

Policy for Suspected Malpractice in Assessments

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Introduction

This document is intended for those involved in managing the delivery of national professional qualifications (NPQs) which are awarded by the DfE and delivered by Leadership East (LE) as an approved provider.

The document:

- identifies the regulations under which final assessments operate;
- defines malpractice in the context of NPQ assessments;
- sets out the rights and responsibilities of Leadership East, centre staff and participants in relation to such matters;
- describes the procedures to be followed in cases where there is reason to suspect that the regulations have been broken.

Instances of malpractice

Instances of malpractice arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage in an assessment;
- some incidents arise due to ignorance of the regulations, carelessness or forgetfulness in applying the regulations;
- some occur as a direct result of the force of circumstances which are beyond the control of those involved (e.g. deadlines are missed because the LEAP platform has a technical fault).

The individuals involved in malpractice are also varied. They may be:

- participants;
- facilitators, sponsors, assessors or others responsible for the conduct, the administration or the quality assurance of delivery and assessments;
- assessment personnel such as assessors, moderators or internal and external verifiers;
- other third parties, e.g. partners, line managers, colleagues of the participant.

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to NPQ assessments need to be investigated. This is to protect the integrity of the qualification and to be fair to Leadership East and all participants. This document details the procedures for investigating and determining allegations of malpractice which in their fairness, thoroughness, impartiality and objectivity meet or exceed the requirements of current law in relation to other accredited awards.

1. Definitions

Regulator

An organisation designated by government to establish national standards for qualifications and to secure compliance with them.

Centre

An organisation (such as a school, college, training company/provider or place of employment) – in this case Leadership East - which is accountable to an awarding body – in this case the DfE - for the assessment arrangements leading to a qualification award.

LE Director

The 'LE Director' is the most senior operational officer in the organisation – in this case the Director of Leadership East.

Where an allegation of malpractice is made against the LE Director, the responsibilities set out in this document as applying to the LE Director shall be read as applying to such other person nominated to investigate the matter by the awarding body, such as the Chair of the LE Strategic Board.

Qualifications

'Qualifications' means a statement of accomplishment following an assessment. The main qualifications offered by Leadership East are as DfE-approved providers of National Professional Qualification for Middle Leadership (NPQML); National Professional Qualification for Senior Leadership (NPQSL); National Professional Qualification for Headship (NPQH) and National Professional Qualification for Executive Leadership (NPQEL).

Assessments

'Assessments' mean any written or practical activity set according to the awarding body's specification, or any achievement measured against the relevant assessment framework, which contributes to the award of a qualification.

Regulations

'Regulations' means the guidance and regulations relating to the provision of access arrangements and the conduct of assessments, projects and tasks.

Malpractice

'Malpractice', **which includes maladministration and non-compliance**, means any act, default or practice which is a breach of the Regulations or which:

- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of the qualification, the DfE, Leadership East or any officer, employee or agent of the awarding body or centre.

Failure by the centre (which includes cluster groups) to notify, investigate and report to an awarding body all allegations of malpractice or suspected malpractice constitutes malpractice in

itself. Also, failure to take action as required by an awarding body, as detailed in this document, or to co-operate with an awarding body's investigation, constitutes malpractice.

Suspected malpractice

For the purposes of this document suspected malpractice means all alleged or suspected incidents of malpractice.

Centre staff malpractice

'Centre staff malpractice' means malpractice committed by:

- a member of staff or contractor (whether employed under a contract of employment or a contract for services) at the centre;

Examples of centre staff malpractice are set out in **Appendix 1, Part 1**. These examples are not an exhaustive list and as such do not limit the scope of the definitions set out in this document. Other instances of malpractice may be identified and considered by the awarding body at their discretion.

Candidate malpractice

'Candidate malpractice' means malpractice by a candidate in the course of any assessment, including the preparation and authentication of any non-examination assessments, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing up of any practical tasks. Examples of candidate malpractice are set out in **Appendix 1, Part 2**. These examples are not an exhaustive list and as such do not limit the scope of the definitions set out in this document. Other instances of malpractice may be considered by the awarding body at their discretion.

2. Individual responsibilities

2.1 We must:

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

2.2 The awarding body will:

- oversee all investigations into suspected or alleged malpractice;
- withhold the issuing of results until the conclusion of the investigation, or permanently, where the outcome of the investigation warrants it;
- apply the sanctions and penalties listed in this document in cases of proven malpractice;
- consider reporting the matter to the police if proven malpractice involved the committing of a criminal act;
- consider reporting the matter to other appropriate authorities where relevant, e.g. Funding Agencies.

2.3 The awarding body will normally authorise the LE Director, acting on behalf of the awarding body, to carry out the investigation or to collect evidence on its behalf.

