

Malpractice Policy – Gateway Qualifications

Key Staff involved in the policy

Role	Name
Exams Officer	Debbie Shepherd
Senior Leader	Ange Smith – Executive Vice Principal
Head of Centre	Steph Beale – Executive Principal

This policy is reviewed and updated annually to ensure that any malpractice at Ellesmere College is managed in accordance with current requirements and regulations.

Introduction

What is malpractice and maladministration?

Gateway Qualifications has adopted Ofqual's definition of Malpractice and Maladministration:

“Malpractice and maladministration are two distinct, but related, concepts. In broad terms, maladministration generally covers mistakes or poor process where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude, or may result from carelessness or inexperience.”

Whilst malpractice will generally involve some form of intent, it may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions.

Malpractice could comprise of a conscious decision to do anything covered in the examples provided within this Policy.

Bias or discrimination could also lead to malpractice.

Failure by a Recognised Centre to notify, investigate and report to Gateway Qualifications any allegation of malpractice, or suspected malpractice constitutes malpractice in itself.

Failure to take action as required by Gateway Qualifications, as detailed in this document, or to co-operate with a Gateway Qualifications' investigation also constitutes malpractice.

Gateway Qualifications recognises that whilst maladministration and malpractice are distinct, the two concepts can be on a spectrum. As such they will sometimes shade into one another.

Sometimes, whether a particular incident is best classified as malpractice or maladministration will depend on the context, and it can be a matter of judgement.

Examples of malpractice

The examples provided below do not constitute an exhaustive list. If unsure of whether something might constitute malpractice, please contact Gateway Qualifications for advice on centre.compliance@gatewayqualifications.org.uk. The examples in the table below relate to the design, delivery and awarding of qualifications which Gateway Qualifications makes available or proposes to make available.

Learner Malpractice
Breach of rules, regulations and requirements in assessment or examination
<ul style="list-style-type: none"> • Alteration of any results document, including certificates, including presenting a forged/falsified certificate • Copying or using work from another learner • Impersonation (getting another person to take assessments on their behalf) • Offering a bribe to anyone involved in the administration or delivery of assessment • Use of unauthorised material or devices during an assessment the removal of confidential assessment material from the assessment/classroom • Obtaining or attempting to obtain secure examination/assessment material including distributing said material • Cheating
Inappropriate conduct during an assessment or examination session
<ul style="list-style-type: none"> • Use of unauthorised material or devices during an assessment • Disruptive, violent, or offensive behaviour • Any form of communication with other learners (written, verbal, gestures, expressions, pointing, etc), unless permitted • Entering obscene words or pictures onto an examination paper • Failure to adhere to the instructions of an invigilator or supervisor • Non-adherence or ignorance of the invigilation requirements
Plagiarism¹
<ul style="list-style-type: none"> • The use of purchased essays submitted as a learner's own work • Copying and pasting extracts or whole texts from another's work, published or unpublished, without appropriate referencing and/or acknowledgement of the source • Paraphrasing/summarising extensively the work of another or using their ideas without an acknowledgement of the source • Use of diagrams, images, and course notes without acknowledgement of the source • Failing to reference use of Artificial Intelligence (AI) when used to gather information, or using incomplete or misleading references • AI use to the extent that the work is not the learner's own work, analysis, evaluation or calculation
Collusion

¹ Definition adopted from the Joint Council for Qualifications "unacknowledged copying from or reproduction of published services or incomplete referencing"

- Allowing another Learner to copy work or the unsanctioned collaboration between a Learner and another individual in the production of work that would be submitted by a Learner as the outcome of their individual efforts)
- Submitting the work of another learner (with their consent) as their own.

N.B: Learners may work together on projects in some circumstances, however, they must write up the assignment individually and reflect on their own learning from the completion of the joint project. Any materials shared within the project/group must be acknowledged in order to avoid plagiarism and where possible content should be created independently to avoid this occurring.

Centre, Staff and Wider Workforce

Breach of conduct of assessments and/or examinations

- Breach of confidentiality and/or security of assessment materials (during design or delivery)
- Breach of personal data
- Breach of controlled assessment conditions
- Failure to carry out assessment in accordance with Gateway Qualifications' requirements
- Replacing learners' work with alternative work
- Tampering with learners' work prior to submission for assessment, and/or assessment records
- Fabrication of learners' work
- Improper support or over-assisting learners during assessment
- Deliberate destruction or tampering with assessment records
- Failure to carry out assessment in accordance with Gateway Qualifications' policies and procedures, and assessment regulations
- Fraudulent registration and/or claims for certificates, for example, claiming certificates for learners who have not yet completed their units/assessments/qualification
- Persistent instances of maladministration
- Infringements identified during Gateway Qualifications monitoring, sampling or observation activities
- Recontextualising examination questions for learners when acting as a reader
- Use of learner details who have entered for qualifications in the past without those learners' knowledge

