls and audit trails, and whilst this document may suggest a way of undertaking certain activities, its use alone will not automatically confirm compliance. Centres and training providers may decide to use this document and its contents to assist them with the delivery of NCTJ qualifications and end-point assessments and/or tailor it to reflect internal procedures and operational needs.

The NCTJ's own malpractice and maladministration policy can be found on our website [here](#).

#### **Review arrangements**

We will review this guidance annually as part of the NCTJ's annual self-evaluation arrangements and revise it as and when necessary in response to customer and candidate feedback, changes in practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

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

If you would like to feedback any views please contact us via the details provided at the end of this document.

#### **Definition of malpractice**

Malpractice is essentially any activity or practice which deliberately contravenes regulations and/or 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 or end-point assessment;
- the validity of a result or certificate;
- the reputation and credibility of the awarding organisation; or,
- the qualification/apprenticeship or the wider qualifications/apprenticeships 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 or groups of candidates.

### **Examples of malpractice**

The categories listed below are examples of malpractice that you may encounter within your centre or training provider. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

#### Centre/training provider malpractice

- Failure to carry out assessments, marking, moderation and/or verification in accordance with documented procedures
- Deliberate failure to maintain appropriate auditable records, and/or forgery of evidence
- Intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of assessments/qualifications
- A breach of confidentiality in assessment materials by centre tutors involved in the delivery of NCTJ exams
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Deliberate contravention of the assessment arrangements specified for qualifications or end-point assessments
- Plagiarism
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to candidates by centre or training provider staff (e.g. unfairly helping them to pass a unit, qualification or assessment)
- Deliberate submission of false information to gain a qualification, unit or end-point assessment result
- Impersonation of a candidate for assessment
- Selling papers/assessment details
- Extortion
- Fraud
- Unreasonable behaviour for any reason, including bullying, harassment, abusive and threatening behaviour

#### Candidate malpractice

- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones)
- Collusion or permitting collusion in exams/assessments
- Plagiarism
- Deliberate contravention of the assessment arrangements specified for qualifications or end-point assessments
- Copying from another candidate (including using ICT to do so)
- Impersonation – assuming the identity of another candidate or having someone assume their identity during an assessment
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials

- Deliberate submission of false information to gain a qualification, unit or end-point assessment result
- Cheating
- Extortion
- Fraud
- Unreasonable behaviour for any reason, including bullying, harassment, abusive and threatening behaviour
- Unauthorised people entering or being present in a learner's exam environment (remote exams)
- Navigating away from the exam page and accessing unauthorised materials online e.g. websites, or documents in Microsoft Word, Excel etc. (remote exams)
- Suspicious head and eye movements which may be indicative of candidate malpractice (remote exams)
- Candidates leaving their desk during an exam where this is not permitted (remote exams)

### **Definition of maladministration**

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre or training provider (e.g. inappropriate candidate records).

### **Examples of maladministration**

The categories listed below are examples of maladministration that you may encounter within your centre or training provider. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

#### Centre/training provider maladministration

- Persistent failure to adhere to centre recognition and/or qualification/end-point assessment requirements and/or associated actions assigned to centre/training provider staff both internally and from external bodies
- Failure to adhere to awarding organisation and end-point assessment organisation (EPAO) policies and/or procedures
- Failure to maintain appropriate auditable records, and/or forgery of evidence
- Withholding of information, by deliberate act or omission, which is required to assure the centre/training provider's ability to deliver qualifications or end-point assessments appropriately
- Poor internal training/briefings

#### Candidate maladministration

- Alteration of any assessment related documents
- Passing off work by another individual as if it was the candidate's own
- Falsifying documents e.g. certificates
- Taking screen shots or copies of NCTJ exam papers, online exam questions, and/or online exam section information

## **Centre responsibilities**

Your internal malpractice/maladministration policy must make all staff and candidates aware that they have a duty and responsibility to report any suspected malpractice or maladministration by candidates or members of centre/training provider staff to an appropriate person.

Your policy must include a designated contact person/position who is responsible for investigating/managing cases of suspected malpractice/maladministration, and include a contingency arrangement should this person be involved, either directly or indirectly, in any such case of malpractice/maladministration.

Your centre/training provider is expected to keep a robust audit trail of registrations, assessment information, verification, certifications, etc. and ensure accurate records are kept of events and evidence relating to cases of suspected malpractice/maladministration that are reported or detected.

Examples of such evidence may include:

- Attendance records, exam scripts, coursework submissions, exam results etc.
- Any other appropriate documentation and/or correspondence
- Meeting notes
- Witness statements
- Statements from those allegedly involved
- Copies of work suspected of plagiarism

The NCTJ expects centres to ensure the high-quality delivery of NCTJ qualifications and end-point assessments in accordance with NCTJ policies and procedures.