The awarding body reserves the right to conduct any investigation where it feels it is the most appropriate course of action.

Where allegations are made against the head of the centre, or the management of the centre, the awarding body will decide how the investigation will be carried out. The awarding body may authorise another person, such as one of the following to carry out the investigation:

- the Chair of the LE Strategic Board; or
- the responsible employer (or his/her nominee) e.g. Director of CMAT Institute of Education; or
- another suitably qualified individual such as a CMAT Trustee, an Ofsted Inspector or head of another establishment.

The individual will then report to the awarding body when the investigation has been completed.

2.4 Awarding bodies may use their own personnel to investigate cases involving a breach or suspected breach of security. This is in addition to, and not a substitution for, the requirement for Leadership East to provide full details of alleged, suspected or confirmed breaches.

2.5 The LE Director **must**:

- notify the awarding body immediately of all alleged, suspected or actual incidents of malpractice. The only exception to this is candidate malpractice discovered in assessment tasks before the authentication has been confirmed by the candidate (see section 4.3);
- complete Form LE/M1 (suspected candidate malpractice) or Form LE/M2a (suspected malpractice/maladministration involving centre staff) to notify an awarding body of an incident of malpractice. Each form is available on the LE Learner Management System - Notifications in letter format will be accepted providing the information given covers the same points as Form LE/M1 or LE/M2a;
- supervise personally, and as directed by the awarding body, all investigations resulting from an allegation of malpractice unless the investigation is being led by the awarding body or another party;
- ensure that if it is necessary to delegate an investigation to a senior member of centre staff, the senior member of centre staff chosen is independent and not connected to the department or candidate involved in the suspected malpractice. This is to avoid conflicts of interest which can otherwise compromise the investigation;
- respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved;
- speedily and openly make available information as requested by an investigating body;

- co-operate and ensure their staff do so with an enquiry into an allegation of malpractice, whether the centre is directly involved in the case or not;
- inform staff members and candidates of their individual responsibilities and rights as set out in these guidelines;
- pass on to the individuals concerned any warnings or notifications of penalties, and ensure compliance with any requests made by the awarding body as a result of a malpractice case.

2.6 A failure to comply with the requirements set in section 2.5 may itself constitute malpractice.

3. Procedures for dealing with allegations of malpractice

3.1 The handling of malpractice complaints and allegations involves the following phases.

- The allegation (section 4)
- The Response (section 5)
- The Investigation (section 6)
- The Report (section 7)
- The Decision (section 8)
- The Appeal (section 14)

Communications

3.2 The NPQQAA will normally communicate with the LE Director regarding allegations of malpractice, except when the LE Director or management of the centre is under investigation. In such cases communications may be with another person nominated to investigate the matter by the relevant awarding body, such as the Chair of Strategic Board or Executive Director of the Institute of Education.

3.3 Communications relating to the decisions taken by the awarding body in cases of malpractice will always be addressed to the LE Director, except when the LE Director or management is under investigation. When the LE Director or management is under investigation, communication will be with the Chair of the Strategic Board, or other appropriate governance authorities, such as the HR Committee of Trustees, as deemed appropriate.

3.4 NPQQAA may communicate directly with members of centre staff who have been accused of malpractice if the circumstances warrant this, e.g. the staff member is no longer employed or engaged by the centre.

3.5 NPQQAA will only communicate directly with a candidate or the candidate's representative when they have chosen to communicate directly with the candidate due to the circumstances of the case. (For example, there is a contradiction in the evidence provided by the candidate and the centre, or the centre is suspected of non-compliance with the regulations.) In such cases the

awarding body will advise the LE Director in writing that it proposes to deal directly with the candidate. A LE Director once advised by the awarding body should not ordinarily communicate further with the candidate.

3.6 Where requested, heads of centre must facilitate communications between the NPQQAA and the individual concerned.

4. The allegation

Suspected malpractice identified by assessors, moderators and external verifiers

4.1 Examiners, moderators and external verifiers who suspect malpractice in an assessment will notify the Director immediately using the procedures and forms provided in this policy and accompanying guidance.

Suspected malpractice identified by the centre

4.2 Where suspected malpractice is identified by LE, the LE Director must submit full details of the case at the earliest opportunity to the Strategic Board. Form LE/M1 (suspected candidate malpractice) or Form LE/M2a (suspected malpractice/maladministration involving centre staff) must be used give notification of an incident of malpractice. Each form is available as an appendix to this document and on the LMS. Notifications in letter/email format will be accepted providing the information given covers the same points as Form LE/M1 or LE/M2a.