Influencing the assessment or certification process

- Action or inaction that gives rise to a learner having an unfair advantage or causes a learner to be disadvantaged, including incorrect application of reasonable adjustments
- Members of centre staff undertaking or amending learners' assessments
- Prompting learners in the production of answers to an assessment
- Manipulating learner samples for the purpose of external quality assurance / Moderation
- Claiming certificates where this insufficient evidence to support the certification
- Falsifying the signatures of learners, assessors, or IQAs for the purpose of validating or authenticating any qualification records
- Misleading or false submissions of investigation reports
- Destruction of evidence relating to a malpractice investigation

Failure to meet Gateway Qualifications' centre and qualification approval requirements

- Failure to store accurate records relating to learners, assessments or internal quality assurance activities, or failure to maintain these records for the required period of time
- Failure to provide the staff, resources or systems needed to support the delivery, assessment, internal quality assurance or certifications claims
- Failure to inform Gateway Qualifications of changes in resources, staff and provisions to approved qualifications, where these differ from the time of approval
- Delivering qualifications that have not been subject to approval by Gateway Qualifications
- Inaccurate or deliberately misleading statements or submissions provided during the centre or qualification approval process, or at any time during the assessment process
- Failing to operate a Centre maladministration and malpractice policy and procedure
- Failure to respond to reasonable requests for information relating to an investigation
- Failure to provide Gateway Qualifications with access to premises, people or records for the purposes of conducting quality assurance and monitoring activity
- Failure to implement specified remedial actions
- Submission of an untrue, misleading or the absence of a declaration of conflict of interest

Examples of maladministration

Maladministration events may also constitute malpractice, depending on the circumstances and evidence brought to bear during an investigation. For example, multiple occurrences of maladministration could constitute malpractice. Whilst not an exhaustive list, the following are some examples of maladministration:

- avoidable delay
- mistakes arising from inattention
- inadequate procedures
- failure to follow correct procedures
- poor record keeping
- inadvertent failure to take action
- poor communication
- inadvertently giving misleading or inadequate information

Centre responsibilities

Preventing malpractice

It is important that all staff involved in the management, assessment and quality assurance of Gateway regulated qualifications, units or courses, and learners, are fully aware of and understand the content of this policy.

Staff have a responsibility to take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the delivery and assessment of the qualifications. Centres must provide their malpractice policy to Gateway Qualifications when requested to do so.

This policy is sent to all staff involved in the delivery of Gateway qualifications via email by October half-term. Staff will sign to confirm they have received and understood the information and records will be kept by Debbie Shepherd.

Informing and advising learners

Learners are informed and advised to avoid committing malpractice in examinations/assessments through; assemblies led by Post 16 Assistant Principal at the start of the year and before any examinations; reminders from subject teachers at the time of examinations/assessments; being directed to school website which has policies available to view and follow up Weduc message home to parents and carers.

Notification and Handling

Where incidents of suspected malpractice or maladministration are identified we will:

- a) take all reasonable steps to prevent such incidents from recurring
- b) promptly notify Gateway Qualifications of any incidents
- c) cooperate fully with Gateway Qualifications in respect of an investigation and any action taken by Gateway Qualifications which may include onsite visits
- d) deliver all actions required to manage and rectify any incidents of malpractice, maladministration and poor practice which come to the attention of the Centre
- e) comply with the requirements relating to malpractice and maladministration set out in the Gateway Qualifications Centre Agreement (terms and conditions)
- f) have the capability and competence to investigate any case of malpractice or maladministration where required

Any failure to report suspected or actual malpractice or maladministration cases, or failure to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on a Recognised Centre, such as those outlined in the Gateway Qualifications' Sanctions Policy.

Procedure for investigating and reporting on malpractice/maladministration

Reporting

Malpractice or maladministration can be identified or reported at any stage, for example, it could be during design/development, delivery/award, or via quality assurance of directly delivered or centre delivered assessments. It can be identified or reported by:

- Centre, training providers and employers (where applicable)

- Learners
- Gateway Qualifications' staff members
- Gateway Qualifications' wider workforce including consultants, assessors, internal/external quality assurers, markers and moderators
- Gateway Qualifications' Trustees and Committee members

Staff and learners should initially verbally report suspected malpractice to Ange Smith, Executive Vice Principal with responsibility for exams. They will then be asked to put this in writing. If Ange Smith is unavailable, all concerns should be directed to Steph Beale, Executive Principal.

Reporting suspected malpractice to the awarding body

Ange Smith, Centre Contact, or Steph Beale, Head of Centre are required to notify Gateway Qualifications at centre.compliance@gatewayqualifications.org.uk within 2 working days of a malpractice/maladministration allegation, suspicion, or actual case being reported to them, and before commencing any investigation.

