

Appendix 4: CQI's Malpractice and maladministration policy

1. Introduction

This document details the CQI's policy for malpractice and maladministration. The policy:

- Defines what constitutes malpractice and maladministration
- Provides examples of acts of malpractice and maladministration by Approved Training Partners (ATPs), tutors and learners
- Details the process the CQI and ATPs must follow to investigate allegations and incidents
- Lists the range of sanctions that the CQI can apply if incidents and allegations of malpractice or maladministration are proven

The policy applies to all ATPs, their branches and subcontractors. The CQI will investigate all suspected and actual cases of malpractice or maladministration. Where cases are proven, we will apply appropriate sanctions and if necessary, we may withdraw your ATP status.

2. Definitions

2.1 Malpractice

Malpractice means “any deliberate activity, neglect, default or other practice that compromises or could compromise the assessment process, the integrity of a CQI and IRCA Certified Course, the validity of a result or certificate, or the reputation and credibility of the CQI, and CQI and IRCA Certified Courses”.

Malpractice includes issues such as deliberate falsification of records in order to claim certification, cheating in exams and unethical conduct by ATP staff, tutors, branches, subcontractors or learners.

Malpractice also includes failure by the ATP to:

- Investigate allegations and suspected malpractice and notify the CQI promptly
- Co-operate with the CQI's investigations

2.2 Maladministration

Maladministration means “any actions, neglect, default or other practice that results in an ATP not complying with the CQI's ATP criteria and requirements as specified in the ATP Quality Handbook”. This could be due to mismanagement, incompetence or inefficiency.

2.3 Examples of malpractice and maladministration

Malpractice or maladministration can be committed by a variety of people both inside and outside the ATP e.g. learners, tutors, ATP staff, invigilators, markers, subcontractors etc.

The following are examples of acts that will be deemed to constitute malpractice or maladministration in line with the definitions given above. This list is not exhaustive, and the CQI reserves the right to deem as malpractice or maladministration other acts that might occur.

2.3.1 Examples of malpractice by learners:

- Arranging for someone else to sit a CQI and IRCA exam on his/her behalf
- Impersonation of another learner
- Being in possession of confidential material in advance of the exam, e.g. exam question paper, model answer or marking guidance
- Being in possession of materials not permitted in the exam room, e.g. notes, books, dictionaries/calculators (when prohibited), blank paper, mobile phones, smart watches. Possession of such materials will be considered to be malpractice whether or not the learner uses them, or the information contained within the materials is relevant to the exam being sat
- Communicating with other students in the exam room in breach of CQI exam regulations
- Copying the work of another student or knowingly allowing a student to copy from his/her own work.
- Working collaboratively with any other student(s) by whatever means during exams
- Including inappropriate, offensive material in exam scripts
- Plagiarism or misrepresentation of learner's work
- Failure to adhere to the published CQI exam regulations
- Failure to adhere to instructions given by an exam invigilator in relation to the exam regulations, e.g. continuing to work beyond the allotted exam time, refusing to hand in the exam script and/or exam paper when requested, not adhering to warnings relating to conduct during the exam
- Disruptive behaviour (including offensive language and aggressive/violent conduct) in the training and exam venue
- Tampering with, or forgery of, results documentation, including certificates

2.3.2 Examples of malpractice by staff, tutors, invigilators and markers working for an ATP, a branch or a subcontractor

BREACH OF SECURITY

Any act which breaks the confidentiality of exam question papers or materials or the confidentiality of learners' exam scripts. This could involve:

- Failure to keep exam question papers, marking schemes or scripts secure before, during or after an exam
- Discussing or revealing in public (e.g. posting on social media channels) secure information relating to CQI and IRCA exams
- Tampering with learners' exam scripts

DECEPTION

Any act of dishonesty in relation to any exam, such as:

- Inventing or changing exam marks when there is no evidence of learner achievement to justify the marks being given
- When marking exam scripts, not reporting suspected incidents of malpractice by a learner to the ATP
- Entering fictitious learners for exams or otherwise subverting the assessment or certification process with the intention of financial gain

IMPROPER ASSISTANCE TO LEARNERS

- Knowingly allowing an individual to impersonate a learner
- Allowing a learner to possess and/or use materials not permitted in the exam room
- Allowing learners to communicate with each other during an exam in breach of CQI regulations
- Allowing a learner to copy another learner's work or allowing a learner to let his/her own work to be copied
- Allowing learners to work collaboratively during an exam
- Advising and/or assisting a learner with his/her exam answers
- Allowing a learner to work beyond the allotted exam time unless a time extension has been agreed in advance in accordance with CQI exam regulations
- Damaging a learner's work
- Disruptive behaviour (including offensive language and aggressive/violent conduct) in the training and exam venue

