Malpractice and Maladministration Policy

The ASA Awarding Body (ASA AB) is committed in its service provision to offer the highest quality and ensuring continued full compliance with the General Conditions of Recognition - Ofqual August 2014.

Policy aim and purpose

The aim of this policy is to safeguard the integrity and credibility of the ASA AB, to ensure that any potential malpractice or maladministration is identified, prevented, corrected and/or mitigated in every aspect of the delivery, development and assessment of ASA qualifications. This policy provides a robust and transparent framework for the identification and management of malpractice and maladministration by:

- Providing the means to identify and resolve malpractice and maladministration
- Establishing clear standards for dealing with malpractice and maladministration
- Reducing the possibility of malpractice and maladministration.

This policy applies to ASA AB Approved Centres, ASA representatives, ASA qualifications workforce, all employees of the ASA AB, consultants, advisors, learners and any other individual involved with the development, delivery and assessment of ASA qualifications.

The Ofqual General Conditions of Recognition which apply to this policy are:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
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<tbody>
<tr>
<td>A4</td>
<td>Conflicts of interest</td>
</tr>
<tr>
<td>A6</td>
<td>Identification and management of risks</td>
</tr>
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<td>A7</td>
<td>Management of incidents</td>
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<td>A8</td>
<td>Malpractice and maladministration</td>
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<tr>
<td>B3</td>
<td>Notification to Ofqual of certain events</td>
</tr>
<tr>
<td>G4</td>
<td>Maintaining confidentiality of assessment materials, including the conduct of specified training events</td>
</tr>
<tr>
<td>I4</td>
<td>Issuing certificates and replacement certificates</td>
</tr>
</tbody>
</table>
Definition of malpractice and Maladministration

**Malpractice** is any deliberate or neglectful act which undermines the integrity and validity of assessment and the certification. Malpractice can occur at ASA AB, approved centre and learner level. Examples of malpractice can be found in *appendix 1.*

**Maladministration** is any activity which results in unintended non-compliance with administrative regulations and requirements. Recurring instances of maladministration may be considered serious enough to be treated as malpractice. Examples of maladministration can be found in *appendix 1.*

Preventing malpractice and maladministration

The procedures in place by the ASA AB relating to centre approval, coupled with quality assurance controls (external verification and centre review), have been carefully designed to monitor a centres arrangements and ability to competently deal with preventing and investigating any instances of malpractice or maladministration. Should a centre require assistance from the ASA AB at any point on how best to prevent, investigate and deal with allegations of malpractice or maladministration, the ASA AB will provide support and advice as appropriate.

The ASA AB has established a process for investigating alleged cases that have been raised, which comprises of three stages:

- **Stage 1:** Notification of an alleged case of malpractice or maladministration
- **Stage 2:** Investigation of the allegation
- **Stage 3:** Management of confirmed cases of malpractice or maladministration.

On all occasions when information regarding an allegation is received by the ASA AB, it will be treated as a potential case for malpractice or maladministration until an outcome has been reached through the investigation stage.

Where there are grounds to suspect malpractice or maladministration against an ASA AB representative, that individual risks suspension of their duties and an investigation by the ASA AB of professional misconduct.

Where there are grounds to suspect malpractice or maladministration at an ASA AB Approved Centre registrations and learner certification may be suspended until the investigation has been completed and if necessary any sanctions applied.
Where there are grounds to suspect malpractice or maladministration against a learner certification may be suspended until the investigation has been completed and if necessary any sanctions applied.

Investigating and managing malpractice and maladministration

Stage 1: Notification of a suspected case of malpractice or maladministration

Centres, ASA representatives and learners must be vigilant regarding the assessment of ASA accredited qualifications when concerning malpractice or maladministration. The centre is responsible for any matters relating to the conduct of the learner whilst undertaking the qualification. The centre will investigate the allegation in compliance with their published policy and procedures which is to be inclusive of:

- Investigation of the allegation of possible malpractice or maladministration
- Notification to the individual concerned, in writing, of the nature of the allegation
- Notification of the possible consequences should the allegation be proven
- Provision of the opportunity for the individual concerned to respond, in writing, to the allegations made
- A procedure for handling an appeal against the decision and/or sanction
- Reporting of all proven cases to the ASA AB at the earliest opportunity with details of the actions taken and the sanction applied.

Irregularities in internally assessed components of assessment discovered prior to the signing of declarations of authentication need not be reported to the ASA AB. The centre may instead decline to accept the work for assessment purposes or may seek to authenticate it.

If an irregularity is discovered by the centre after the signing of declarations of authentication, full details of the case must be submitted to the ASA AB at the earliest opportunity. The matter will then be treated as a formal case of suspected malpractice.

Notification of the suspected allegation must be submitted, in writing, through the Allegation Form (appendix 6), accompanied by any supporting information for review. Information required for review includes:

- A detailed account of the circumstances surrounding the suspicions and allegations
- Details of any consequent actions or investigations carried out by the centre
- Any extenuating circumstances (e.g. medical reports)
- Details of the procedure for informing staff/learners of consequences of malpractice and maladministration
- Any unauthorised materials found during assessment
Written statements signed and dated by any personnel involved (e.g. centre staff, Tutor, External Verifier, Internal Verifier, Centre Reviewer) on centre headed paper
Signed and dated statements by any learner involved.

Evidence, along with the completed Allegation Form, should be sent by post to: ASA AB Responsible Officer, ASA Awarding Body, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF. If the allegation relates to the ASA AB Responsible Officer notification of the suspected malpractice or maladministration should be sent to the ASA AB Chairperson of the ASA AB Board.

Stage 2: Review and investigation of allegation

Once the Allegation Form has been received the ASA AB will check that the required information has been submitted, acknowledge receipt (within 3 working days) and record the details on the Allegations Register. In all cases the ASA AB will protect the identity of the informant.