Failure to report allegations of suspected malpractice or maladministration to Gateway Qualifications may itself constitute malpractice.

All allegations must include (where possible):

- Centre/training provider name (where applicable)*
- Employer (where applicable)*
- Learner name (where applicable)
- Gateway Qualifications' staff member/wider workforce details (name, job role) if they are involved in the allegation
- Details of the activity affected
- Nature of the suspected or actual maladministration/malpractice and associated dates
- If applicable, details and outcome of any initial investigation carried out by the Centre under their malpractice/maladministration policy

*including address and contact details.

Alternatively, Gateway Qualifications provides a form that can be used to report malpractice that can be found on their website: [Suspected Malpractice Form - Gateway](#)

In the case of an allegation or suspicion of malpractice or maladministration, in some circumstances Gateway Qualifications will carry out the investigation, in other cases the Centre may be required to undertake the investigation.

Anonymity and Whistleblowing

Anonymous reports will be considered but it may not always be possible to investigate them. If a person reporting a case of malpractice or maladministration asks to remain anonymous, please inform Gateway that you do not wish for them to divulge your identity. Gateway Qualifications is not

obliged (as recommended by the Regulators) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

Where Centre staff or others have concerns about raising an issue or reporting their suspicions of malpractice or maladministration but are concerned to protect their interests, they are advised to follow their organisation's Whistleblowing Policy. A whistle-blower should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure.

Whilst Gateway are prepared to investigate issues, which are reported to them anonymously and/or by whistle-blowers, this may prove more difficult for them to do so. They shall always try to confirm the grounds of an allegation by means of a separate investigation, before taking up the matter with those to whom the allegation relates. Gateway Qualifications defines whistle-blowers as being current or ex members of staff (both permanent or contracted), Gateway Qualifications' Board of Trustees and Committee members, contractors, consultants or third-party suppliers of a centre of Gateway Qualifications and/or current or previous learners.

Investigation procedure

Gateway Qualifications will ensure that the person(s) responsible for undertaking any investigations possess(es) the appropriate expertise and is/are competent to carry out the investigation. The person(s) responsible for any investigation will not have any association with the subject of the investigation i.e. there must be no conflicts of interest present.

When an allegation of malpractice or maladministration has been received, or suspicion identified, regarding a Centre, Centre staff or a Learner, Gateway Qualifications will determine whether it is appropriate for the Head of Centre/responsible person to undertake an investigation or whether Gateway Qualifications will carry out the investigation. Gateway Qualifications will provide guidance regarding the process to follow where the Centre is to investigate.

The fundamental principle of all investigations is to conduct them in a fair, reasonable, proportionate and lawful manner, ensuring that all relevant evidence is considered impartially. In doing so, investigations will be based on the following broad objectives:

- Establish the facts relating to the allegation or suspicion to determine whether any irregularities have occurred. It is important to remember that just because an allegation has been made it should not be assumed that any irregularity has occurred
- Establish the facts, circumstances, and scale of the allegation
- Identify the cause of the irregularities and those involved
- Identify and, if necessary, act to minimise the risk to learners and requests for certification
- Evaluate any action already taken by the Centre
- Identify any patterns or trends
- Identify any changes which may be needed to Gateway Qualifications' policies and procedures

An evidence checklist and investigation timeline will be set up immediately and an investigation plan prepared.

Gateway Qualifications will ensure that all information collected as part of an investigation is kept securely.

Gateway Qualifications will ensure that the Head of Centre, or responsible person, or those subject to investigation if appropriate, is/are kept informed of progress with regards to any investigation.

Investigation findings

The outcome of any investigation will depend on the nature of the allegation, whether the allegation is proven and what was found through the investigation process. The findings of any investigations conducted by Gateway Qualifications will be communicated to the affected parties.

Investigation outcomes

The action Gateway Qualifications may take includes, but is not limited to:

- imposing actions on a centre with specified deadlines, in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- imposing sanctions on a centre wherein these will be communicated in accordance with the Gateway Qualifications' Sanctions Policy, along with the rationale for the sanction(s) selected
- in cases where certificates are deemed to be invalid, informing the centre concerned and the regulatory authorities why they are invalid, and any action to be taken for reassessment and/or for the revoking of any certificates
- amending aspects of our qualification assessment or monitoring arrangements, and associated guidance, to prevent the event from reoccurring

Examples of sanctions that may be applied to Centres where malpractice or maladministration is found can be found in Gateway Qualifications' Sanctions Policy.

Appeals

Recognised Centres and others have the right to make an appeal against Gateway Qualifications' decision to impose a sanction. Please refer to their Appeals Policy and Procedure.