- Leaving learners unsupervised during an exam
- Divulging any information relating to a learner's exam performance and/or result to anyone other than the learner him/herself.
- Tampering with, or forgery of, results files and/or associated documentation

FAILURE TO CO-OPERATE WITH AN INVESTIGATION

- Failure to make available information reasonably requested by the CQI in the course of an investigation, or in deciding whether an investigation is necessary
- Failure to respond to an instruction from the CQI to investigate an allegation or suspected case of malpractice or maladministration
- Failure to investigate or provide information according to agreed deadlines
- Failure to report all suspicions of malpractice

2.3.3 Examples of maladministration by staff, tutors, invigilators and markers working for an ATP, a branch or a subcontractor

- Not using current exam papers, marking schemes and documentation
- Failure to train adequately those invigilating exams
- Failure to ensure that exam venues conform with the CQI's requirements
- Failure to standardise and moderate tutor marking (includes tutors working for branches and subcontractors)
- Failure to keep accurate learner records
- Failure to upload accurate learner data to the CQI
- Failure to consistently pay invoices on time
- Failure to store and despatch certificates securely and in a timely manner
- Failure to respond within required timelines to non-conformances identified during a course certification review, course observation or audit

3. Responsibilities

3.1. The CQI will:

- Provide guidance to ATPs on the CQI's exam regulations and requirements
- Acknowledge allegations or reports of malpractice and maladministration within three working days
- Carry out or oversee all investigations into alleged or suspected malpractice or maladministration
- Inform the ATP concerned and any affected learners of the nature of an allegation, unless it would create a risk to the complainant or whistleblower
- Allow the subject of an allegation to provide written responses to any allegations of malpractice and/or maladministration and consider these written statements when reaching a decision
- Maintain a register of all allegations of malpractice
- Keep all material collected as part of an investigation secure and not normally disclose to any third parties (other than the police, other awarding and professional bodies or court order, where appropriate)
- Process personal data collected as part of the investigation in accordance with data protection laws

3.2. The ATP must:

- Develop a malpractice and maladministration policy and procedures for dealing with and preventing malpractice and maladministration, in line with the CQI's policy
- Ensure all staff and tutors, whether working directly for the ATP or for one of its branches or subcontractors, understand and comply with the malpractice and maladministration policy and procedures
- Report to the CQI at the earliest opportunity all suspicions or actual incidents of malpractice or maladministration
- Ensure that the person at the ATP investigating the allegation is independent of the suspected malpractice or maladministration
- Maintain confidentiality in relation to any investigation of malpractice. This includes details of the complainant or whistleblower, the learners or ATP staff referred to in the allegation and the nature of the incident, in accordance with the principles and details of the General Data Protection Regulation
- Provide or make available information requested by the CQI within the required timelines
- Ensure all staff co-operate fully with an enquiry into an allegation
- Comply with all actions arising from the investigation

ATPs must implement a system for recording all suspected instances of malpractice and maladministration.

3.3. CQI Technical Assessors' responsibilities for reporting malpractice

CQI Technical Assessors who suspect malpractice in an exam must immediately report their concerns to the CQI's Assurance Team Manager.

4. CQI's procedures for dealing with allegations of malpractice and maladministration

4.1. The allegation

Suspected malpractice or maladministration may be identified by:

- The CQI's routine monitoring activity of ATPs e.g. sampling exam scripts, conducting audits, reviewing proctoring recordings of online exams
- The ATP's own internal quality assurance processes
- A learner or tutor
- A third party or whistleblower

If the suspected case of malpractice or maladministration is brought to the CQI's attention by a third party or whistleblower, the CQI will check the authenticity of the alleged case including seeking permission to use the whistleblower's name to communicate details of the allegation. If the whistleblower refuses permission to use his/her name and the allegation is valid, the CQI will advise the whistleblower that the investigation may be impaired and that the CQI will take all reasonable steps not to disclose the identity of the whistleblower.

The CQI will protect the identity of the informant if this is requested, unless the CQI is legally obliged to disclose the identity.

4.2 The response

The CQI will review the allegation and decide one of the following options:

- a) Take no further action
- b) Ask the ATP to conduct a full investigation into the alleged incident and submit a written report
- c) Investigate the matter directly

In the case of b) or c), the CQI will notify the ATP and any affected learners that an allegation of malpractice and/or maladministration has been made.

4.3 The investigation

The main purpose of the investigation is to establish the facts relating to the allegation to determine if any non-conformances relating to the CQI's requirements have occurred, or if the CQI and IRCA brand and reputation has been put at risk. The investigation will aim to establish the details, circumstances and scale of alleged malpractice or maladministration, and any wider implications for the management and delivery of the ATP's CQI and IRCA course provision.

