



MALPRACTICE POLICY

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Section 1 - Overview of the policy

1.1 Scope of the policy

This policy is aimed at our customers, including candidates, who are using the products and services shown below and who are involved in suspected or actual malpractice or work with us to deal with such cases:

- ◆ National Qualifications
- ◆ National Awards
- ◆ National Partnership Awards
- ◆ Centre-devised courses accredited under our customised award service and Investing in Quality licence.

1.2 Purpose of the policy

The purpose is to set out the steps our centres, candidates or other personnel follow when reporting suspected or actual cases of malpractice and our responsibilities in dealing with such cases. It's also to review those processes which led to the suspected or actual case of malpractice. We'll act upon reports of suspected or actual cases of malpractice we receive about our centres' activities, centre personnel or candidates which may affect the integrity of the programme(s) and quality assurance systems.

1.3 Location of the policy

You can download copies of the policy from our website: www.ncfe.org.uk or request copies from our Centre Support team on 0191 239 8000 or by emailing info@ncfe.org.uk. We've also signposted the policy in our *Candidate Information Pack*, which is available to use for each NCFE national qualification or national award and our *Regulations for the Conduct of External Assessment*. Both documents are available from our website or from our Centre Support team.

1.4 Communication of the policy

It's important that both centre personnel involved in the management, assessment and quality assurance of our programmes and candidates studying our programmes are fully aware of the contents of the policy. Please ensure that you've made your colleagues and candidates aware of the policy. On their centre visits, our External Moderators, External Verifiers and Quality Advisors may check that you've not only received the policy but also made your relevant colleagues and candidates aware of its contents and purpose.

1.5 Review of the policy

We'll review the policy annually and may revise it as and when required in response to customer and stakeholder feedback, changes in our practices, actions from the regulatory authorities or external agencies or changes in legislation. Our review will ensure that our procedures continue to be consistent with the regulatory criteria and are applied properly and fairly in arriving at judgements.

1.6 Definitions

1.6.1 Malpractice

Malpractice is essentially 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 centre and candidate malpractice. Please note that these examples are not exhaustive and are guidance on our definition of malpractice:

- ◆ Contravention of our centre and programme approval conditions
- ◆ Failure to satisfactorily implement conditions of approval within stated timescales
- ◆ Postponement of visits by our External Contractors¹ for more than 6 months
- ◆ Denial of access to resources (premises, records, information, candidates and staff) by any authorised NCFE representative and/or the regulatory authorities
- ◆ Actions required by our External Contractors not being met within agreed timescales
- ◆ Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with our requirements
- ◆ Failure to adhere to our candidate registration and certification procedures
- ◆ Failure to continually adhere to our course/centre approval criteria
- ◆ 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 and our Investing in Quality trademark
- ◆ Forgery of evidence.

Contravention by our centres and their candidates of the regulations for external assessments as set out in our *Regulations for the Conduct of External Assessment*, eg:

- ◆ Insecure storage of external assessment papers
- ◆ Non-adherence to our invigilation requirements by centre staff and candidates
- ◆ Plagiarism of any nature by candidates
- ◆ Unauthorised amendment, copying or distributing of external assessment papers
- ◆ Submission of false information to gain a proxy or a qualification
- ◆ Disruptive behaviour by candidates
- ◆ Failure to carry out actions identified from our external assessment monitoring visits ('spot checks') in the required timescales
- ◆ Failure to adhere to the requirements of our *Reasonable Adjustments and Special Considerations Policy*.

¹ Our External Contractors include External Moderators, External Verifiers, Approval Advisors, Quality Advisors, Examiners, Chief Examiners and Chief Moderators.

1.6.2 Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with regulations. Anybody identifying cases of maladministration should report them to our Centre Support team.

We have to investigate all cases of maladministration in liaison with the parties concerned. If an investigation results in evidence of maladministration, we'll unfortunately have 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.

1.7 A summary of what to do when submitting a report of suspected or actual cases of malpractice

- ◆ Complete the NCFE *Malpractice Form*, which is available from our website: www.ncfe.org.uk or from our Centre Support team on 0191 239 8000 or by emailing info@ncfe.org.uk. Alternatively, you may submit your own report accompanied by supporting evidence
- ◆ Post, email or fax your completed form or report to our Centre Support team as soon as possible.

For more detailed information about your role and responsibilities please refer to Section 2.

1.8 A summary of what we do when reviewing reports of suspected or actual cases of malpractice

- ◆ We'll acknowledge your report within 3 working days of receipt
- ◆ We'll arrange for appropriate NCFE personnel (*'panel'*) to review the report and carry out the investigation
- ◆ We'll aim to action and resolve all investigations within 30 working days of receipt of the report
- ◆ We'll advise you of the outcome of our investigation within 10 working days of making our decision.

For more detailed information about our role and responsibilities please refer to Section 3.

Section 2 – Notifying NCFE of suspected or actual cases of malpractice

- 2.1 Anybody who identifies or is made aware of suspected or actual cases of malpractice must immediately report their findings to our Centre Support team. If anybody other than your centre personnel and candidates discover suspected or actual cases of malpractice when visiting your centre, they'll let you know that they'll be submitting a report of their findings to us.

