



Malpractice Policy

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1.0 General Statement

- 1.1 As part of its recognition as a Centre for Accredited Training and as an accredited training provider, Children in Wales, has in place systems and procedures to identify and address issues of malpractice.
- 1.2 The procedure to investigate cases of Suspected Malpractice must include the following groups within a Recognised Centre:
- learner malpractice
 - centre staff malpractice

2.0 Principles

- 2.1 This policy is designed to ensure equality for all learners who attend accredited training courses provided by Children in Wales. It ensures a fair, consistent and accurate approach to continuing professional development (CPD) including formal learning.
- 2.2 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.
- 2.3 The process of investigation will be conducted in accordance with regard to:
- confidentiality
 - retention and storage of evidence
 - conclusions reached and remedial action to be taken.

3.0 Scope of Policy

- 3.1 This Policy relates to:
- Assessors/Tutors/Trainers, including Associates of Children in Wales involved in delivering accredited training
 - Internal Verifiers

- Learners
- Quality Assurance Managers of awarding bodies
- Staff of Children in Wales involved in accredited training provision

3.2 This policy and procedures accompanying it will apply to any accredited training course provided by Children in Wales or its Associates.

4.0 Related Policies

4.1 This Policy should be read in conjunction with the following:

- Children in Wales Accredited Training Policy Series
- Children in Wales Equality Policy
- Children in Wales Disciplinary Policy
- Children in Wales Whistleblowing Policy

5.0 Guidance

5.1 The guidance, at Appendix 1, sets out:

- The principles which should be followed when identifying incidents of malpractice
- The procedures which should be followed when addressing incidents of malpractice

6.0 Appendices

1. Guidance, Principles & Procedures to be followed in relation to Malpractice Policy
2. Application Form to Report Suspected Malpractice

Appendix 1

Guidance, Principles & Procedures to be followed in relation to Malpractice

1. Introduction

- 1.1 Children in Wales has a duty to ensure the integrity of all Continuing Professional Development (CPD) activity delivered by the organisation. Children in Wales is committed to providing a fair, consistent and accurate approach to continuing professional development (CPD) including formal learning.
- 1.2 Children in Wales will take responsibility to investigate suspected or alleged malpractice and maladministration seriously and ensures that investigations are carried out rigorously, effectively and by persons of appropriate competence who have no personal interest in their outcome.
- 1.3 Children in Wales will take reasonable steps to prevent malpractice and will establish systems to reduce the risk of malpractice.

2. Implementing Malpractice Policy

- 2.1 Children in Wales does not tolerate attempts or instances of malpractice and may impose sanctions on staff or learners where attempts or instances of malpractice have been confirmed or during the investigation of reported suspicions of malpractice.
- 2.2 Children in Wales will ensure that all training staff are fully aware of their duties and responsibilities, demonstrate honesty and integrity in the delivery of CPD activities and understand the nature and implications of malpractice. Staff responsible for quality assurance are fully aware of the malpractice policy, procedures and implications for Children in Wales of suspected and proven malpractice.
- 2.3 Children in Wales will make learners aware of the implications of malpractice and ensure that they understand their responsibilities relating to research, the work and tasks that they present for assessment and their role in group work. Procedures are also in place to verify that learners are presenting their own work for assessment and that any suspicions that this is not the case are investigated efficiently and thoroughly.

3. Definition of Malpractice

- 3.1 Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process, and/or the validity of certificates.
- 3.2 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 to deal with identified issues may in itself constitute malpractice.
- 3.3 Malpractice and maladministration may be perpetrated by learners, centre staff or anyone else involved in the delivery of the qualification.
- 3.4 Malpractice and maladministration compromise, or could compromise:
- the assessment process;
 - the integrity of a regulated qualification;
 - the validity of a result or certificate;
 - the reputation and credibility of Children in Wales;
 - the qualification or the wider qualifications community.