## **Areas to be aware of**

### Internal Administration

All documentation must be completed accurately, in full and on time. It is imperative that all centre and training provider staff are aware of and adhere to all NCTJ policies and procedures relating to qualifications and assessments. Centre/training provider staff may not be aware that failure to comply can result in maladministration being investigated and appropriate sanctions imposed on a centre/training provider as a result.

### Plagiarism

Often candidates are asked to work collaboratively and guidance should be provided about what is or is not acceptable in such circumstances to avoid potential malpractice/maladministration. For example:

- Candidates' work should demonstrate their understanding, produced in their own words unless they are quoting from a referenced source. If asked to explain what is meant by a certain phrase or paragraph they should be able to do so.
- Candidates should always acknowledge, by referencing, any words, ideas or concepts that were originally produced by another person that they have incorporated into their work.

- Although it is often considered good practice to share information, candidates should not let other students see their coursework, portfolios or projects as it can lead to accusations of collusion, which in turn could mean that students lose marks or have a submission declared void.

Suggested ways to reduce plagiarism include:

- Make sure that the candidates know exactly what is required in their coursework, portfolio or project. Tutors are able to provide general guidance on the drafting and development of submissions, however 'detailed advice' on possible improvements is not permitted to ensure that the work remains the candidate's own.
- Candidates are required to submit a declaration with work for assessment verifying that it is their own.
- Internal verification where a tutor is also expected to verify that the candidate has produced authentic work. If a tutor is not confident that a piece of work is genuine and they cannot confirm authenticity, the candidate will be awarded zero for the assessment. While tutors may confirm authenticity in good faith, awarding organisations and EPAOs may take action against a centre or training provider if there is consistent evidence that work carried out by candidates is inauthentic. It is therefore essential that the tutor develops confidence in the authenticity of the candidate's work prior to the assessment of the finished piece.

### Cheating

The following are some known examples of cheating:

- Obtaining sample exams and incorporating answers into live assessments
- Getting someone else to do the work or take the assessment for them
- Copying sections of work in an assessment from notes or another candidate
- Copying and pasting from the internet
- Giving false information about a source used in coursework, portfolios or projects

Possible signals that may identify cheating:

- The writing style of a single submission, or a passage within a single submission, varies significantly. This may suggest the candidate has obtained information from an unauthorised source in an assessment.
- Where a document contains a variety of different physical characteristics (such as changes in font styles and sizes, indentation and line spacing). This may indicate that the work is not the candidate's own.
- It may look as if an introductory and/or concluding paragraph directly answers the question, while the main body of the work is vague and unrelated.

### **Reporting instances of malpractice/malpractice to the NCTJ**

Any suspected or actual instances of malpractice or maladministration relating to the delivery of NCTJ qualifications or assessments must be reported to the head of quality and assessment at the NCTJ **immediately**.

Where a member of centre or training provider staff is under investigation you may wish to consider temporarily suspending them or moving them to other duties until the investigation

is complete and your internal policy must include information on this course of action should it be necessary.

Where required, a full internal investigation should be carried out by the designated person responsible for dealing with incidents of this nature and the NCTJ kept informed of developments and the initial outcome. This person must have the appropriate competence to carry out the investigation and no personal interest in the outcome.

Your policy should include the fact that the NCTJ may request further information in order to conduct its own investigation into the reported event.

### **Reducing the risk of malpractice/maladministration**

Whilst it is nearly impossible to completely remove the risk of maladministration or malpractice occurring within centres and training providers, the NCTJ feel the following would go some way to strengthening a centre/training provider's internal arrangements in this area:

- Ensure all staff are aware of your policies and procedures and receive appropriate regular training/briefings on these
- Ensure all staff are aware of NCTJ policies and procedures and adhere to all stated conditions
- Staff have clear roles and responsibilities and understand what is expected of them
- There is a documented internal quality assurance procedure/methodology that is clearly in place and is subject to regular internal reviews
- Candidates are informed of their roles and responsibilities relating to malpractice and maladministration and the consequences of their actions in terms of doing anything that could jeopardise their potential achievement
- If your centre is delivering remote exams, ensure your candidates are fully aware of the instructions and procedures required for sitting remotely, which are different to sitting exams in-centre. Remember, remote exams are at higher risk for malpractice/maladministration so candidates must understand the procedures required to sit remotely and the consequences for breaching these procedures which could jeopardise their potential achievement
- All assessment and internal verification activities are accurately recorded and carried out in accordance with internal quality assurance arrangements and in line with NCTJ expectations, as outlined in NCTJ policies and procedures
- All registration, application and certification records are subject to appropriate internal review before submission to the NCTJ

### **Contact us**

If you have any queries about the contents of this guidance, please contact our head of quality and assessment on 01799 544014 or by email; details are available from our website at [www.nctj.com](http://www.nctj.com).