- 2.2 You can use our *Malpractice Form*, which is available from our website: www.ncfe.org.uk or from our Centre Support team on 0191 239 8000 or by emailing info@ncfe.org.uk. Alternatively, you can submit your own report. In both cases, you can enclose supporting evidence with the form.
- 2.3 Send the report and any accompanying evidence to our Centre Support team by post, email or fax.
- Reports must include:
- ◆ centre's name, address and number
 - ◆ candidate's name and NCFE registration number²
 - ◆ centre personnel's details (name, job role) if they are involved in the case
 - ◆ title and number of the NCFE programme affected or nature of the service affected
 - ◆ date(s) suspected or actual malpractice occurred
 - ◆ full nature of the suspected or actual malpractice
 - ◆ contents and outcome of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
 - ◆ written statements from those involved in the case, eg witness statements
 - ◆ date of the report and the informant's name, position and signature.
- 2.4 If you conduct your own investigation before submitting your report to us, you should:
- ◆ ensure that staff leading the investigation are independent of the staff/candidates/function being investigated
 - ◆ inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes
 - ◆ submit the findings of your investigation to us with your report.

Section 3 – Reviewing suspected or actual cases of malpractice

3.1 The review timescales at each stage of the process

- 3.1.1 We'll acknowledge your report within 3 working days of receipt.
- 3.1.2 When we receive your report, we'll allocate a panel to review the report and supporting evidence and carry out the investigation. We'll ensure that NCFE personnel who've had previous involvement in the matter do not participate in the review process. We'll also endeavour to ensure that all personnel involved in the investigation are independent of the usual working relationships with our centres or our External Contractors.

² A candidate registration number can be obtained from the centre's Examinations Officer or our Centre Support team.

- 3.1.3 We aim to action and resolve all stages of the investigation within 30 working days of receipt of the report. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, we'll advise all parties concerned of the likely revised timescale.
- 3.1.4 We'll advise you of the outcome of our investigation within 10 working days of making our decision.

3.2 The investigation process

- 3.2.1 We expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us. In instances where you or your candidates don't co-operate, unfortunately we may have no alternative but to permanently or temporarily remove your approval status or withdraw your candidates from the programme and may also inform the regulatory authorities.
- 3.2.2 During the investigation the panel's review may involve:
- ◆ a request for further information from our centre or NCFE personnel
 - ◆ interviews (face to face or by telephone) with personnel involved in the investigation
 - ◆ arranging for NCFE authorised personnel to carry out a centre visit. In this case, we'll have to charge you a fee for the visit (see our current *Fees and Pricing* document which is available from www.ncfe.org.uk or on request from our Centre Support team).
- 3.2.3 Where panel decisions are required, the majority vote will apply.
- 3.2.4 We'll make informed decisions based on the evidence.
- 3.2.5 In serious cases of suspected or actual malpractice, we'll notify the Head of your Centre that we'll be investigating the matter.
- 3.2.6 In the case of centre malpractice, we'll offer you support and guidance to help us investigate the matter and reach the appropriate conclusions.
- 3.2.7 In the case of candidate malpractice, we'll ask you to investigate the issue in liaison with our own personnel.
- 3.2.8 We'll protect the identity of the 'informant' as required.
- 3.2.9 Where applicable, we'll 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.
- 3.2.10 We'll also share information with other external parties, as required.
- 3.2.11 In cases where certificates for NQF qualifications are deemed to be invalid, we'll inform you and the regulatory authorities why they're invalid and any action to be taken for reassessment and/or certification. We'll also ask you to let your candidates know the action we're taking.

3.2.12 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 you.

3.2.13 We reserve the right to withhold a candidate's results for all the NCFE programmes they are studying at the time of the notification or investigation of suspected or actual malpractice, if the case is deemed to be of a serious nature.

Section 4 – The outcome of the investigation

We'll consider all factors put forward by you or the candidate in determining the appropriate sanctions.

4.1 Centre malpractice

If the investigation confirms that centre malpractice has taken place, unfortunately we may have no alternative but to impose one or more of the following sanctions on our centre. Please note that this list is not exhaustive:

- ◆ Removal of your centre approval status
- ◆ Removal of your candidate's registration and/or certification service for one or more programmes
- ◆ Increased level of external moderation, external verification visits, quality advisor visits or centre visits by appointed NCFE staff to invigilate or observe external assessments
- ◆ Training for your centre staff.

It's your responsibility to inform your personnel and candidates affected of the implications of the sanctions.

4.2 Candidate malpractice

If the investigation confirms that candidate malpractice has taken place, unfortunately we may have no alternative but to impose one or more of the following sanctions on the candidate. Please note that this list is not exhaustive:

- ◆ Disallowing all or part of the candidate's internal assessment evidence
- ◆ Disallowing all or part of the candidate's external assessment marks
- ◆ Not issuing the candidate's certificate(s)
- ◆ Not accepting any further registrations for the candidate
- ◆ Disqualification from the programme.

In cases of malpractice by candidates, you should make your candidates aware that their final results may be void if the case is proven and any certificates which have already been issued may be deemed to be invalid and will need to be returned to NCFE.

Section 5 – Reporting the outcome

- ◆ After an investigation, we'll produce a draft report for you/candidate to check the factual accuracy. Any subsequent amendments will be agreed between you/candidate and ourselves
- ◆ We'll make the final report available to you/candidate and to the regulatory authorities and other external agencies as required
- ◆ If an independent/third party notified us of the suspected or actual case of malpractice, we'll inform them of the outcome.

Section 6 - Appeals against our decision to impose sanctions

If you wish to appeal against our decision to impose sanctions, please refer to our *Appeals and Enquiries about Results Policy*, available from www.ncfe.org.uk or on request from our Centre Support team. Our *Appeals and Enquiries about Results Policy* is also signposted in both our *Candidate Information Pack*, which is available to use for each NCFE national qualification or national award, and in our *NCFE Centre Support Guide*.

Section 7 – Your NCFE contact for this policy

If you've any queries about the contents of the policy, please contact our Centre Support team:

Email: info@ncfe.org.uk
Telephone: 0191 239 8000
Fax: 0191 239 8001
Post: NCFE
Citygate
St James Boulevard
Newcastle upon Tyne
NE1 4JE

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