

Malpractice and Maladministration Policy

Version Control History

Version Number	Date of Change	Summary of Revisions Made
1	October 2016	Policy written.
1.1	May 2017	Definition of malpractice updated to reflect SQA requirement more appropriately.
1.2	August 2017	<p>Added: Section 3.1:</p> <ul style="list-style-type: none">• Integrity of a qualification (regulated and/or non-regulated).• Provides an advantage or disadvantage in an assessment. <p>Malpractice can include both maladministration in the assessment and the delivery of a qualification and deliberate non-compliance to the awarding body requirements.</p> <p>Section 4.3: College management are obliged to notify the relevant awarding body of all suspected staff/centre malpractice and maladministration.</p>
1.3	December 2018	Change of role to Quality Manager, changed other job titles to adhere to the new structure.
1.4		Clarification of malpractice definition
1.5	March 2023	Rebranding.
1.6	December 2023	Section 5 – Responsibilities of Awarding Body Centre Coordinator's role in reporting alleged malpractice to SQA and other awarding bodies updated to reflect SQA requirements more appropriately

Malpractice and Maladministration Policy

1 Purpose

- 1.1 This policy is a requirement for external awarding bodies whose qualifications are delivered by UHI Perth, to ensure that all malpractice and maladministration investigations are undertaken in a consistent manner and that the integrity of the qualifications is upheld.

It signposts the appropriate UHI Perth policies and procedures which should be adhered to when suspected or actual cases of malpractice and/or maladministration are reported and the responsibilities required for their investigation.

2 Scope

- 2.1 This policy applies to all staff and students and should be read in conjunction with all of the policies and procedures referred to in Section 6.
- 2.2 Where allegations relate to a Scottish Qualification Authority or UHI approved qualification or assessment at SCQF Level 7 or above, these will be dealt with under the Academic Standards and Quality Regulations of the University of the Highlands and Islands, or relevant awarding body regulations.

3 Definitions

- 3.1 Malpractice is defined as any act, default or practice whether deliberate or resulting from neglect or default which is a breach of or contravenes awarding actions, neglect, default or other practice that compromises, attempts to compromise or may compromise:

- The internal or external assessment process.
- The integrity of a qualification (Regulated and/or non-regulated).
- Provides an advantage or disadvantage in an assessment.
- The validity of a result, certificate or qualification.
- The qualification or the wider qualifications community.
- And/or damages the authority, reputation or credibility of the awarding body or any officer, employee or agent of the awarding body.

Malpractice can include both maladministration in the assessment and the delivery of a qualification and deliberate non-compliance to the awarding body requirements.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records to achieve accreditation.

- 3.2 Maladministration is defined as any activity or practice which arises due to ignorance of Awarding Body requirements, carelessness or neglect in applying the requirements and thus results in non-compliance with an awarding body's administration regulations and requirements including the application of persistent mistakes or poor administration.
- 3.3 Examples of Malpractice and Maladministration are attached as Appendix 1.

4 Key Principles

- 4.1 UHI Perth values its reputation for ethical behaviour and will not tolerate actions of malpractice by staff or students.
- 4.2 UHI Perth is obliged to report back to an awarding body any cases of suspected malpractice and/or maladministration relevant to an award.
- 4.3 UHI Perth is committed to investigating all cases of suspected malpractice and/or maladministration. Where, following thorough investigation under the appropriate procedures noted below, the cases are found proven, the College is fully committed to taking appropriate action, including applying appropriate sanctions, in order to maintain the integrity of the relevant assessment, certification and qualifications.
- 4.4 Allegations of staff malpractice and/or maladministration will be dealt with under the terms of the Staff Disciplinary Procedure and/or the Capability Procedure, depending on circumstance, and investigations will be carried out in line with the protocols contained therein. College management are obliged to report all suspected staff/centre malpractice and/or maladministration to the relevant awarding body.
- 4.5 Allegations of student malpractice will be dealt with by the implementation of the Student Conduct Procedure and investigations will be carried out in line with the protocols contained therein. College management will, where relevant, report all suspected staff/centre malpractice and/or maladministration to the relevant awarding body.
- 4.6 UHI Perth's commitment to the highest standards of ethical service requires that staff and students report any suspected instances of staff or learner malpractice and/or maladministration.
- 4.7 It is recognised that in some cases they may wish to do this confidentially and where possible they will be supported in doing so in line with the College's Whistleblowing Policy.

