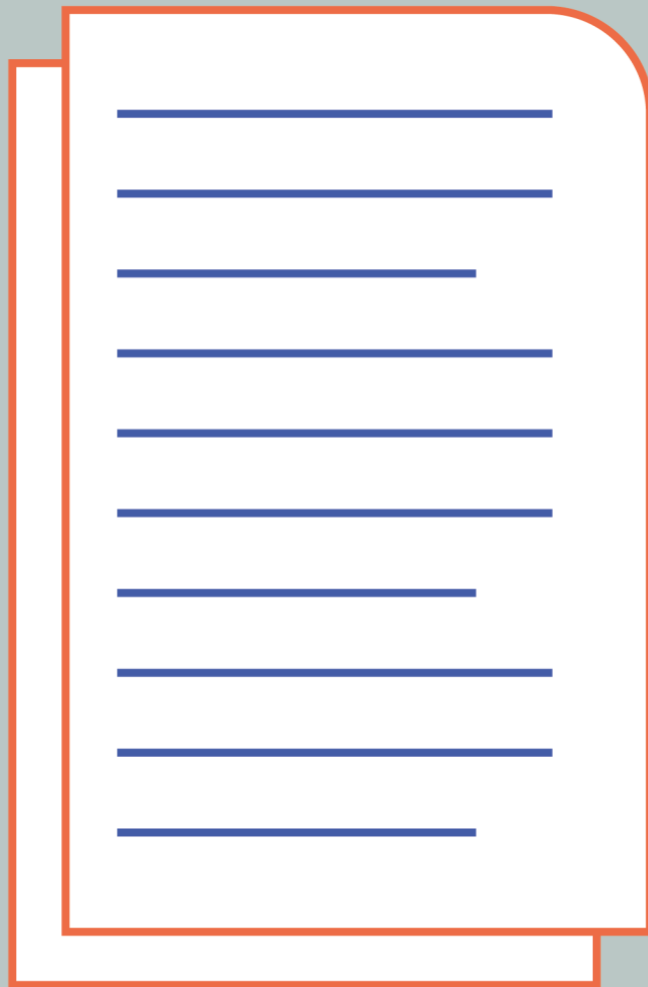


# Malpractice Policy



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## INTRODUCTION

Whilst CTQ will take all reasonable steps to prevent the occurrence of any malpractice or maladministration, this policy exists to ensure that all allegations and subsequent investigations are dealt with in a consistent manner.

This policy is intended for anyone involved in managing the delivery of CTQ Qualifications including CTQ staff and contractors, approved centre staff, registered teachers and learners.

You must familiarise yourself with the contents of this document and its possible implications should there be a failure to with CTQ requirements in relation to the delivery of our qualifications.

CTQ has a responsibility to learners completing our qualifications and to Ofqual, the qualification regulator in England, to ensure that approved centres deliver our qualifications in accordance with requirements.

## DEFINITIONS

The term 'malpractice' relates to any deliberate actions, neglect, default or other practice that has the potential to compromise, or is compromising the:

- Assessment process
- Integrity of a regulated qualification
- Validity of a result or certificate
- Reputation and credibility of CTQ
- The qualification itself or the wider qualifications community.

Malpractice can include a range of issues, from the failure to adhere to CTQ rules, to deliberate falsification of records. If a centre fails to notify CTQ of any issue they are aware of, this may in itself constitute malpractice.

The term maladministration relates to any activity, practice or omission that results in non-compliance with CTQ's administrative requirements, centre agreement, teacher registration requirements or other regulatory conditions and procedures.