4.3 Malpractice by a candidate in assessment discovered prior to the candidate confirming the authentication need not be reported to the NPQQAA, but must be dealt with in accordance with internal procedures. We will not normally give credit for any work submitted which is not the candidate's own work. Note: If assessment or supporting work which is submitted for assessment is rejected on grounds of malpractice, candidates have the right to appeal against this decision. The LE appeals policy contains advice on the recommended procedures for appeals against internal assessment decisions.

Malpractice reported by others

4.4 Allegations of malpractice could be reported to NPQQAA or DfE by employers, centre staff, regulators, funding agencies, candidates and members of the public. Sometimes these reports may be anonymous. Where requested, LE or NPQQAA will not disclose the identity of individuals reporting cases of suspected malpractice, unless legally obliged to do so.

Employees/workers making allegations of malpractice within LE may be protected by the Public Interest Disclosure Act 1998, if:

- the disclosure amounts to a “protected disclosure” (as set out in the relevant legislation);
- the employee/worker is raising a genuine concern in relation to malpractice; and
- the disclosure is made in compliance with the guidelines set out in the legislation and/or CMAT's own Whistleblowing Policy.

4.5 We are aware that the reporting of malpractice by a member of staff or a candidate can create a difficult environment for that staff member or candidate. Accordingly, LE or NPQQAA (whoever receives the allegation) will try to protect the identity of an informant if this is asked for at the time the information is given.

4.6 If the information is provided over the telephone, the informant will usually be asked to confirm the allegation in writing.

4.7 When an allegation is received, (including anonymous reports), the allegation will be evaluated in the light of any available information to see if there is cause to investigate.

5. Our response to an allegation of malpractice

5.1 In the case of notifications of suspected malpractice received from assessors, moderators, external verifiers (which may include NPQ project sponsors, mentors, headteachers), or members of the public, (including informants) we will consider the information provided and decide to:

- take no further action; or
- ask the LE Director, or another suitably qualified individual, to conduct a full investigation into the alleged malpractice and to submit a written report.

5.2 The Director will notify the Strategic Board Committee as soon as it receives sufficient evidence of a potential breach. The NPQQAA may also be informed.

5.3 On receipt of a notification of suspected malpractice, submitted by the LE Director, the Malpractice Committee will consider the information provided and decide:

- to take no further action; or
- if the notification takes the form of a Report, to make a decision on the case in accordance with the procedures, (where the evidence permits) - see sections 8 to 13; or
- to ask the LE Director to carry out a further investigation as described in sections 6.1 to 6.6 and provide further evidence; or
- to investigate the matter further itself.

5.4 Regardless of whether the allegation of malpractice is proven or not, in order to ensure the integrity of, and public confidence in, future assessments, the NPQQAA may undertake additional inspections and/or monitoring, and/or require additional actions.

6. The investigation

Investigations carried out by the Director/appointed investigator

- 6.1 It will normally be expected that investigations into allegations of malpractice will be carried out by the Director. The Director must deal with the investigation in accordance with their responsibilities referred to in section 2.5 of this document.
- 6.2 Those responsible for conducting an investigation should seek evidence from which the full facts and circumstances of any alleged malpractice can be established. It should not be assumed that because an allegation has been made, it is true.
- 6.3 The Director should consider that both staff and candidates can be responsible for malpractice. If the investigation is delegated to another senior member of centre staff, the Director retains overall responsibility for the investigation. In selecting a suitable senior member of centre staff the Director must take all reasonable steps to avoid a conflict of interest. Where a conflict of interest may be seen to arise, investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice. In the event of any concerns regarding conflicts of interest or the suitability of the potential investigator, the Director must discuss the matter as soon as possible with the Chair of the Strategic Board.
- 6.4 As a minimum, LE will provide the accused individual(s) with a completed copy of the form or letter used to notify us of the malpractice. Reference will also be made to LE's policy for malpractice and for appeals, and to the rights of accused individuals (section 6.7).
- 6.5 Where the person conducting the investigation deems it necessary to interview a candidate or member of staff in connection with an alleged malpractice, the interviews must be conducted in accordance with the Trust's own policy for conducting disciplinary enquiries.
- 6.6 The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour. However, if any party wishes to be accompanied, for example by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. The person accompanying the interviewee should not take an active part in the interview, in particular he/she is not to answer questions on the interviewee's behalf. Leadership East will not be liable for any professional fees incurred. The Director is required to make available an appropriate venue for such interviews. Interviews may also be conducted over the telephone. Individuals involved may be requested to provide a written statement. Persons conducting an investigation should refer to the guidance in Appendix 2.