5 Responsibilities

- 5.1 This policy is owned by the Depute Principal, who is responsible for its dissemination and implementation as well as any training and resource implications arising from it.
- 5.2 College Managers are responsible for ensuring that staff are aware of their responsibilities under this policy.
- 5.3 Academic and related support staff, eg Exam Officers, have a responsibility to ensure that students are aware of their responsibilities under this policy.
- 5.4 All College staff have a responsibility to report any suspected incidences of staff or learner malpractice to their line manager, who should deal with them in line with the Student or Staff Disciplinary procedures, depending on circumstance.
- 5.5 The Awarding Body Centre Coordinator has responsibility for notifying awarding bodies in writing of suspected malpractice and after any investigation into alleged malpractice submitting a written report, accompanied by the following documentation as appropriate:
 - A statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out.
 - Written statements from relevant centre staff, candidates or third parties.
 - Any work of the candidate(s) and internal assessment or verification records relevant to the investigation.
 - The investigation findings identifying the nature and implications of any malpractice identified.
 - Any remedial action being taken by the centre to ensure the integrity of certification now and in the future
 - Any mitigating factors that should be considered
- 5.6 All staff have a professional duty to ensure that they uphold this policy. Whilst the policy sets out general principals, staff must also ensure that they abide by the specific assessment and administrative requirements for each course and qualification as laid down by the relevant awarding body.
- 5.7 Quality approval check of the policy is the responsibility of the Head of Human Resources and Organisational Development who will arrange for the policy to be posted on the web.

6 Linked Policies/Related Documents

- 6.1 Anti-Bribery Policy
Complaints Policy and Complaints Handling Procedure

Title: Malpractice and Maladministration Policy
Version/Status: 1.6/draft
Approved by/Date: PLG/tbc
Issue Date: tbc 2024

Owner: Depute Principal Academic
Lead Author: Quality Manager
Lead Editor:
EQIA Approval Date: 24/01/24

Whistleblowing Policy and Procedure
Capability Procedure
Student Code of Conduct
Student Conduct Policy
Student Conduct Procedure
Staff Disciplinary Procedure
ICT Acceptable Use Policy

6.2 Academic Standards and Quality Regulations of the University of the Highlands and Islands.

6.3 Specific awarding body requirements and guidelines.

7 Relevant Legislation

The Bribery Act 2010

Appendix 1

Examples of Staff Maladministration

This list below is not exhaustive and the College at its discretion may consider other instances of malpractice.

- Late learner registrations (both infrequent and persistent).
- Inaccurate claims for certification or award.
- Failure to maintain appropriate auditable records eg certification claims and/or forgery of evidence.
- Withholding of information, either by deliberate act or omission, which is required by the awarding body to ensure the rigour of quality assurance and by implication the integrity of the qualification, certification or award.
- Failure to adhere to, or incorrect application of, any awarding body policy in relation to reasonable adjustments and/or other special considerations.
- Failure to follow due process when entering learner data or recording assessment decisions, unless done so deliberately which is deemed malpractice.

Examples of Staff /Centre Malpractice

- Providing improper assistance to candidates.
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made.
- Failure to keep candidate coursework/portfolios of evidence secure.
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves producing work for the learner.
- Producing falsified witness statements, for example for evidence the learner has not generated.
- Allowing evidence to be included for assessment which is known by the staff member not to be the learner's own.
- Facilitating and allowing impersonation.
- Misusing the conditions for special learner requirements.
- Unreasonable delays in responding to requests and communications from awarding bodies.
- Falsifying records/certificates, for example by alteration, substitution, or by fraud.
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment.
- Failure to adhere to awarding body registration and certification procedures.
- Failure to adhere to centre approval requirements.
- Failure of staff to hold appropriate qualifications to deliver an award

Examples of Learner Malpractice

This list below is not exhaustive and the College at its discretion may consider other instances of malpractice.

- A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations.
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments.
- Collusion: Working collaboratively with other candidates, beyond what is permitted.
- Copying from another candidate (including the use of ICT to aid the copying, thereby breaching the College's ICT Acceptable Use Policy).
- Allowing work to be copied for example posting written coursework on social networking sites prior to an examination/assessment.
- Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language).
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication.
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio.
- Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework.
- Bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations).
- The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework or portfolios.
- Impersonation: Pretending to be someone else, arranging for another person to take one's place in an examination or an assessment.
- Plagiarism: Unacknowledged copying from published sources or incomplete referencing.
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices.
- Behaving in a manner so as to undermine the integrity of the examination.