

## **Malpractice and Maladministration Policy**

This policy aims to ensure that every learner is able to benefit from and make her/his full contribution to the learning and assessment process.

It lays down AVCT's expectations regarding discipline in the assessment processes.

### **Definition of Malpractice**

Malpractice is essentially any activity or practice which deliberately contravenes regulations and procedures and 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:

### **Assessment discipline**

When discipline in the assessment process breaks down, an assessment offence takes place. An assessment offence is defined as any attempt, whether successful or unsuccessful, to gain an unfair advantage in any part of assessment. Assessment Offences are categorised as plagiarism, collusion and any other action that brings unfair advantage to the person carrying out the offence.

This policy applies to any piece of work submitted for formal assessment whether on paper or through digital documents.

The purpose of this policy is to ensure equity of treatment for all learners. It establishes clear procedures and penalties and how these should be applied

### **Types of Malpractice**

Staff malpractice' means malpractice committed by a current (former) member of staff (or contractor) at AVCT. It can arise through, for example:

- A breach of security (e.g. failure to keep material secure, tampering with coursework etc.)

- A breach of confidentiality (e.g. failure to maintain confidentiality of assessment materials)
- Deception (e.g. manufacturing evidence of competence, fabricating assessment or internal verification records)
- The provision of improper assistance to Learners (e.g. permitting the use of a reasonable adjustment over and above the extent permitted by AVCT, prompting Learners in assessments by means of signs or verbal or written prompts)
- Provision of inaccurate or misleading information to Centre staff about qualifications
- Failure to adhere to regulations/AVCT stated requirements

### **Learner Malpractice**

Malpractice by a Learner in internal assessment could occur in:

- The compilation of portfolios of internal assessment evidence
- The presentation of practical work
- The preparation and authentication of coursework
- Conduct during an internal assessment
- Conduct during an external assessment

Examples of Learner malpractice could include:

- Plagiarism - failure to acknowledge sources properly and/or the submission of another person's work as if it were the Learner's own
- Collusion with others when an assessment must be completed by individual Learners
- Copying from another Learner (including using ICT to do so)
- Impersonation - assuming the identity of another Learner or having someone assume your identity during an assessment
- Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia)

- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behavior or language and having an unauthorised electronic device that causes a disturbance in the examination room
- Frivolous content - Producing content that is unrelated to the question in scripts or coursework

### **Plagiarism**

Plagiarism takes place when a learner submits material (written, visual or oral) for assessment that was originally produced by another person or persons, without correct acknowledgement, in such a way that the work could be assumed to be the learner's own.

Plagiarism can take a variety of forms and can include any of the following:

copying a whole text or substantial parts of a text from written material whether published in a book or on web site or any other form of media;

paraphrasing the work of another closely, with minor changes but with the essential meaning, and development of ideas maintained; putting together sections of the work of others into a new whole obtaining, by any means, a paper from a company or essay bank (including websites); submitting the work of another learner, with or without that learner's knowledge; submitting the work of someone else (for example a friend, colleague or relative), and passing it off as your own; representing a piece of joint or group work as your own. If a tutor suspects plagiarism has taken place then the learner will receive a letter providing additional details and the procedure below will be followed.

### **Falsification of signatures**

During the course of study and assessment, there are many occasions where assessors sign assessment documents to show their agreement that the learner has met all the requirements. In these circumstances falsifying the signature of an AVCT

staff member could result in a learner being awarded a qualification when they have not satisfied the assessment requirements i.e. falsely, and fraudulently.

### **Collusion**

All work submitted for assessment, in order to achieve a qualification, must be the work of the submitting learner only. An assessment offence is committed if a piece of work is produced with the help or collusion of another person, or persons.

#### **Collusion can include:**

- Willingly giving another learner a copy of your own work to copy from.
- Two or more learners submitting work for assessment that is identical in its entirety or in substantial parts.
- Where help has been given to improve the style of written language in the work submitted. However help with basic proof-reading for typographical and grammatical errors is permitted.

### **Staff responsibilities**

Any member of staff who suspects that an assessment offence has occurred must follow the procedure laid down. There are different procedures depending on whether the offence is minor or more serious. However, in all cases suspicions must be reported first to the Lead Internal Quality Assurance staff member who will inform the Education Manager who will advise on the procedure to be followed.