Rights of the accused individuals

- 6.7 When, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) accused of malpractice must:
- be informed (preferably in writing) of the allegation made against him or her;

- be advised that a copy of the LE policy for Suspected Malpractice Assessments can be found on the LMS;
- know what evidence there is to support that allegation;
- know the possible consequences should malpractice be proven;
- have the opportunity to consider their response to the allegations (if required);
- have an opportunity to submit a written statement;
- be informed that he/she will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee;
- have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
- be informed of the applicable appeals procedure, should a decision be made against him or her;
- be informed of the possibility that information relating to a serious case of malpractice may be shared with the NPQQA and other appropriate authorities.

6.8 Responsibility for informing the accused individual rests with the Director.

In certain circumstances it may be necessary for the Director to exercise discretion, in the light of all the circumstances of the case, as to the timing and the means by which an allegation of malpractice and the supporting evidence is presented to the individual(s) involved.

7. The Report

7.1 After investigating an allegation of malpractice the Director must submit a full written Report of the case to the Strategic Board's Malpractice Committee

7.2 The Report should be accompanied by the following documentation, as appropriate:

- a statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by LE;
- the evidence relevant to the allegation, such as written statement(s) from the assessor, internal verifier(s) or other staff who are involved;
- written statement(s) from the candidate(s);
- any exculpatory evidence and/or mitigating factors;
- information about LE's procedures for advising candidates and staff of the assessment regulations;
- any candidate work and any associated material (e.g. annexes or supporting documents) which is relevant to the investigation.

7.3 Form LE/M1 or Form LE/M2b should be used as the basis of the Report. The forms are available on the LMS. Reports in letter format will be accepted provided the information given covers the same points as the form.

7.4 The Malpractice Committee will decide on the basis of the Report, and any supporting documentation, whether there is evidence of malpractice and if any further investigation is required. The Director will be informed accordingly.

8. The decision

The Malpractice Committee

8.1 In order to determine the outcomes in cases of alleged malpractice the Strategic Board may appoint a Panel or Committee composed of internal and/or external members experienced assessment procedures. Alternatively, this function may be allocated to a named member or members of CMAT staff. In this document the Committee is referred to as the "Malpractice Committee". The Committee may be assisted by a member of staff who has not been directly involved in the investigation.

8.2 The following applies to the activities of the Malpractice Committee (or to the personnel acting in this capacity):

- The work of the Malpractice Committee is confidential.
- Members of the Malpractice Committee are required to identify any case of which they have personal knowledge or might be said to have some interest which could lead to an inference that the Committee had been biased. Any member with a close personal interest will take no part in the discussion of the case and will not be present when the Malpractice Committee discusses the matter.
- Accused individuals, the Director and their representatives are not entitled to be present at meetings of the Malpractice Committee.

8.3 The key principle underpinning the composition of the Malpractice Committee is that it is independent of those who have conducted the investigation.

8.4 LE staff who have directly investigated the case will play no role in the decision making process.

8.5 No-one who declares an interest in the outcome of the case will be present in the room when the case is considered.

8.6 Information supplied to the Malpractice Committee will be only that which is directly relevant to the case under consideration and which has been made available to the person against whom the allegation has been made. For the avoidance of doubt, where the person against whom the allegation is made receives material that has been subject to redaction (for example of individuals' names), the material that the Malpractice Committee receives will also be redacted. The person against whom the allegation has been made will be given the opportunity to make a written statement to the Malpractice Committee in light of the material provided

Making the decision - overview

8.7 In making a decision on any Report, the Malpractice Committee will establish that correct procedures have been followed in the investigation of the case, and that all individuals involved have been given the opportunity to make a written statement.

8.8 If satisfied, the Malpractice Committee will then seek to determine:

- whether malpractice (as defined in this document see page 3) has occurred;
- where the culpability lies for the malpractice.

8.9 If the Malpractice Committee is satisfied that there is sufficient evidence that malpractice has occurred, the Committee will then determine:

- appropriate measures to be taken to protect the integrity of the qualification and the assessment and to prevent future breaches;
- the nature of any sanction or penalty to be applied.

Making the decision

8.10 Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of behaviour this may be taken into consideration when determining whether a sanction should be applied. The Malpractice Committee will seek to make decisions unanimously, but if necessary may decide by a majority.

8.11 The Malpractice Committee will consider, as separate issues:

- whether or not there has been malpractice; and
- if malpractice is established, whether a sanction should be applied.

8.12 When making a decision in a case the Malpractice Committee will:

- identify the regulation or specification requirement which it is alleged has been broken;
- establish the facts of the case. Where there are conflicting statements the decision as to whether or not there has been malpractice is made by reference to the facts as disclosed by the case papers;
- decide whether the facts as so established actually breach the regulations or specification requirements.