## MALPRACTICE AND MALADMINISTRATION EXAMPLES

Examples of malpractice include (this is not an exhaustive list):

- a breach of security for example tampering with assessment evidence
- deliberate falsification of records or manufacturing evidence
- taking bribes
- improper assistance to learners during assessments for example prompting learners when answering questions by means of signs, verbal or written prompts or allowing learners to have access to prohibited materials
- deliberate conflict of interest which compromises the integrity of the assessment for example the individual facilitating or conducting the assessment has an invested interest in the outcome of the test
- failure to notify CTQ of an actual or suspected malpractice incident

- failure to co-operate with an CTQ investigation
- failure to investigate if requested by CTQ
- learner collusion
- CTQ denies the regulatory authorities access to the premises, records and information to any authorised CTQ employee or representative
- Fraudulent claims for certificates by students or teachers
- A loss, theft of, or a breach of confidentiality in any assessment materials by an examiner or CTQ member of staff
- Requesting access arrangements for learners who do not meet the requirements
- The alteration of any results documents- including certificates.
- Impersonating a Learner – pretending to be someone else or arranging for another person to take the place of a learner in the assessment process.
- Intentional withholding of information from a member of centre staff, which is critical for maintaining the rigour of CTQ’s quality assurance and standards
- The deliberate destruction of another Learner’s work.
- Unreasonable delays or refusal in responding to communications from CTQ.

Examples of maladministration include (not an exhaustive list):

- inappropriate retention or destruction of records
- failure to ensure appropriate assessment conditions
- poor administration for example, failure to keep appropriate records
- registering a learner after an assessment has taken place
- sharing passwords that provide access to CTQ systems inappropriately
- giving learner assistance with reasonable adjustments when not authorised to do so
- unintentional conflict of interest

It should be noted that the above maladministration examples are categorised as first time instances, however, if CTQ identifies repeated instances, then it is possible that the act / omission could be assessed as deliberate and malpractice may be considered.

Other instances of malpractice or maladministration may be identified and considered by CTQ at our discretion.

Regardless of the people involved, all allegations of malpractice and maladministration with regards to CTQ will be investigated. This is to ensure our qualifications retain their integrity and are fair for all learners.

CTQ works with approved centres to ensure that they are aware their responsibilities in preventing malpractice and maladministration.

It isn’t possible to completely remove the risk of malpractice or maladministration occurring, but by complying with the below points, an approved centre may strengthen their internal processes:

- ensure all relevant staff are aware of and have read relevant policies and procedures

- ensure all relevant staff receive appropriate training
- ensure staff have clear roles and responsibilities
- have a documented delivery quality assurance procedure that is reviewed regularly
- ensure records are subject to appropriate internal review

## REFERRING MATTERS TO OFQUAL

All investigations into any alleged malpractice or maladministration which has the potential to cause an adverse effect will be reported to Ofqual by the Responsible Officer.

In any instance where certificates or qualifications approved by CTQ are deemed invalid as a result of an investigation, we will inform the centre, learner and Ofqual why they are invalid and supply a plan of action for either reassessment and/or certification for the affected parties.

## REPORTING AN ALLEGATION

Notifications of suspected malpractice or maladministration may be made by learners, CTQ staff, CTQ contractors, approved centre staff, others involved in the delivery or assessment of CTQ qualifications or others not directly connected with the delivery of CTQ qualifications.

Suspected malpractice or maladministration must be reported to the CTQ Head of Quality by email [xxxxxx](mailto:xxxxxx) promptly i.e., as soon as possible that the incident occurs. We normally request that reports are made in writing and include a full account of the incident along with any supporting evidence as follows:

- the reporting person's name and contact details
- where applicable, the role of the reporting person, e.g., Head of Centre, learner etc
- details of the individual(s) involved in the suspected incident
- the approved centre's name, where applicable
- the name(s) of any individual connected to the incident
- the CTQ qualification(s) affected
- nature of the suspected malpractice or maladministration and associated dates, times, locations
- any relevant evidence to support the issues being reported

The person making the allegation must declare any personal interest they may have in the matter.

Where approved centre staff report suspected malpractice or maladministration, it is expected that the Head of Centre will be informed accordingly and we will normally liaise with the Head of Centre, as necessary.

Approved centre staff should also report any details or outcomes of any initial investigation carried out by the centre or anyone else involved in the case.

