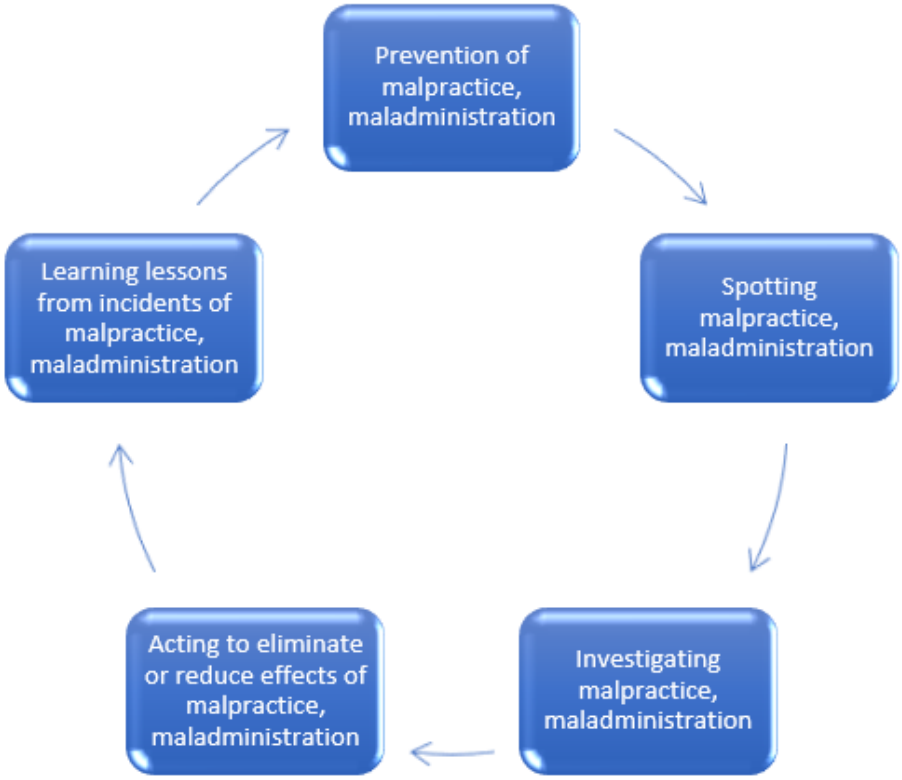
TLM Malpractice and Maladministration Policy

This policy sets out The Learning Machine Ltd.'s (TLM) approach to spotting, recording and acting upon malpractice and maladministration that could affect our reputation, or the safety of any of our awards, products or services.



Policy statement

TLM takes allegations of malpractice and/or maladministration seriously and will investigate all allegations to establish whether malpractice has occurred and take appropriate action where this is found to be the case.

Scope

The policy also applies to all those involved with the development and/or delivery of TLM qualifications and assessments including TLM staff and contractors, approved Centre staff, assessors, internal and external verifiers, independent end-point assessors and lead assessors.

Responsibility

TLM's Responsible Officer has overall responsibility for ensuring that this policy is implemented.

Definitions

Malpractice is defined as any deliberate activity, neglect, default or other practice that

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compromises the integrity of the assessment process, and/or the validity of our awards. 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. Failure by a Centre to deal with identified issues may constitute malpractice.

Maladministration is any activity, neglect, default or other practice that results in the Centre or candidate not complying with the specified requirements for delivery of the qualifications. Maladministration may or may not be deliberate. Malpractice and maladministration overlap.

Malpractice and maladministration can lead to Adverse Effects. An Adverse Effect is defined thus:

An act, omission, event, incident, or circumstance has an Adverse Effect if it –

(a) gives rise to prejudice to Learners or potential Learners, or

(b) adversely affects –

(i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,

(ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or

(iii) public confidence in qualifications.

Regulation

Ofqual’s General Conditions of Recognition place duties on TLM:

Preventing malpractice and maladministration

A8.1 An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.

Investigating and managing the effect of malpractice and maladministration

A8.2 Where any such malpractice or maladministration is suspected by an awarding organisation or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding organisation must –

(a) so far as possible, establish whether or not the malpractice or maladministration has occurred, and

(b) promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.