If malpractice has occurred, the Malpractice Committee will establish who is responsible for this and:

- consider any points in mitigation;

- determine an appropriate level of sanction or penalty, considering the least severe penalty first.
- 8.13 The Malpractice Committee must be satisfied from the evidence before it that on the balance of probabilities the alleged malpractice occurred (i.e. that it is more likely than not). It is possible that the evidence in some cases may be inconclusive, but the NPQQAA may decline to accept the work of the candidates in order to protect the integrity of the qualification for the majority.
- 8.14 In situations where a case is deferred because the Committee requires further information in order to make a determination, the deferral and the nature of the request will be shared with the investigation team and the individual against whom the allegation has been made.
- 8.15 In straightforward cases where the evidence is not contested or in doubt, LE may invoke a summary procedure. A sanction or sanctions may be applied and notified to an individual following consideration of the case. Sanctions and penalties applied under this summary procedure are subject to appeal, as are all other sanctions and penalties resulting from cases of malpractice.

9. Sanctions and penalties

- 9.1 Sanctions and penalties are imposed on individuals responsible for malpractice in order to:
- minimise the risk to the integrity of the NPQs and assessments, both in the present and in the future;
 - maintain the confidence of the profession and the public in the delivery and awarding of the qualifications;
 - ensure as a minimum that there is nothing to gain from breaking the regulations;
 - deter others from doing likewise.
- 9.2 LE and NPQQAA will normally impose sanctions and penalties on individuals found guilty of malpractice. These will usually be the candidate(s) or the responsible member(s) of staff. However, when malpractice is judged to be the result of a serious management failure within the whole centre, the NPQQAA and DfE may apply sanctions against Leadership East as a whole. In these cases, LE may make special arrangements to safeguard the interests of candidates who might otherwise be adversely affected.
- 9.3 We will endeavour to protect candidates who, through no fault of their own, are caught up in a malpractice incident. It should, however, be accepted that there may be instances where the work submitted for assessment does not represent the efforts of the individual candidates and it may not be possible to give those candidates a result, or permit a result to be retained. When considering the action to be taken, we will balance responsibilities towards the rest of the assessment cohort and the individuals caught up in the malpractice incident. Results may also not be issued or may be revoked in cases where malpractice has occurred but it was not established clearly who was to blame.

- 9.4 In cases where it is not reasonable or possible to determine responsibility for malpractice, and where it is clear that the integrity of the assessment has been impaired in respect of an individual or individuals, LE may decide not to accept the work submitted or undertaken for assessment, or may decide it would be unsafe to make awards or permit awards to be retained. In these cases, the candidate(s) may re-take, where available, the assessment at the next opportunity.
- 9.5 Sanctions and penalties will be chosen from a defined range, in order to reflect the particular circumstances of each case and any mitigating factors. The agreed level of sanction or penalty for a particular offence is set out in Appendices 4 and 5.
- 9.6 We reserve the right to apply sanctions and penalties flexibly, outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.
- 9.7 As no assumptions can be made about the intentions underlying an individual's actions, sanctions and penalties will be based only on the evidence available.
- 9.8 All sanctions and penalties must be justifiable and reasonable in their scale, and consistent in their application.
- 9.9 For consistency of approach in the application of sanctions and penalties, we will not take into account the consequential effects (for example on applications for promoted leadership posts) of any particular sanction or penalty which might arise from circumstances of the individual.
- 9.10 A record will be kept of the effect of any sanctions or penalties on an individual's results. All information relating to specific instances of malpractice or irregularities will be destroyed after seven years.
- 9.11 The Director will inform those individuals found guilty of malpractice that information may be passed onto NPQQAA and included in, for example, any references that may be requested. This information will typically include the names, offences and sanctions applied to those found guilty of breaching the assessment guidance regarding malpractice.

Appendix 1, Part 1

Examples of malpractice – NPQs

The following are examples of malpractice. **This is not an exhaustive list** and as such does not limit the scope of the definitions set out earlier in this document.

Other instances of malpractice may be identified and considered by the awarding body at their discretion.

Part 1 Centre staff malpractice

Breach of security

Any act which breaks the confidentiality of candidates' scripts or their electronic equivalents. It could involve:

- discussing or otherwise revealing work submitted for assessment in public, e.g. internet forums;
- tampering with candidate completed assessment proforma, project work or mandatory and supporting documents after uploading and before release to the assessor/moderator/national moderator;
- failing to keep candidates' computer files secure which contain completed assessment forms and supporting documents.

Deception

Any act of dishonesty in relation to an assessment including, but not limited to:

- inventing or changing marks for assessed components where there is no actual evidence of the candidates' achievement to justify the marks awarded;
- manufacturing evidence of competence against criteria for the assessment of the national professional qualifications;
- fabricating assessment records or authentication statements;
- entering fictitious candidates for assessments, or otherwise subverting the assessment or certification process with the intention of financial gain (fraud);
- substituting one candidate's assessment, project or supporting documents for another.