4 Examples of Malpractice

- 4.1 Below are some examples of malpractice which may be encountered (this list is not exhaustive) :

By Tutor/Assessor

- Failing to keep assessment papers secure
- Failing to adequately supervise learners during assessments
- Failing to keep learner(s) portfolios of evidence secure
- Failing to keep learner(s) computer files which contain coursework secure
- Assisting or prompting learner(s) with answers
- Failing to comply with any conditions of supervision designed to ensure the security of assessment
- Falsifying Claims for Award of Credit (incorrect achievement of credits or falsifying signatures)
- Assisting learners in the production of work for assessment to an extent that will impact directly on the outcomes of the assessment
- Producing false evidence or written work that is not the work of the learners to meet the assessment requirements

- Allowing evidence which the member of staff knows does not belong to the learners to be submitted for assessment
- Permitting impersonation
- Misusing the conditions for special requirements
- Fraudulent certificate claims
- Failing to retain learners work or evidence in a secure manner
- Collusion between staff and the Internal Verification or External Verification

By Learners

- Copying from another learner (including the use of Information and Communication Technology to aid the copying);
- The deliberate destruction of another learner's work;
- Disruptive behaviour during an assessment session (including the use of offensive language);
- Plagiarism : unacknowledged copying from published sources or incomplete referencing;
- Theft of another learner's work;
- False declaration of authenticity in relation to the contents of a portfolio or coursework.

5 Identifying instances of malpractice

- 5.1 Children in Wales recognises its responsibility to be vigilant about assessment malpractice and be open and prompt in reporting possible instances of malpractice to awarding bodies where appropriate.
- 5.2 Children in Wales will work with awarding bodies or other agencies to put in place an appropriate investigation, the lead agency for which will be dictated by the severity of the suspected malpractice.
- 5.3 Children in Wales will use the evidence available to make a judgement in each case of suspected or alleged malpractice and maladministration about whether there are or there are not reasonable grounds for suspicion or allegation.

6 Reporting Suspected Malpractice

- 6.1 Children in Wales is required to have in place a malpractice policy which is approved by awarding bodies as part of the centre recognition process. This will ensure that appropriate measures are taken to identify malpractice and to report suspected malpractice promptly.

- 6.2 Children in Wales undertakes to train staff in conducting fair and robust assessment, to verify that the work being assessed is that of the learner, to monitor through robust internal verification that assessment is being conducted appropriately and to support the role of the External Verifier securing the validity of the award of units or qualifications.
- 6.3 Incidences of suspected malpractice should be reported to the Tutor/Assessor or Internal Verifier at Children in Wales or the awarding body (as appropriate) at the earliest opportunity using the 'Form to Report Suspected Malpractice' (Appendix 2)

7. Investigating Alleged Malpractice

- 7.1 As soon as an instance of alleged malpractice is confirmed, it will be reported to the Corporate Management Team at Children in Wales and where appropriate the awarding body and/or the regulator.
- 7.2 Agreement will be reached on:
- The detail of the investigation
 - Selection of an Investigating Officer either from Children in Wales or the awarding body for the course
 - The key evidence to be gathered
 - The staff or learners to be involved in the investigation
 - How confidentiality will be secured
 - Approximate timescales
 - Any sanctions to be applied during the investigation process
- 7.3 The investigation will take account of other related policies to avoid jeopardising any further action by Children in Wales, the awarding body or other agencies (Disciplinary, Whistle Blowing etc). These details will be confirmed confidentially in writing between the parties concerned.
- 7.4 The Investigating Officer will have responsibility to:
- Complete the investigation thoroughly and efficiently to the agreed format and timescale
 - Analyse the evidence and access any required additional evidence
 - Reach a robust conclusion with a clear audit trail
 - Provide a report on the investigation with recommendations for further actions or sanctions
 - Report back to Children in Wales, the awarding body and any other agencies involved as appropriate.
 - Inform the Police if necessary

7.5 If necessary the Investigating officer will have access to any professional and legal guidance required to ensure the validity of the process.