In some cases, an allegation of malpractice or maladministration may be made anonymously. The rights of individuals with regard to anonymity and the avoidance of discrimination will be upheld. Whistle-blowers are protected by legislation which confirms that they are protected against unfair or damaging treatment regardless of whether the allegation is unfounded.

Although we will always aim to keep a whistle-blower's identity confidential when asked to do so, the person must also understand that they may be identifiable by others due to the nature or circumstances of the disclosure and CTQ is unable to provide any guarantee.

We may, for example, need to disclose an informant's identity if the matter leads to issues that need to be taken up by other parties such as the police, fraud prevention agencies or other law enforcement agencies, the courts (regarding any court proceedings) or Regulators.

CTQ has in place a Whistleblowing Policy which addresses whistleblowing disclosures.

## **INVESTIGATING ALLEGATIONS OF MALPRACTICE OR MALADMINISTRATION**

On receipt of an allegation, we evaluate all the information received to consider the validity of the evidence, any action required to mitigate the impact of any irregularities and whether an investigation is required.

The scope of an investigation is determined by the potential seriousness of the malpractice or maladministration, the risk to CTQ qualifications and any potential adverse effect.

All alleged cases where appropriate, will be acknowledged within two working days of receipt.

The Head of Quality will conduct a preliminary investigation by reviewing the information reported along with any immediate supporting evidence. This is to determine whether there is any evidence to substantiate the issues which have been reported and gauge the potential risk to the integrity of qualifications and assessments.

The preliminary investigation will consider:

- the number of learners/approved centres/registered teachers potentially affected or implicated
- the nature of the allegation and the level of risk
- whether the allegation could result in an adverse effect, as defined by the Conditions of Recognition and thus reportable to Ofqual
- where relevant, whether the Head of Centre has been implicated in the allegation
- whether CTQ staff or other contractors are implicated
- if it is appropriate for CTQ to inform other relevant awarding organisations, affected learners and other relevant third parties

## Risk Assessment Criteria

The following are examples of circumstances which are likely to indicate that the suspected malpractice or maladministration is low risk (this list is not exhaustive):

- a small number of learners are implicated or impacted
- approved centre staff are not implicated
- CTQ staff or other 3<sup>rd</sup> party contractors are not implicated
- the allegation is relevant to one approved centre
- confidential materials have not been compromised
- the incident is highly unlikely to result in an adverse effect, as defined by the Ofqual
- illegal activity is not suspected

The following are examples of circumstances which are likely to indicate that the suspected malpractice or maladministration is high risk (this list is not exhaustive):

- The allegation is relevant to more than one approved centre or registered teacher
- large numbers of learners are implicated or impacted
- confidential assessment materials may have been compromised
- approved centre staff are implicated or suspected
- CTQ staff or other 3<sup>rd</sup> party contractors are implicated and their involvement is suspected
- the incident is likely to result in an adverse effect as defined by Ofqual
- illegal activity is suspected.

On conclusion of the preliminary investigation, the Head of Quality will decide whether there is sufficient evidence to require a full investigation and the level of risk based on the criteria.

The Head of Quality will determine the nature and scope of the investigation and who should conduct it based on the level of risk and nature of the incident.

Where the suspected malpractice or maladministration incident has been determined as low risk the Head of Centre or registered teacher will be asked to carry out the investigation.

Where the incident is determined to be high risk, CTQ will conduct the investigation. High risk cases will be referred for full investigation to an External Quality Assurer that does not have a personal interest in the matter or the outcome.

This is to ensure that investigations are fair and free from bias, undertaken by persons of appropriate competence and focus on the collection and validation of evidence to establish the facts in order to determine whether malpractice or maladministration has taken place.

The Responsible Officer may withhold assessment results for any learner involved in a malpractice or maladministration investigation until the investigation has been concluded.

## INVESTIGATION

The fundamental principle of the investigation is that it is conducted in a fair, reasonable and legal manner, ensuring that all relevant information is considered without bias. In carrying out investigations CTQ will deal with the Head of Centre.