The investigation will:

- Identify those involved and the root cause of any irregularities
- Identify and if necessary, act to minimise the risk to current learners
- Review any action already taken by the ATP
- Review whether remedial action is required to reduce the risk to current learners and to preserve the integrity of CQI and IRCA Certified Courses
- Ascertain whether any action is required in respect of certificates already issued
- Obtain evidence to support any sanctions to be applied to the ATP
- Identify any patterns or trends
- Identify any changes to policy or procedure that need to be made by the CQI and/or the ATP

Depending on the scale and severity of the allegation, it may be necessary to suspend the ATP from delivering any further CQI and IRCA courses while the investigation is being undertaken. On conclusion of the investigation, the suspension will be reviewed.

The investigation may include interviewing staff and tutors working for ATPs, their branches and subcontractors as appropriate to the allegation. It may also include interviewing learners. Individuals being interviewed have the right to have another individual present during the interview. However, the person accompanying the interviewee must not take an active part in the interview and cannot answer questions on the interviewee's behalf.

When an individual is accused of malpractice, they must:

- Be informed in writing of the allegation made against him/her
- Know what evidence there is to support the allegation
- Have the opportunity to respond to the allegation
- Have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required)

4.4 The report

The CQI will produce a report on its investigation of the allegation which will identify any areas of nonconformance against CQI's ATP criteria and requirements and any reputational risks to CQI's brand. The report will identify any corrective actions that need to be addressed, and any sanctions to be applied.

5. Imposition of sanctions in cases of proven malpractice or maladministration

The CQI reserves the right to apply sanctions in proven cases of malpractice or maladministration. The type of sanction applied will depend upon the severity of the act and the context. Examples of possible sanctions are provided below. The list is not exhaustive and the CQI reserves the right to apply other sanctions if justified by the nature of the malpractice incident.

5.1 Sanctions relating to malpractice or maladministration by learners

- A written warning to the learner about their conduct in exams
- Loss of marks for a defined section of the relevant exam. This may lead to the learner having to retake the whole exam
- Loss of marks for the entire exam, resulting the learner in having to retake the whole exam
- Withdrawal of the learner's CQI and IRCA Certificate of Achievement

NB: Malpractice by a learner who is also a CQI member or an IRCA Certificated Auditor may breach the CQI and IRCA Code of Conduct, depending on the nature of the malpractice. As a result, the CQI may withdraw CQI membership and/or remove the learner from the IRCA Register

5.2 Sanctions relating to malpractice or maladministration by individual staff or tutors working for the ATP, its branches or subcontractors

- ATP receives a written warning about the conduct of the tutor or member of staff
- Requirement for the tutor or member of staff to undergo specific training or mentoring within a particular period of time and for the ATP to review the individual's performance to check they are meeting the competence requirements for the role
- Suspension of the tutor or member of staff from delivering, assessing or administering training and exams for particular CQI and IRCA Certified Courses either for a period of time or permanently

NB: Malpractice by a tutor or individual who is also a CQI member or an IRCA certificated auditor may breach the CQI and IRCA Code of Conduct, depending on the nature of the malpractice. As a result, CQI may withdraw CQI membership and/or remove the individual from the IRCA Register

5.3. Sanctions relating to malpractice or maladministration by ATPs

- ATP receives a written warning (including the investigation report) advising of the breach of the CQI's requirements and is informed that further action may be taken, should there be a recurrence of this breach or subsequent breaches
- ATP receives the investigation report with required corrective actions to be addressed by a set date
- The CQI increases (at the ATP's expense) the level of monitoring activity that will take place in relation to particular Certified Courses and/or processes e.g. additional audit visits or sampling of exams scripts
- The CQI requires the ATP to terminate one or more of its subcontractor arrangements
- The CQI suspends, for a period of time, learner registrations on particular or all of the ATP's CQI and IRCA Certified Courses
- The CQI withdraws Certified Course approval for one or more of the ATP's CQI and IRCA Certified Courses
- The CQI withdraws the organisation's ATP status. The organisation can no longer offer CQI and IRCA Certified Courses

5.4 Right of appeal against a CQI sanction

The individual(s) or ATP concerned have the right to appeal against a sanction imposed by the CQI. An appeal must be made in writing to the Executive Director, Operations within 30 working days from receipt of the written notification of sanction from the CQI.

An appeal will only be considered if the individual or ATP can show that the CQI did not apply procedures consistently during the original investigation, that procedures were not followed properly and fairly or if new evidence comes to light.