7.6 Sanctions during the investigation might include:

- Withholding certification
- Refusing learner registration
- Suspension of the Internal Verification process
- Suspension of individuals involved in suspected malpractice

7.7 Every effort will be made to complete the investigation within 30 days of the agreement to investigate.

8. Procedure following proven malpractice

8.1 At the conclusion of the investigation, if malpractice is proven, Children in Wales will consider the impact on the integrity of the course and how any risks to that can be minimised.

8.2 Where the integrity of the course has been jeopardised, Children in Wales may suspend the delivery of the course to allow for this to be addressed. Learners will be informed of this and offered alternative opportunities for completion.

8.3 Where malpractice by a member of Children in Wales staff is proven, the member of staff may be subject to the disciplinary procedures of Children in Wales (see the Disciplinary Policy of Children in Wales). The awarding body will advise Children in Wales of any sanctions to be applied above and beyond what the organisation deems appropriate as part of its internal procedures.

8.4 Where malpractice by a learner is proven, the learner may be disqualified, certificates may not be issued or evidence may be disallowed. Where the learner is also a member of Children in Wales staff the member of staff may be subject to the disciplinary procedures of Children in Wales (see the Disciplinary Policy of Children in Wales).

8.5 Children in Wales will report all cases involving alleged, suspected or actual malpractice and maladministration to Agored Cymru;

8.6 Children in Wales will make all records relating to alleged, suspected or actual malpractice and maladministration available to the regulator as required;

8.7 Children in Wales will review arrangements for the investigation of malpractice or maladministration annually;

8.8 Children in Wales will report malpractice to the police where there is reason to believe that a criminal act has been committed such as fraud.

9. Appeals against malpractice decisions

9.1 Appeals against decisions relating to this policy can be made to the Chief Executive of Children in Wales or to the awarding body as appropriate. Details will be made available as appropriate to the individual circumstances of the case.

9.2 Children in Wales will respond to the appeal within 15 working days. The timescales of awarding bodies may differ.

9.3 Children in Wales will keep written records and documents relating to the incident and investigation securely for an appropriate period in case of subsequent appeals and/or legal challenge.

Appendix 2

Form to report Suspected Malpractice - Confidential

Children in Wales is committed to providing a fair, consistent and accurate approach to Continuing Professional Development and working with awarding bodies to ensure that this is achieved.

Children in Wales does not tolerate attempts or instances of malpractice by learners or staff and may impose sanctions where attempts or instances of malpractice have been confirmed or during the investigation of reported accusations of malpractice.

This form should be to report instances of suspected malpractice. Please refer to the malpractice policy and procedures for further guidance.

Staff members and/or learners should be informed of their individual responsibilities and rights prior to submission of this form.

The individual(s), whether a learner or a member of staff, accused of malpractice should:

- be informed of the allegation made against him/her
- know the evidence available to support the allegation
- aware of action that may be taken while the investigation is underway
- know the possible consequences if malpractice should be proven.

Date of Suspected Incident:	Time:
Centre Name:	
Centre Number (where applicable):	

Details of person(s) who might be involved in suspected malpractice.

Children in Wales Staff

Name	Position within the organisation

Learner(s)

Name	Learner registration no. (where applicable)

Awarding Body Staff

Name:	Position within the organisation

Details of Qualification / Credit Award (if applicable)

Qualification/Unit Code	Qualification/Unit Title

Brief outline of suspected malpractice

Describe the nature of suspected malpractice.

Additional comments (this should include action already taken)

To be completed by Children in Wales training staff or Chief Executive as appropriate

I confirm that the information provided above is accurate

Name:

Signature:

Date:

Tel:

Email:

I nominate the following member of staff to work with the awarding body to investigate the suspected malpractice:

Name:

Position:

Tel:

Email:

Children in Wales will liaise with the awarding body to agree:

- the detail of the investigation
- select an investigating officer
- key evidence to be gathered
- staff and/or learners to be involved in the investigation
- how Qualifications Regulators should be informed
- how confidentiality can be secured
- approximate timescales
- actions required e.g. suspension of staff member
- any sanctions to be applied during the investigation process

For use by Head Office:

Date Form Received: |

Acknowledged by:

Further action by:

Person responsible for investigation: