

RECAO

Policy Document

**Maladministration and
Malpractice Policy**

RECAO Maladministration and Malpractice Policy and Form

As a regulated Awarding Organisation RECAO is required by the General Conditions of Recognition by Ofqual to have in place a maladministration and malpractice policy that enables us to prevent, identify and manage maladministration and malpractice.

Regulatory Requirements -General Conditions of Recognition: Condition A8

Purpose

The purpose of this policy is to provide guidance to relevant individuals on handling possible maladministration and malpractice that may arise as a result of RECAO's role as an Awarding Organisation

This policy:

- Defines what is meant by maladministration and malpractice
- Sets out the roles and responsibilities for managing maladministration and malpractice

Scope

This policy is aimed at our centres, who are delivering/registered on RECAO approved qualifications or units within the U.K. and who are involved in suspected or actual malpractice/maladministration. It is also for use by RECAO staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

Definitions

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment processes and /or validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- The assessment process
- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation or credibility of RECAO
- The qualifications or wider qualifications community

Malpractice may include a range of issues from the failure to maintain appropriate records or systems to deliberate falsification of records in order to claim certificates.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

See Appendix 1 for examples of Malpractice

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (e.g. inappropriate learner records)

See Appendix 2 for examples of Maladministration

Roles and responsibilities

All relevant staff and other individuals have a responsibility to be aware of the potential for maladministration and malpractice. It is possible that individuals working closely with RECAO's Awarding Organisations function will encounter maladministration and malpractice. Such situations must be carefully managed to ensure that any maladministration and malpractice does not detrimentally impact on the standards of, or public confidence in, regulated units and qualifications, including qualifications taken outside the UK, as well as any other activity connected with RECAO's role as a regulated Awarding Organisation.

Centre's responsibility

It is important that centre staff involved in the management, assessment and quality assurance of RECAO qualifications, and the learners, are fully aware of the contents of this policy and that the centre has arrangements in place to prevent and investigate instances of malpractice and maladministration.

A failure to report suspected or actual malpractice/maladministration cases, or failure to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the centre. (See Sanctions Policy)

If a Centre is unable to adhere to the criteria which is laid down, or if they have reason to believe one of their locations is not fulfilling the requirements, the centre should contact the RECAO at: centres@rec.uk.com RECAO will provide support and guidance to the centre and if necessary, assist them to produce an "Action Plan" RECAO will, if necessary notify Ofqual and/or relevant regulatory bodies.

The centre's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by RECAO periodically through our ongoing monitoring arrangements.

Depending upon the severity of the malpractice, or maladministration the Centre must also contact the relevant authorities as appropriate, these may include their funding provider and/or Law Enforcement Bodies.

The Centre must keep RECAO informed at all times during any investigation on actions being taken, responses received and the final outcome.

Appendix 1: Examples of malpractice

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Denial of access to premises, records, information, learners and staff to any authorised RECAO representative and/or the regulatory authorities.
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements.
- Deliberate failure to adhere to our learner registration and certification procedures.
- Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to your centre.
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence.
- Fraudulent claim for certificates.
- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones).
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- Deliberate misuse of our logo and trademarks or misrepresentation of a centre's relationship with the RECAO and/or its recognition and accreditation status with the RECAO.
- Collusion or permitting collusion in exams/assessments.
- Persistent instances of maladministration within the centre.
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Plagiarism by learners/staff.
- Copying from another candidate (including using ICT to do so)
- Impersonation -assuming the identity of another candidate or having someone assume your identity during an assessment.
- Unauthorised amendment, copying or distributing of exam/inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass a unit or qualification).
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.
- False ID used
- Creation of false records.
- Inappropriate use of technology during assessments (e.g. mobile phone).
- Cheating.
- Cash for certificates (e.g. the selling of certificates for cash).
- Selling papers/assessment details.
- Extortion.
- Fraud.

Appendix 2: Examples of maladministration

The categories listed below are examples of centre and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- Persistent failure to adhere to our learner registration and certification procedures.
- Persistent failure to adhere to our centre recognition and/or qualification requirements and/or associated actions assigned to the centre.
- Late learner registrations (both infrequent and persistent).
- Unreasonable delays in responding to requests and/or communications from RECAO.
- Inaccurate claim for certificates.
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence.
- Withholding of information, by deliberate act or omission, from us which is required to assure RECAO of the centre's ability to deliver qualifications appropriately.
- Misuse of our logo and trademarks or misrepresentation of a centre's relationship with RECAO and/or its recognition and approval status with RECAO.
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

(These lists are not exhaustive)

Monitoring and Review

Use of this procedure will be monitored annually to ensure the procedure and its approach remains fit for purpose

Malpractice/Maladministration Procedure

Malpractice/maladministration may be identified and reported by any individual, such as a candidate, client, trainer or centre employee. All reports should be made as soon as possible to help prevent or mitigate the consequences of any wrongdoing.

The malpractice procedure

- Any malpractice should be reported immediately to the RECAO in writing to centres@rec.uk.com
- The alleged instance of malpractice/maladministration (with accompanying evidence) can be reported by a Centre, Examination Centre, Moderator, Examiner, invigilator, study coach, deliverer or studying member. The RECAO will conduct an investigation of any reported incident as per RECAO Investigation Policy and Procedure, and may request further information.
- The RECAO Standards Committee Malpractice/Administration sub-committee will meet to review the evidence and will issue a decision. The party accused of malpractice can appeal against the Malpractice/Administration decision. If they wish to do so, they should consult the RECAO's Appeals Policy.
- The RECAO is required by the UK regulatory authorities to report cases of malpractice to them and to include details of action taken. The RECAO may have to share information with other awarding bodies, or report certain cases to the police.
- Any alleged instance of malpractice brought to the RECAO's attention after the issuing of certificates will result in an investigation by the RECAO. Depending upon the outcome, certificates may be recalled and declared invalid.

Action

Penalties and sanctions applied

Where malpractice has been proved, the RECAO will consider whether the integrity of its assessments have been jeopardised, and will take action to protect and ensure the integrity of assessments in the future. In accordance with the UK's regulatory authorities' regulations, any actions taken will be commensurate with the gravity of the malpractice.

Centre penalties and sanctions

These may include the refusal to accept assessments from a Centre where malpractice has been established, and/or the RECAO reserving the right to withdraw Centre Accreditation where malpractice has been identified. All RECAO decisions will be conveyed in writing to the Study Centre's Centre Manager, and to any other participants, including the studying member(s) involved or affected.

Student penalties and sanctions

The RECAO may, at its discretion, and depending on the seriousness of the proved allegation, impose one or more penalties on the studying member, who will be informed in writing. If the student is below 18 years of age, their guardian will also be notified.

The studying member may be issued with a written warning from the RECAO, or lose all marks for an assessment(s) where malpractice has been proved.

In serious cases, the RECAO reserves the right to invalidate all marks awarded to the studying member, or disqualify them from studying for any RECAO qualification.

The Regulators

Ofqual

Spring Place
Coventry Business Park
Herald Avenue
Coventry
CV54 6UB

Qualifications Wales

Q2 Building,
Pencarn Lane,
Imperial Park,
Coedkernew.
Newport,
NP10 8AR

CCEA (Northern Ireland)

Council for Curriculum Exams and Assessment
Clarendon Dock
29, Clarendon Road,
Belfast,
BT1 3BG