Improper assistance to candidates

Any act where assistance is given beyond that reasonable and permitted by the NPQ assessment framework to a candidate or group of candidates, which results in a potential or actual advantage in an assessment.

For example:

- sharing or lending candidates' assessment, supporting documents and projects with other candidates in a way which allows malpractice to take place;

Failure to co-operate with an investigation

- failure to make available information reasonably requested by an authorised officer in the course of an investigation, or in the course of deciding whether an investigation is necessary; **and/or**
- failure to investigate on request in accordance with the awarding body's instructions or advice; **and/or**
- failure to investigate or provide information according to agreed deadlines; **and/or**
- failure to report all alleged, suspected or actual incidents of malpractice.

Maladministration

Failure to adhere to the regulations regarding the conduct of assessments, coursework, moderation, or malpractice in the handling of candidate submitted work, marking record and feedback sheets, results and certificates, etc.

For example:

- failing to use best efforts to ensure that candidates' work is adequately completed
- failure to make or apply reasonable adjustments where required
- failure to use current assignments for assessment;
- failure to train and supervise assessors adequately;
- failing to issue appropriate guidance and warnings, e.g. Authenticity, Plagiarism;
- failing to maintain the security of candidate submitted work and supporting documents prior to release to the assessor or moderator;
- failing to release candidates' work and supporting documents for assessment to the assessors or moderators in a timely way;
- failing to notify the awarding body immediately of all alleged, suspected or actual incidents of malpractice;
- failing to conduct a thorough investigation into suspected assessment malpractice when asked to do so by the awarding body;
- breaching the arrangements for the release of assessment results;
- the inappropriate issue, retention or destruction of NPQ assessment certificates.

Appendix 1, Part 2

Candidate malpractice

For example:

- the alteration or falsification of any results document, including certificates;
- collusion: working collaboratively with other candidates, beyond what is encouraged or permitted;
- copying from another candidate (including the use of technology to aid the copying);
- allowing work to be copied e.g. posting work on social networking sites prior to an assessment, or providing work for another to replicate or over-type;
- the deliberate destruction of another candidate's work;
- making a false declaration of authenticity in relation to the authorship work and supporting documents submitted for assessment;
- the inclusion of inappropriate, offensive or obscene material in any work or supporting material submitted for assessment;
- impersonation: pretending to be someone else, arranging for another person to take one's place for the purposes of assessment;
- plagiarism: unacknowledged copying from or reproduction of published sources or incomplete referencing;
- theft of another candidate's work;
- facilitating malpractice on the part of other candidates;
- behaving in a manner so as to undermine the integrity of the achievement of an NPQ qualification.

Appendix 2

A guide to investigating an allegation of malpractice

The person investigating an allegation of malpractice within the centre **must** organise an investigation into the alleged malpractice and then submit a report to the awarding body.

There must not be a conflict of interest between the person conducting the investigation and the individual(s) accused of malpractice. The person conducting the investigation must have no personal interest in the outcome of that investigation.

The investigation must determine:

- who was involved in the incident, including candidates, members of the LE team and/or assessors;
- the facts of the case, as established from evidence and/or statements from those involved.

The report submitted to the Malpractice Committee/awarding body must include:

- a clear account, as detailed as necessary, of the circumstances;
- details of the investigations carried out by the centre;
- written statements from any facilitators/mentors/assessors or other members of staff concerned, which **must** be signed and dated;
- written statements from the candidates concerned, which **must** be signed and dated;
- any other evidence relevant to the allegation.

Where appropriate:

- information about how the centre makes candidates aware of expectations and regulations;
- any candidate work/associated material which is relevant to the investigation;
- any other relevant evidence.

Individuals accused of malpractice **must** be made fully aware at the earliest opportunity of the nature of the allegation, preferably in writing, and the possible consequences should malpractice be proven. They **must** also be given the opportunity to respond, preferably in writing, to the allegation made against them.

If an allegation is delegated to another senior member of centre staff, the head of centre retains overall responsibility for the investigation, unless they themselves are involved in the alleged malpractice.

In selecting a suitable senior member of staff the head of centre **must** take all reasonable steps to avoid a conflict of interest.

Where a conflict of interest may be seen to arise, investigations into suspected malpractice **must not** be delegated to the manager of the team involved in the suspected malpractice. **The person conducting the investigation must have no personal interest in the outcome of that investigation.**

Reports, evidence and supporting statements **must** be sent to the awarding body.

Appendix 3 - Form LE/M1

Suspected candidate malpractice

Confidential

This form is to be used by centres to report instances of suspected candidate malpractice.