If an approved centre is asked to conduct its own investigation any costs associated with the investigation will not be refunded.

The Head of Quality will send an investigation scope document and the CTQ Guidance for Heads of Centre Conducting Investigations to the Head of Centre prior to commencement of the investigation.

Investigations should aim to:

- Establish the facts relating to allegations in order to determine whether any irregularities have occurred
- Establish the facts, circumstances, and scale of the allegation
- Identify the cause of the irregularities and those involved
- Identify and, if necessary, take action to minimise the risk to current Learners and requests for certification
- Evaluate any action already taken by the centre
- Determine whether remedial action is required to reduce the risk to current Learners and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued
- Obtain evidence to support any sanctions to be applied, in accordance with CTQ procedures
- Identify any patterns or trends
- Identify any changes to policy or procedure that need to be made by CTQ and/or an approved centre

During an investigation the following principles should be adhered to:

**Confidentiality** - investigations usually necessitate access to information that is confidential to an approved centre or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than Ofqual or the police, where appropriate).

**Rights of individuals** – Where an individual is suspected they will be:

- Informed of the allegation made against them in writing and the evidence that supports the allegation
- Provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to
- They will also be informed of what the possible consequences could be if the allegation is proven and of the possibility that other parties may be informed e.g., the Ofqual, the police
- The appeals process will also be communicated to them
- During investigations it is probable that individuals will need to be interviewed to gather information on the allegations



- Centre staff or a learner being interviewed can be accompanied by another person. The person to be interviewed must be advised of that right in sufficient time in advance of the interview to allow them to make such arrangements. Approved centres must ensure that young persons and vulnerable adults are accompanied by an appropriate adult at all times during an interview, and
- Where legal advisors are to be present during interviews this must be made known to other parties involved to give them the same opportunity to be similarly supported.

## Decisions and action plans

The investigation report will be submitted to the Head of Quality for a final decision on the investigation<sup>1</sup>. All conclusions and decisions will be based on evidence.

A course of proposed action will be identified, agreed between the approved centre and CTQ, implemented and monitored by the Head of Quality to the point of completion. The actions will address the improvements that are required to policies and procedures as well as any action that is related to staff or other resources.

The decision stage will aim to:

- Identify the regulatory/CTQ rules which it is alleged have been compromised
- Consider the facts of the case
- Decide, on the facts, whether malpractice has occurred
- Establish who is responsible
- Determine an appropriate level of remedial action to be applied

In the event of wrong doing by a Centre, we will consider action to:

- Minimise the risk to the integrity of awards now and in the future
- Maintain public confidence in the delivery and awarding of qualifications
- Ensure there has been no gain from compromising our standards
- Advise Ofqual of the outcome, where relevant

In the event of wrong doing by a Learner, the Responsible Officer will consider any remedial action being taken by the Centre, and advise on its appropriateness. CTQ decision to take further action following the outcome of the investigation will be based only on the evidence available, reasonable and consistent.

Where an investigation confirms that malpractice or maladministration has taken place, sanctions will be imposed at an appropriate level as detailed in our published Sanctions Policy.

The Head of Quality will inform the Head of Centre of the decision in writing, stating the reasons. The Head of Centre should then communicate the decision to the individuals concerned. The CTQ Leadership Team has formal oversight of all malpractice and maladministration investigations and outcomes.

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<sup>1</sup> With serious cases of malpractice and maladministration, the decision may be made by the Leadership Team collectively.

## **CTQ EXTERNAL QUALITY ASSURER INVESTIGATIONS**

Where the investigation is conducted by an CTQ External Quality Assurer, the investigation may involve a visit to the approved centre and the visit can be pre-arranged or unannounced.

We aim to action and resolve all stages of an investigation within 30 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a visit is required. In such instances, we shall advise all parties concerned of the likely revised timescale.