### **Evidence**

Where an assessment offence is alleged, evidence in support of the allegation must be provided. For example, where plagiarism is alleged a copy of the learner's submitted work, annotated and cross-referenced to the original sources, which have been plagiarised, must be provided. A copy of the original source must be provided. These could include printed pages from a website where the complete URL and date

accessed should be noted, or photocopy of pages from the written source where the title, author and publisher should be noted.

For alleged cases of plagiarism, if no documentary evidence can be provided then the case cannot be taken further.

### **Submitting written materials for formal assessment**

Portfolios must include a declaration that learner will present work that is entirely their own. This is carried out either on-line or on paper when the learner confirms this by signing the “Learner declaration of authenticity”, on each relevant Learner Achievement Log sheets.

### **Raising concern**

Where an assessor believes that work submitted by a learner may be plagiarised work or work created in collusion with another/others she/he must alert the Lead IQA. In raising this alert the assessor is stating that s/he is unable to verify that the work is the unaided work of the learner. It is vital that assessors do not sign off or accept a learning outcome or the unit itself unless they are satisfied that the work is that of the learner, as well as whether it meets the criteria. An assessor’s signature or on-line acceptance of evidence implies that the work is accepted as the learner’s evidence within the overall assessment judgment.

Assessors should keep records of the learning outcomes and units that they have accepted or signed off, and record achievement on Individual Review Forms (copies retains by assessors and at the Training Centre) or on the online contact diary in e-portfolios. Where Training Centre staff or IQA staff have concerns about the validity of signatures or the security of assessor’s access to the on-line site they will raise this as a concern.

### **Assessment offences**

Plagiarism and collusive behavior can be of varying degrees of seriousness.

Falsification of signatures or acceptance of evidence is always a serious matter as it involves an attempt to obtain a qualification by fraud.

#### Stage 1 – Minor offences

There are likely to be some occasions where there is clear evidence of an assessment offence but, in the view of the assessor, the offence is relatively minor. The assessor will, contact the Lead IQA. Having ensured that they have amassed clear evidence on file, the assessor and the Lead IQA will take appropriate measures to deal with the case locally and immediately, provided that:

it is the learner's first offence, and

the work represents only a small proportion of the assessment evidence i.e. less than 30% of a unit's evidence

Examples of minor offences that can be considered as Stage 1 include inappropriate paraphrasing of work originally authored by another, or a relatively small amount of unattributed quotations, or

up to several sentences of direct copying (without acknowledging sources), when these are first offences.

The assessor must not act alone and must consult the Lead IQA. Where the evidence indicates that the offence has taken place but it is minor, and it is a first offence, the tutor will issue a formal warning letter to the learner. The learner will be allowed to complete the work again and resubmit it for assessment.

The assessor will inform the Lead IQA of their action and this will be recorded.

Advice can be sought from the Lead IQA.

A learner who has already committed a minor offence shall be subject to the procedures outlined in Stages 2 if a subsequent offence is committed.

Where the findings of stage 1 are that a minor offence has taken place the AVCT will retain a copy of the documentation relating to the offence stored in the learner's record.

Where the finding of the Stage 1 investigation is that there is no case to answer, the assessor and Lead IQA shall ensure that the record is removed from the learner's file.

#### Stage 2: Serious offences

Examples of more serious assessment offences may include:

substantial copying of paragraphs (without acknowledging sources); or  
downloading essays from 'cheat sites' on the Internet; or  
copying much/all of the work of another learner (current or past); or  
plagiarism in multiple pieces of coursework submitted by a learner; or  
work created in collusion with other learners; or

Excessive citing of the work of others i.e. over 15% or total text, or  
Falsification of signatures of signatures.

#### **Investigation**

The Lead IQA will commission an investigation in consultation with the Education Manager. The investigation should take no more than 20 working days.

#### Disciplinary meeting

A panel will be formed by the Lead IQA. The panel will include an experienced assessor and other personnel as appropriate. The panel will review the evidence. Documentation for alleged cases of plagiarism will normally include appropriate

collated and annotated evidence, and the Learner Achievement Log form including the learner's signed declaration, or confirmation that the learner has made the equivalent declaration on her or his e-portfolio.

The learner will be informed of the allegation and investigation, and will receive copies of any evidence to be used to support the allegation. She or he will be offered the opportunity to make representations to the panel. This will be in writing, within 10 working days of the learner's receipt of the evidence.

The assessor may make a recommendation to the panel on an appropriate penalty; however the panel is not obliged to implement the recommendation even if the allegation is upheld.