Provider

--

Date of incident

Time of alleged incident

--	--

Qualification

Provider address

N	P	Q		
---	---	---	--	--

Director's e-mail address

Director telephone number

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Preferred method of communication

By post	<input type="checkbox"/>
By e-mail	<input type="checkbox"/>
By telephone	<input type="checkbox"/>

Candidate name(s)

Assessment details

Date submitted	Content area/Criteria concerned

Name(s) of assessment personnel or other witness/witnesses

Name	Role

Complete Sections A, B, C and D as indicated.

Section A (All qualifications)

Describe the nature of the suspected candidate malpractice including details as to how it was discovered, by whom and when.

Section B

Had the candidate(s) checked the declaration of authentication stating that all work completed was the candidate's own?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

Section C

If the incident involves plagiarism, is the plagiarised material enclosed?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

If the answer to the above question is no, please give details below of the nature of the plagiarism; provide full details (i.e. title, author, edition, website, etc.) of the material plagiarised and include copies if possible.

If there are any other details you feel are relevant to this allegation, including mitigating circumstances, please give further information below.

Section D

Supporting evidence

Please indicate below the supporting evidence submitted with this report. All relevant information and materials **must** be submitted at this time. Evidence submitted subsequently may not be considered.

If submitting this form by e-mail, please ensure that all supporting documents are scanned and attached (preferably as PDF documents) to the same e-mail.

Evidence submitted with this form	
Statement(s) from assessor/moderator	<input type="checkbox"/>
Statement from facilitator	<input type="checkbox"/>
Statement from sponsor	<input type="checkbox"/>
Statement(s) from candidate(s)	<input type="checkbox"/>
Statement from employer	<input type="checkbox"/>
Copies of sources of plagiarised material	<input type="checkbox"/>
Assessment and Internal Verification or Moderation records	<input type="checkbox"/>
Other (please give details)	<input type="checkbox"/>

If statement(s) from the candidate(s) is/are not enclosed, please put a cross in this box to indicate that the candidate(s) has/have been given the opportunity to make a statement, but has/have chosen not to do so.

To be completed by the head of centre

Name (please print)		Tel No.	
Signature*		Date	

* Submission by e-mail from a registered e-mail address will be accepted in place of a signature.

NOTES ON THE COMPLETION OF FORM LE/M1
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This form **must** be used by the head of the centre to notify the awarding body of an instance of suspected candidate malpractice in the conduct of NPQ assessments. It can also be used to provide a report on investigations into instances of suspected malpractice.

In order to prevent the issue of erroneous results and certificates, it is essential that the awarding body (NPQQAA) is notified immediately of instances of suspected candidate malpractice.

Reports on investigations **must** include:

- a detailed account of the circumstances surrounding the suspected candidate malpractice;
- the procedures for advising candidates of the regulations concerning the conduct of assessments;
- a report of any investigation carried out subsequently by the centre;
- signed and dated statements from the staff concerned (e.g. assessors, moderators, facilitators, sponsors, etc.) on the centre's official letterheaded paper;
- signed and dated statements from the candidate(s) concerned or a clear indication that they have been given the opportunity to make a statement; (In circumstances which make it inappropriate to interview the candidate, the centre should discuss the case in confidence with the awarding body.)

This form is intended to be used as the basis for the report.

This form may be submitted either by post or by e-mail. When submitting the form by e-mail, all supporting documents should be scanned and attached (preferably as PDF documents) to the same e-mail, and the originals retained within the centre.

Report of suspected candidate malpractice

This checklist is intended to assist centres when completing a report of suspected candidate malpractice.

It is the responsibility of the head of centre to ensure that these requirements have been met.

Please indicate by putting a cross in the appropriate box for the following points:

		Yes	No
1.	The candidate(s) has/have been informed of their individual responsibilities and rights.	<input type="checkbox"/>	<input type="checkbox"/>
2.	A candidate or candidates accused of malpractice:		
	<ul style="list-style-type: none"> has/have been informed (preferably in writing) of the allegation made against him or her; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have been advised that a copy of the LE policy for Malpractice can be found on the website and on the Learner Management System; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> know(s) what evidence there is to support the allegation; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> know(s) the possible consequences should malpractice be proven; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have had the opportunity to consider their response to the allegations (if required); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have had an opportunity to submit a written statement; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have had an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have been informed of the applicable appeals procedure should a decision be made against him or her; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has/have been informed of the possibility that information relating to a serious case of malpractice may be shared with the awarding body. 	<input type="checkbox"/>	<input type="checkbox"/>

This form must be enclosed with the report of your investigation.

