



MALPRACTICE & MALADMINISTRATION POLICY

Introduction

This policy is aimed at our learners, who are registered on London School of Commerce & IT (LSCI) programmes or courses, approved qualifications or units and who are involved in suspected or actual malpractice, maladministration and plagiarism (MMP). The policy is also aimed at the staff who may have falsified assessments, results or entries which will also be treated as malpractice or maladministration. It is to be used by LSCI staff to ensure they deal with all MMP investigations in a consistent manner.

It sets out the steps that learners or staff must follow when reporting suspected or actual cases of malpractice / maladministration and LSCI's responsibility in dealing with such cases. It also sets out the procedural steps LSCI will follow when reviewing the cases. In all cases the awarding organisation will be informed early in the process and they will possibly deal with the investigation dependent on the severity of the case.

Centre's responsibility

It is important that all staff involved in the management, assessment and quality assurance of our qualifications, and learners are fully aware of the contents of the policy and we have arrangements in place to prevent and investigate instances of MMP.

Conflicts of interest

A conflict of interest is a conflict between the private interests and the official responsibilities of a person. LSCI has a policy to protect its employees against criticism or compromise by ensuring that they recognise and disclose such conflict situations and take steps to avoid and manage them. Any employee feels that they might have a conflict of interest with another employee or a student, they must declare their interest. The College have a standard template for the Declaration confirming the absence of any conflict of interest.

Review arrangements

LSCI will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback, changes in our practices, actions from the regulatory authorities or external agencies, changes in legislation,

or trends identified from previous allegations. In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of MMP remain effective.

Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the 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 and credibility of LSCI;
- the reputation and credibility of the awarding organisations; or,
- the qualification

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.

Malpractice can arise from a variety of reasons. It can be intentional, done with the aim of giving a candidate an unfair advantage in an exam or assessment. It can be unintentional or negligent, arising through ignorance, carelessness or forgetfulness about LSCI's rules and regulations. It can also arise through circumstances beyond the control of those involved, such as where disruption is caused to an exam by an external event or unplanned incident.

Learner Malpractice

Learner Malpractice means malpractice by a learner in the course of any exam or assessment, including in the compilation of portfolios, the writing of any exam paper, and in oral and practical exams. Examples of learner behaviour which would be the subject of an investigation into malpractice are set out below. This is not an exhaustive list and as such does not limit the scope of the definitions set out in this policy. Moreover, as LSCI requirements vary depending on the subject and type of exam, not all of the examples may be applicable. LSCI reserves the right to define instances of malpractice at its discretion.

Malpractice or Maladministration includes

- forgery of evidence
- plagiarism of any nature
- submission of false information to gain a proxy or a qualification
- failure to carry out actions identified from our external quality assurance visits within the required timescales

Centre Malpractice

Centre malpractice means malpractice committed by a member of staff. Examples of centre behaviour which would be the subject of an investigation into malpractice are set out below. This is not an exhaustive list and as such does not limit the scope of the definitions set out in this policy. Moreover, as LSCI's requirements vary depending on the subject and type of exam, not all of the examples may be applicable. LSCI reserves the right to define instances of malpractice at its discretion.

Examples of malpractice

- Failure to carry out internal assessment, internal moderation or internal verification in accordance with requirements of the awarding organisations
- Deliberate failure to adhere to the learner registration and certification procedures
- Deliberate failure to continually adhere to the centre recognition and/or qualification approval requirements or actions assigned to LSCI
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim(s) for certificates
- Intentional withholding of information from the awarding organisation which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Plagiarism by learners/staff
- Copying from another learner
- Anything else that is not covered here but detailed on the awarding organisation's malpractice and maladministration policy

Definition of Maladministration

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 (eg. inappropriate learner records).

Examples of maladministration

- Persistent failure to adhere to the learner registration and certification procedures
- Persistent failure to adhere to our centre recognition and/or qualification requirements and/or failing to ensure that candidates' coursework or work to be completed under controlled conditions is adequately monitored and supervised failure to train invigilators adequately under-qualified or non-qualified or unauthorised members of staff assessing candidates Unreasonable delays in responding to requests and/or communications from the awarding organisations 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 the awarding organisations
Anything else that is not covered here but detailed on the awarding organization's malpractice and maladministration policy

Process for making an allegation of malpractice or maladministration

Anyone who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify to the Principal of the College. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Learner's name and LSCI registration number
- LSCI's staff members name and job role - if they are involved in the case
- Details of the course/qualification affected or nature of the service affected

Nature of the suspected or actual malpractice and associated dates details and outcome of any initial investigation carried out by the centre or anyone else involved in the case, including any mitigating circumstances

Notifying relevant awarding organisations

Where applicable, the Principal will inform relevant awarding organisations about the allegation/incident of malpractice or maladministration before starting the investigation.

The Principal will then conduct an initial investigation. Prior to this, the Principal will ensure that staff involved in the initial investigation is competent and have no personal interest in the outcome of the investigation.

In all cases of suspected malpractice and maladministration reported, the identity of the 'informant' will be protected in accordance with our duty of confidentiality and/or any other legal duty.

Confidentiality and whistle blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to us; however if you are concerned about possible adverse consequences you may request that the principal do not divulge your identity.

While we are prepared to investigate issues which are reported to us anonymously we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those the allegation relates.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by LSCI to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence.

The Principal will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by LSCI.

Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred.
- To identify the cause of the irregularities and those involved.
- To establish the scale of the irregularities.
- To evaluate any action already taken
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of LSCI and the qualification.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will ensure all material collected as part of an investigation must be kept secured. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter. We will expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to withhold a learner's, and/or cohort's, results. Where a member of LSCI's staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation the Principal will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant awarding organisations.

Investigation report

After an investigation, we will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- Identify where the breach, if any, occurred.

- Confirm the facts of the case.
- Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied.

We will make the final report available to the parties concerned and to the awarding organisations and other external agencies as required.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we will also inform them of the outcome – normally within 10 working days of making our decision - in doing so we may withhold some details if disclosing such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our staff the report will be agreed by the Chief Executive Officer, along with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take in order to:

- Minimise the risk to the integrity of certification.
- Maintain public confidence in the delivery and awarding of qualifications.
- Discourage others from carrying out similar instances of malpractice or maladministration.

The action we take may include imposing actions in order to address the instance of malpractice/maladministration and to prevent it from reoccurring. In cases where certificates are deemed to be invalid, inform the Awarding Organisation concerned why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also let the affected learners know the action we are taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to LSCI.

In addition, to the above the Principal will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant parties wish to appeal against LSCI decision to impose sanctions, please refer to our Appeals Procedure.

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Malpractice and Maladministration Policy
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Dr Anwarul Haque
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