Procedures relating to malpractice and maladministration

A8.3 For the purposes of this condition, an awarding organisation must –

(a) establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and

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(b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

A8.4 Where a Centre undertakes any part of the delivery of a qualification which an awarding organisation makes available, the awarding organisation must take all reasonable steps to keep under review the arrangements put in place by that Centre for preventing and investigating malpractice and maladministration.

A8.5 An awarding organisation must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with malpractice and maladministration.

Dealing with malpractice and maladministration

A8.6 Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to –

(a) prevent that malpractice or maladministration from recurring, and

(b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence –

(a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and

(b) may affect another awarding organisation, it must inform that awarding organisation.

How TLM prevents malpractice/maladministration
TLM's operating procedures are designed to prevent malpractice/maladministration from occurring:

- TLM has ways of working that reduce the risks of malpractice/maladministration occurring;
- TLM recruits, inducts and trains our staff, contractors, Centres and associates so that individuals involved in the development, delivery and award of our qualifications understand and routinely follow these ways of working;
- TLM takes all reasonable steps to ensure that current (and former) staff and third parties do not provide information about our qualifications which is inaccurate or misleading;
- TLM follows policies, practices and procedures that reduce the risk of malpractice and maladministration, covering, among other things:
    - plagiarism, collusion, tampering, breach of confidentiality of assessment materials;
    - incidents that occur outside of England.

TLM takes several actions to seek to prevent malpractice, including:

- Attending any events run by the regulators;
- Disseminating information to staff, contractors, Centres and external verifiers as necessary;
- Covering malpractice within centre meetings;
- Annual **Centre Agreement** reminding centres of their responsibilities;
- Regular monitoring visits or training workshops;
- Imposition of sanctions to prevent escalation of issues.

In general, TLM seeks to ensure that malpractice has high visibility.

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TLM’s requirements of its approved centres

Approved centres must have their own malpractice/maladministration policy, the implementation of which may be audited at centre monitoring visits and confirmation sought at training workshops. Guidance on the policy is included in the **Centre Handbook**.

How TLM spots malpractice/maladministration

TLM recruits, inducts and trains our staff, contractors, Centres and associates so that individuals involved in the development, delivery and award of our qualifications, are aware of malpractice/maladministration risks, and the effects. Through all our policies, practices and procedures – we make clear:

- The nature of malpractice/maladministration
- The potential effects of malpractice/maladministration
- The risks and the obligation to reduce those risks, of malpractice/maladministration occurring
- The duty not to commit malpractice/maladministration
- The obligation to appropriately report malpractice/maladministration
- The duty wherever possible, to minimise or eliminate the effects of any malpractice/maladministration that has occurred
- The duty to properly consider the causes of any malpractice/maladministration that has occurred, and take appropriate action to reduce the risk of that malpractice/maladministration occurring in a similar way

Allegations of malpractice/maladministration

Allegations of malpractice and/or maladministration must be raised directly with TLM’s Responsible Officer who will not disclose, and will seek to protect, the identity of any whistle blower.

As much detail as possible should be submitted along with any available supporting evidence, i.e.:

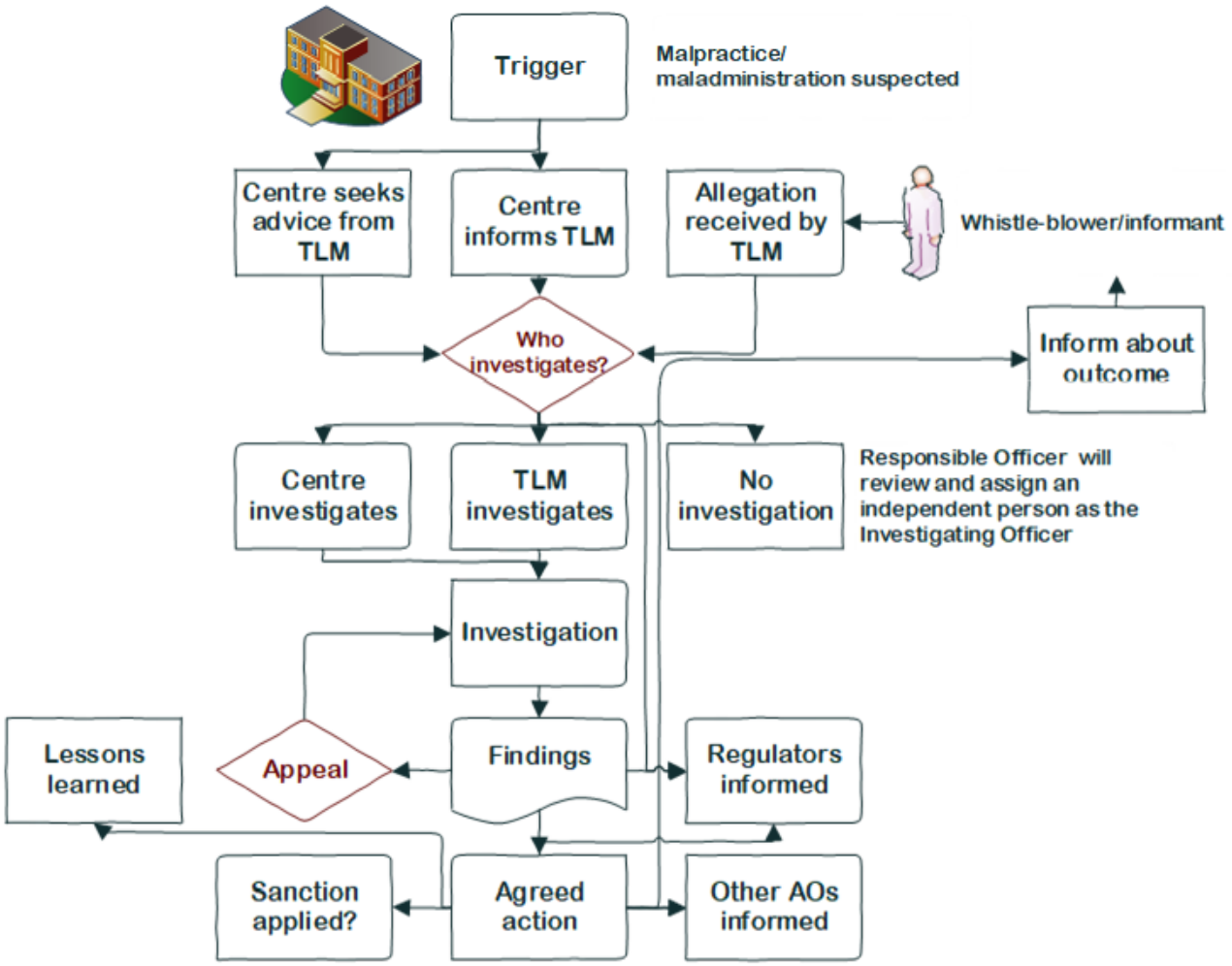
- Date(s) and time(s) of incident(s)
- Person(s) involved
- Nature of incident(s)
- Findings of any Centre investigation

TLM will make an initial response/ acknowledgement in writing within **10 working days**.

How TLM investigates malpractice/maladministration

TLM’s approach to investigation is as follows:

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TLM has procedures in place to initiate and conduct investigations into suspected malpractice/ maladministration. The main purpose of the investigation is to establish if any regulations have been breached and to determine whether there is any irregularity. The fundamental principle of investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias.

TLM will decide whether to allow the Centre to investigate, investigate itself or that an investigation is not necessary. TLM will allocate someone suitably qualified that is independent of the Centre and any individual(s) concerned for the purpose of the investigation. Centres are required to fully co-operate with TLM investigations. This includes providing access to records, staff and candidates where required for the purpose of the investigation.

TLM will normally deal with the head of the Centre or someone with suitable authority delegated for this purpose. Incidents will be investigated as follows by gather relevant information and consulting with those concerned and others. All parties are required to co-operate fully with the investigation.

Depending upon the gravity of the incident, Centre and/or assessor approval status may be suspended whilst the investigation takes place (this may relate to a qualification or all TLM's qualifications) – in line with TLM's **Sanctions Policy**. TLM will normally impose a sanction of Level 3 or above until a full investigation has been conducted.

Investigations may take days, weeks or months depending upon the nature and scale of the incident; TLM seeks to conduct investigations and produce the report as soon as practically possible with a target of **30 working days**.