Appendix 4 - Form LE/M2a

Notification of suspected malpractice/maladministration involving centre staff

Confidential

This form is to be used by a head of centre **before** an investigation commences to notify the awarding body of an instance of suspected malpractice or maladministration. **It must be completed and submitted to the awarding body immediately a suspicion is raised or an allegation received.**

If you are submitting a formal report following an investigation please use **Form LE/M2(b) Report on investigation into suspected malpractice/maladministration** which can be found on the JCQ website - <http://www.jcq.org.uk/exams-office/malpractice>

Provider

Qualification

N	P	Q			
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Provider address

Director's e-mail address

Director telephone number

Preferred method of communication

By post	<input type="checkbox"/>
By e-mail	<input type="checkbox"/>
By telephone	<input type="checkbox"/>

Name of Director

Date incident was reported to provider management

Name(s) of staff involved

Position

Details of assessments involved

Date submitted	Content area/criteria concerned

Date and time of incident (if possible)

Describe the nature of the suspected malpractice/maladministration, including details as to how it was discovered by whom and when.

Could the candidate/s have been unfairly advantaged or disadvantaged by the suspected malpractice/maladministration? If so, please give details.

Describe the proposed steps the provider management will be taking to gather evidence relating to this matter.

Name and position: _____

Signed: _____

Date: _____

Report on investigation into suspected malpractice/maladministration involving centre staff

This checklist is intended to assist when investigating an instance of suspected malpractice or maladministration involving centre staff. Following the investigation it **must** be submitted to the awarding body together with the supporting statements and documentation.

It is the responsibility of the head of centre to ensure that these requirements have been met.

Name of centre staff member: _____

Please indicate by putting a cross in the appropriate box for the following points:

		Yes	No
1.	The member of staff has been informed of their individual responsibilities and rights	<input type="checkbox"/>	<input type="checkbox"/>
2.	The member of staff accused of malpractice:		
	<ul style="list-style-type: none"> has been informed (preferably in writing) of the allegation made against him or her; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has been advised that a copy of the LE policy for Malpractice can be found on the website and on the Learner Management System; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> knows what evidence there is to support the allegation; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> knows the possible consequences should malpractice be proven; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has had the opportunity to consider their response to the allegations; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has had an opportunity to submit a written statement; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has been informed that he/she will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has had an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has been informed of the applicable appeals procedure should a decision be made against him or her; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> has been informed of the possibility that information relating to a serious case of malpractice may be shared with the NPQQAA 	<input type="checkbox"/>	<input type="checkbox"/>

Only the form should be sent to the awarding body.

The checklist should be retained until the investigation is complete.

Appendix 5 - Form LE/M2b

Report on investigation into suspected malpractice/maladministration involving centre staff

Confidential

This form is to be used by the head of centre (which may be LE central or a cluster) **following** an investigation into an instance of suspected malpractice or maladministration. It **must** be completed and submitted to the awarding body together with supporting statements and documentation.

If your investigation has not yet commenced please use **Form LE/M2(a)**

Provider

Qualification

N	P	Q			
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Centre name and address

Head of centre's e-mail address

Centre telephone number

Preferred method of communication

By post
By e-mail
By telephone

Name of head of centre

Has the awarding body been notified previously of this incident? (please tick)

YES	<input type="checkbox"/>
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NO	<input type="checkbox"/>
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Give details of the evidence you have obtained and your findings

Name and position (please print):

Signed:

Date:

Report on investigation into suspected malpractice/maladministration involving centre staff

This checklist is intended to assist when investigating an instance of suspected malpractice or maladministration involving centre staff. Following the investigation it **must** be submitted to the awarding body together with the supporting statements and documentation. **It is the responsibility of the head of centre to ensure that these requirements have been met.**

Name of centre staff member: _____

Please indicate by putting a cross in the appropriate box for the following points:

		Yes	No
1.	The member of staff has been informed of their individual responsibilities and rights.	<input type="checkbox"/>	<input type="checkbox"/>
2.	The member of staff accused of malpractice should:		
	<ul style="list-style-type: none"> be informed (preferably in writing) of the allegation made against him or her (include a copy of any letter/notification in the submission); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> be provided with a copy of the LE policy for Malpractice which can be found on the website and on the Learner Management System; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> know what evidence there is to support the allegation (provide full details in the submission to the awarding body); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> know the possible consequences should malpractice be proven; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> have the opportunity to consider their response to the allegations (provide a verified record of any interviews conducted); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> have an opportunity to submit a written statement (provide a copy of all statements); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> be informed that he/she will have the opportunity to read and make a statement in response to the submission to the awarding body's Malpractice Committee; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required); 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> be informed of the applicable appeals procedure should a decision be made against him or her; 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators and other appropriate authorities. 	<input type="checkbox"/>	<input type="checkbox"/>

This form must be enclosed with the report of your investigation, and be sent to The Director, Leadership East who must send it to the NPQAA.