

**Families and Babies (FAB)**

**Suspected Malpractice Policy**

**Procedure for dealing with suspected malpractice regarding qualifications delivered by FAB**

Malpractice is deemed to be those actions and practices which threaten the integrity of assessment and certification. The term ‘malpractice’ is intended to encompass other similar terms such as ‘non-compliance’, ‘misadministration’ and ‘professional misconduct’

**Centre Staff Malpractice**

The following are examples of malpractice by centre staff. Other instances may be considered by the centre or by the awarding body at their discretion.

* Failing to keep assessment papers secure prior to assessment
* Failing to keep learner or computer files secure
* Aiding or prompting learners with the production of answers for assessment
* Failing to abide by the conditions of supervision designed to ensure the security of assessment

**Learner Malpractice**

The following are examples of learner malpractice. Other instances may be considered by the centre or by the awarding body at their discretion.

* Introduction of unauthorized material into the assessment room, for example, notes, calculators
* Copying from another learner (including using IT to do so)
* The inclusion of inappropriate, offensive or obscene material in assessment tasks
* The deliberate destruction of another learners work
* Plagiarism (claiming another’s piece of work as their own)
* Behaving in such a way as to undermine the integrity of the assessment
* Acting in a disruptive way

**Procedures for investigation alleged malpractice**

All allegations of malpractice must be reported to the awarding body who will work with the centre, it’s staff and in certain circumstances the learner to investigate the allegation.

If malpractice is discovered by the centre, full details of the case must be disclosed to the awarding body at the earliest opportunity.

If malpractice is discovered by the awarding body staff or has been reported directly to the awarding body by a learner or a member of the public, then the awarding body will inform the centre of the full details of the allegation. The centre officer will be required to conduct a full investigation and submit a full report to the awarding body.

**Anonymous Reports**

Anonymous reports will only be investigated if there is supporting evidence or the nature of the allegation warrants it. In these cases the centre officer will be required to investigate the allegation.

**Access to evidence – Confidentiality of evidence**

* The awarding body will normally share any evidence related to issues of suspected malpractice with the centre. Occasionally it may be necessary to withhold evidence for example to protect the identity of an individual. In cases such as this the awarding body will provide the centre with a summary of the evidence.
* The awarding body requires that individuals suspected of malpractice have access to evidence against them and are provided with sufficient time to prepare full responses

**Investigation by a centre into suspected malpractice by learners**

* It is the responsibility of the Centre Officer to carry out an investigation, to submit a full written report of the case and provide supporting evidence to the awarding body
* Learners suspected of malpractice will be informed in writing at the earliest possible opportunity of the nature of the allegation and the possible consequences should the allegation be proven
* Learners will be given the opportunity to respond, preferably in writing, to allegations made
* Learners suspected of malpractice will be made aware of the procedure for appealing should a judgment be made against them.
* If the awarding body deem it necessary to interview a learner in the course of an investigation, this will be done in the presence of the Centre Officer, or other senior member of staff. The learner will be given the opportunity to be accompanied by an advocate.

**Investigation of suspected malpractice by members of staff**

* Investigations into suspected malpractice by a member of staff will be carried out by the Centre Officer or relevant employer in conjunction with the awarding body
* Investigations of malpractice against the Centre Officer will be carried out by the employer in conjunction with the awarding body
* Any member of staff suspected of malpractice will be informed in writing of the allegations and any possible consequences.
* Any member of staff suspected of malpractice will be given the opportunity to respond (preferably in writing) to allegations made
* Any member of staff suspected of malpractice will be informed of the route for appealing should a judgment be made against them
* If a member of staff is found to have committed malpractice, a report detailing the result of the investigation may be made available to others if circumstances warrant it.

**Reporting**

It is the responsibility of the Centre Officer or employer to submit a full report to the awarding body following any investigation of suspected malpractice. The report will contain the following.

* A statement of the facts, a detailed account of the circumstances and details of any investigation carried out by centre staff
* Written statements from the moderators or other staff concerned
* Written statements from any learners involved
* Information from the Centre’s procedures for advising learners
* Unauthorised materials found in the assessment room
* Any work of the learner and any associated material that is relevant to the investigation

**Sanctions against members of staff and Centres**

* Where an investigation establishes a malpractice by a member of staff any disciplinary action will be the responsibility of the Centre Officer or the employer
* The awarding body will consider whether the integrity of assessment might be jeopardized by that member of staff continuing to be involved in the conduct, supervision or administration of assessments in the future
* The awarding body has the right to impose special conditions, on any future involvement in assessment, of any member of staff found guilty of malpractice.
* The awarding body may refuse to accept assessment entries from any centre where malpractice has been established
* The awarding body may withdraw Centre Approval to deliver qualifications and units of qualifications where malpractice is established

**Sanctions against learners**

The awarding body may at its discretion, impose the following sanctions against learners found guilty of malpractice

* Issue a warning
* Remove all credits gained for a unit
* Remove all credits gained from all units in a single qualification (units already awarded are retained)
* Disqualify a learner from the whole qualification
* The learner may be barred from entering for one or more assessments for a set period of time (this penalty may be applied in certain circumstances with any of the other penalties above)

Notes:

* Not all of the penalties may be appropriate for all qualifications
* In the case of serious malpractice the awarding body may report to the police
* The Centre Officer retains sole discretion to take any further action they deem appropriate

**Applying Sanctions**

* The application of sanctions are at the discretion of the awarding body and will reflect the particular circumstances of each case and any mitigating factors
* Sanctions will be based only on the evidence presented
* All sanctions must be justifiable and reasonable in their scale and consistent in their application
* For reasons of consistency of approach in the application of sanctions, the awarding body will not take into account any consequential effects of a particular sanction which might arise from the circumstances of the individual

**Communicating decisions to learners, staff and centres**

The Centre Officer/employer will be informed, in writing, of any decisions made and sanctions to be imposed as soon as possible after the decision. It is the responsibility of the Centre Officer to communicate this information to the individuals concerned and to pass on warnings where this is indicated

**Exchange of information with other Awarding Bodies and Authorities**

* The majority of cases of malpractice are confidential between the Centre and the awarding body, but there are certain cases that may have wider implications. In cases of serious malpractice, in order to preserve the integrity of the assessment, it may be necessary for information to be exchanged between other Awarding Bodies, regulatory authorities and the police
* In all instances of serious malpractice, the awarding body will automatically report the case to the regulatory authorities. Other cases will be reported on request
* The awarding body will inform the regulatory authorities whenever it finds evidence that certificates may be invalid and agree appropriate remedial action

**Appeals**

The centre has established procedures for considering appeals arising from allegations of malpractice. These can be found in the Appeals and Complaints Policy which is available from centre staff.

All allegations of malpractice will be treated seriously and will be investigated by the centre/awarding body with the learner being informed of any decision made.

In all instances if a learner is not satisfied with the response given by the centre they have the right to contact the awarding body with their allegation.