The investigation may involve:

- A request for further information from CTQ staff/contractors, the approved centre or any other individual involved in the allegation
- Interviews (face to face or by telephone) with personnel involved in the investigation, whistle-blowers and/or learners
- Arrangements for the External Quality Assurer to carry out a visit

We expect all parties, who are directly or indirectly involved in the investigation, to co-operate fully with the investigation.

## **CTQ INVESTIGATION OUTCOMES**

Following an investigation, the External Quality Assurer will produce a report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned, the External Quality Assurer and the Head of Quality.

The outcome decision for most investigations will be made by the Head of Quality, but in serious cases of malpractice and maladministration, the decision may be made by the Leadership Team.

If the investigation confirms that malpractice or maladministration has taken place, we will place sanctions at an appropriate level as detailed in our published Sanctions Policy.

The CTQ Leadership Team has formal oversight of all malpractice and maladministration investigations and outcomes.

## **NOTIFYING THE OUTCOME**

The Head of Quality will inform the approved centre in writing of the outcome of the Investigation detailing any actions put in place to mitigate the malpractice and maladministration or sanctions that have been determined, including any action to be taken against a member of centre staff or a learner. The Head of Centre should then communicate the decision to the individuals concerned.

A copy of this will also be sent to the Responsible Officer to ensure that the actions and mitigation are understood and progress tracked to ensure satisfactory completion of actions.

The Responsible Officer will receive updates from the Head of Quality to determine if the implementation of the plan has been sufficient to remove a sanction or reduce the level of sanction.

If the actions or mitigation is not completed, he/she will consider a higher sanction to be applied in line with the Sanctions Policy, as a preventative measure to protect the interests of learners' needs.

### **Review of Procedures following Confirmed Malpractice**

If an investigation confirms that malpractice or maladministration has taken place, we will review our systems and procedures and make any necessary changes to ensure that appropriate checks are in place to prevent a similar situation recurring.

### **Appeals against the Outcome to the Application of Sanctions**

Appeals against the outcome of a decision to apply a level of sanction may be submitted in line with the requirements set out in the CTQ Enquiries about Results and Appeals Policy.

### **CTQ Certificates**

In the event that CTQ has awarded a certificate/result to a learner and, following a malpractice or maladministration investigation, it has been determined that the learner's result for which the certificate/result has been awarded is void, we will revoke the relevant certificate/result.

### **ALLEGATIONS INVOLVING CTQ STAFF OR CONTRACTORS INCLUDING EXTERNAL QUALITY ASSURERS**

CTQ takes positive steps to limit and avoid malpractice and maladministration by its staff and any third party it contracts or consults with as part of the design, development, delivery and resulting of its qualifications.

We do this through our secure administrative systems, employment and contractual procedures, conflicts of interest process and regular training and standardisation events.

Where allegations of malpractice and/or maladministration relate to a member of CTQ staff, the investigation will be undertaken by the Responsible Officer.

His/her investigation report and any action required to protect the integrity and standard of a qualification will be agreed with the Governing Board.

The relevant internal managers will be informed, and the appropriate internal disciplinary procedures implemented.

In cases where the allegation relates to the Responsible officer or a member of the Board, an independent member of the Board will undertake the investigation and

agree any action required to protect the integrity and standard of a qualification and its assessment with the remaining Board members.

The Board member undertaking the investigation will also agree on the appropriate internal disciplinary procedures to be implemented.

Where allegations of malpractice and/or maladministration relate to a consultant or contractor working for CTQ, the investigation will be undertaken by the Responsible Officer.

His/her investigation report and any action required to protect the integrity and standard of a qualification, test or assessment, and the status of any on-going contractual arrangements, will be agreed with a member of the Board.

### **POLICY REVIEW ARRANGEMENTS**

This policy is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of CTQ, to ensure it remains fit for purpose and the process and its outcomes are deliverable.

It is also reviewed as part of CTQ continuous improvement monitoring through its annual self-assessment arrangements.