**The responsibilities of the Panel are to:**

confirm that the learner was informed of what constitutes plagiarism/assessment offences (induction requirement) and demonstrated that they understood; ensure that the learner receives information on the nature of the allegation made and, if relevant, show him or her the relevant plagiarised material; ask the learner to comment on the content and context of the work to which the allegation relates, including alleged plagiarised material; complete their work and reach a decision within 20 working days; and if the allegation is upheld, decide on the penalty (having considered the recommendation of the assessor).

The learner will be informed of the decision of the panel within 5 working days of that decision.

The Panel will examine the evidence, including any representations from the learner.

The Panel may wish to consider the following in determining the appropriate penalty:

premeditation, intent to deceive;



scale;  
previous history;  
special educational need or communication issue  
theft or falsification (e.g. stealing a piece of coursework from a fellow learner);

effect on other learners;  
whether or not there is admission of the offence.

Where the finding is that an offence has been committed, the Panel may determine:  
that no further action be taken; or  
that a formal warning be issued; or  
that trust and confidence in the learner's integrity has been broken irrevocably and  
that the learner's enrolment will be terminated.

If b) learner may be asked to undertake tuition or seek guidance from an additional member of the teaching and assessment staff.

### **Appeal**

The learner may appeal to the Deputy CEO, whose decision shall be final.

Eligibility to appeal - the learner introduces new evidence that the Panel could not have been aware of at the time they made their decision.

The Appeal must be made within 10 working days of the learner's receipt of the letter giving the Panel's decision.

### **Recording of Offences**

The allegation will be recorded on the learner records at the Centre. Where an allegation of an assessment offence has been made and the case is being investigated, the learner's result must be deferred until the outcome of the investigation is known and a final decision made.

Where an allegation is not upheld, the record in the learner's file shall be removed promptly.

It is important to record all upheld offences on the learner's record at the Centre, so that where a second or subsequent offence is alleged, the Lead IQA can determine whether the case relates to a first or subsequent offence and can act accordingly.

The penalty imposed should also be clearly recorded on the learner record system. At the end of each academic year AVCT will publish a summary of cases and imposed penalties as guidance, in order to achieve consistency of approach across the organisation.

### **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 (for example inappropriate learner records).

### **AVCT's Responsibility**

It is AVCT's responsibility to have in place the following:

Robust procedures for preventing and investigating incidents of malpractice or maladministration, which are up to date and communicated across the centre and third parties involved.

Regularly review procedures for preventing and investigating incidents of malpractice or maladministration and make any improvements necessary to ensure they remain relevant and fit for purpose.

Take all reasonable steps to prevent incidents of malpractice or maladministration from occurring.

Take all reasonable steps to investigate any suspected incidents of malpractice or maladministration and rectify any negative impact of these incidents.

Develop an action plan for managing and rectifying the negative impact of any incidents of malpractice or maladministration and make this action plan available to the awarding bodies as required. This plan should also identify any areas of improvement required to ensure the malpractice or maladministration does not recur in the future.

Take appropriate and proportionate action against those responsible for the malpractice or maladministration to ensure it does not recur in the future.

Deliver, in full, the actions required to manage and rectify any identified incidents of malpractice or maladministration.

Promptly notify the awarding bodies of any incidents of malpractice or maladministration in line with the requirements.

Provide access to documents, records, data, staff, etc. required by the awarding body during an investigation of AVCT's of malpractice or maladministration.

Fully co-operate in any internal investigation. This includes, but is not limited to, attending meetings and providing prompt responses to questions directed to AVCT.

It is important that all staff involved in the management, assessment and quality assurance of our qualifications and our learners are fully aware of the contents of the policy. This should take place in the induction process.

### **Reduction of Risk**

Whilst it is nearly impossible to completely remove the risk of maladministration or malpractice occurring, we feel the following would go some way to strengthening AVCT's internal arrangements:

AVCT staff are aware of the Policies and Procedures;

AVCT staff have clear roles and responsibilities;

The internal quality assurance procedure and methodology that is clearly in place and is subject to regular internal reviews;

The documented internal standardisation arrangements in place and evidence that these take place at regular intervals (3 monthly)

Learners are informed of their roles and responsibilities, and in terms of not doing anything that may be deemed malpractice and jeopardise their potential achievements (Induction process).

All assessment and internal verification activities are accurately recorded and carried out in accordance with their internal quality assurance arrangements and in line with AVCT/Awarding bodies policies.

All registration and certification records are subject to appropriate internal review before submission.