TLM has, uses and regularly reviews a **Standardised Investigations Policy** and approach that sets out:

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- who investigates concerns about malpractice or maladministration;
- how an investigation is undertaken;
- how whistleblowers will be treated, and in such a way that individuals will not be prejudiced;
- when and how interested parties will be notified lawfully;
- how any interviews should be conducted;
- how facts will be gathered and evidence found, collated and stored;
- how evidence will be verified;
- how confidentiality of investigation materials is assured;
- how the records of its investigations will be presented and their accuracy assured;
- how and when any visits to Centres will be announced and undertaken;
- which principles will be followed when it undertakes an investigation with other bodies.

TLM will keep on record:

- clear terms of reference for the investigations that it has undertaken;
- a log of all allegations, including those that were not investigated, that it can cross-reference if new information is provided.

How TLM acts after investigating malpractice/maladministration

Following the investigation, a draft report will be produced that the parties involved will be invited to check for factual accuracy and comment upon. Upon receipt of the final version of the report an appeal may be made regarding actions imposed. Details of how to appeal are included in the **TLM Appeals Policy**.

Conclusions will be based on established evidence which will be reviewed by a member of the Board that has not been involved with the investigation. Where investigations establish that malpractice/maladministration has in fact occurred, a course of proposed action will be identified, agreed, implemented and monitored. Actions will be proportionate to the gravity and scope of the occurrence and may include the following:

- The development and implementation of action plans to prevent re-occurrence;
- Suspending or removing registration for units/qualifications;
- Suspending or removing approval;
- Imposing other sanctions as appropriate.

Certificates could be revoked if the result on the certificate is false because of malpractice or maladministration.

TLM will take all reasonable steps to prevent any potential Adverse Effect to which any incident may give rise. Where an incident brings the outcome of other results into serious question this would be considered a potential ‘Adverse Effect’ as other candidates may be affected. In such cases TLM will:

- Identify any other candidate who has been affected;
- Correct or mitigate the effect as far as possible – for example adjusting marks
- Take action to avoid a re-occurrence – this may include removal of assessors or provision of additional training or monitoring.

Where there is cause to believe that an incident may also affect Centres and/or other awarding bodies these will be notified by TLM.

TLM will inform the regulators and other relevant bodies where any incidents, or suspected incidents,

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of malpractice/maladministration are discovered, and where a potential Adverse Effect is identified.

Examples of Malpractice

Principal Assessors and Assessor Trainers

- Giving assessor status to people who can not assess appropriately to the criteria
- Failure to adequately monitor the work of assessors
- Failure to inform the AB about instances of malpractice
- Failure to co-operate with those investigating allegations of malpractice
- Failure to co-operate adequately with QA and moderation procedures

Assessors

- Failure to adequately ensure that the candidate fully meets the criteria before awarding a certificate
- Failure to attend mandatory training required by the AB
- Failure to keep passwords and account access secure
- Failure to take the candidate's views of the candidate's competence into account
- Failure to notify the AB of significant student malpractice
- Failure to co-operate with internal quality assurance procedures
- Failure to co-operate with the AB quality assurance procedures
- Failure to keep up to date with notices from the AB on the web site
- Failure to keep up to date and extend knowledge in the subject matter at a level appropriate to the certification being carried out.

Candidates

- Passing off the work of others as if it is their own
- Failure to co-operate appropriately with assessors in quality assurance
- Failure to work co-operatively with peers including giving and receiving help (Note that giving and receiving help is not the same as passing off the work of others as if it is your own. If the process of giving and receiving help enables the candidate to match the criteria self-sufficiently then it is to be encouraged.)
- Any attempts to break into the AB web site or access restricted areas

Appendix 1: Malpractice/Maladministration Declaration

Actual, potential or perceived malpractice or maladministration could arise from any of the above-mentioned instances (the list is not exhaustive – therefore notification must be given so TLM can determine if malpractice or maladministration is an issue):

Full Name	
Job Role	
Centre Name	
Centre Number	
Address	
Telephone number	
Email Address	

Information for a declaration must include:

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- The type of event/issue
- The nature of the event/issue
- A description of circumstanced and persons responsible or accountable.

Declaration

I declare that the information is correct and I will assist TLM in any enquiry or investigation required.

Signed: ..... **Date:** .....

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