Following this step the ASA AB Responsible Officer (RO), will call upon an appropriately competent and unbiased review panel comprising of identified ASA personnel, at least a member of the ASA AB Malpractice and Maladministration, Conflicts of Interest and Appeals Working Group and, where appropriate, an independent member, for example, a legal expert or a member of a professional body. The purpose of the review panel is to assess the suspected case, carry out an investigation to establish whether or not malpractice or maladministration has occurred and take all reasonable steps to appropriately mitigate those cases of malpractice or maladministration identified.

The review panel will provide feedback, appropriate action and resolve the investigation within 30 working days of receipt of the allegation. In some cases the investigation may take longer, for example, if a centre visit is required. In such instances all concerned parties will be advised of the revised timescale.

During the investigation the review panel may:

- Request further information from the centre, AB ASA representative or learner
- Conduct interviews (face to face or by telephone) with individuals involved in the investigation
- Arrange for AB ASA representatives to carry out a centre visit (which will be chargeable to the centre with fees confirmed upon determination of the severity of the allegation).

Pending the outcome of the investigation, the ASA AB may:

- Refuse learner registrations or entries
- Withhold the release of results or certificates
- Withhold assessment materials if the security of the assessment is considered compromised or at risk.
In serious cases of suspected or actual malpractice or maladministration, the Key Contact will be notified of the allegation under investigation and shall be instructed to conduct an investigation of the allegation in liaison with centre personnel, alongside the ASA AB investigation.

Any party, directly or indirectly, connected to allegations are expected to fully cooperate with all pending investigations. If the centre, ASA AB representatives or learners do not co-operate as required, the ASA AB will have no alternative but to permanently or temporarily remove ASA Approved Centre status, withdraw ASA AB representatives from their role or remove learners from the qualification.

The ASA AB reserves the right, at any time, during an investigation to suspend any claims for learner certification submitted. The ASA AB also reserves the right to withhold any results for the qualification(s) being pursued at the time of and during the investigation.

Where applicable, the ASA AB will inform the qualification regulatory authority, Ofqual, of any investigation into allegations of serious malpractice or maladministration and will agree the appropriate course of remedial action with them. In exceptional cases, Ofqual may take the lead in such investigations.

In cases where certificates are deemed to be invalid, the ASA AB will inform the centre and Ofqual as to why they are invalid and any action to be taken for reassessment and/or certification. The ASA AB will instruct the centre to notify those learners affected of the action being taken and that any certificates received concerning the investigation are invalid.

**Stage 3: Management of confirmed cases of malpractice and maladministration**

If the investigation confirms malpractice or maladministration has taken place, the ASA AB will consider whether the integrity of its assessments and qualifications might be jeopardised. A sanction may be imposed proportionate to the severity and scope of the confirmed malpractice or maladministration. Sanctions could include, but are not limited to, the following:

- Suspension of ASA AB Approved Centre status
- Suspension of approval to run a specific ASA AB accredited qualification
- Suspension of learner registrations and/or certifications for one or more qualifications
- Increased level of external verification sampling, as well as additional centre review visits to invigilate or observe external assessments
- Training for centre staff and/or ASA AB representatives
- Informing any other awarding organisation associated with the centre of the occurrence
- Disallowing all or part of the learners internal assessment evidence
- Disallowing all or part of the learners external assessment marks
- Not issuing the learners certificate(s)
- Not accepting any further registrations for the affected learner
- Disqualification of the learner from the qualification.

The allegation will be recorded on the Allegations Register and will be monitored by the ASA AB RO who will report all cases to the ASA AB Malpractice and Maladministration, Conflict of Interest and Appeals Working Group. All confirmed cases of malpractice or maladministration will be reviewed through the centre review process.

The process for investigating and managing malpractice or maladministration can be viewed in appendix 5.

**What you must do as an ASA AB approved centre:**

- have in place a policy that draws attention to and deals with the prevention, identification and management of potential or actual malpractice or maladministration of ASA AB qualifications
- Take reasonable steps to prevent malpractice and maladministration
- Ensure all staff involved in the management, assessment and quality assurance of our qualifications are fully aware of the contents of your policy
- Ensure all your learners are fully aware of the contents of your policy
- Notify the ASA AB immediately if potential or actual malpractice or maladministration is identified

**What sanctions may be applied**

If malpractice or maladministration is proven by the ASA AB to have taken place by a centre, learner or ASA AB representative, the offender risks the application of sanction.

See *appendices 2-4* for the types of sanction that may be applied, individually or combined, in the event of a proven case.

In compliance with the General Conditions of Recognition, regulation B3.1 and the Regulatory Arrangements for the Qualifications and Credit Framework, regulation 5.32, where any event has occurred or is likely to occur which could have an adverse effect and evidence is found that results or certificates may be invalid, the case will be reported to Ofqual.
Failure to report malpractice or maladministration

In the event of failure to report a suspected case of malpractice or maladministration, withholding information and therefore impeding a formal investigation, could result in the imposition of sanctions on a centre, ASA AB representatives or learners. Failure to comply will prompt the withholding of results and in certain circumstances, certificates may become invalid and those already issued may be withdrawn as a result.

Appeals

The ASA AB has established procedures for centres, ASA AB representatives and learners who wish to consider appealing against penalties or sanctions resulting from malpractice or maladministration. Appeals against a decision made by the ASA AB will only be accepted from the Key Contact (on behalf of the centre or learners) and from individual ASA AB representatives (in respect of a decision taken against them personally). Further information on appeals may be found in the Enquiries and Appeals Policy.

Monitoring and review

This policy and its procedures will be reviewed annually to ensure it remains fit for purpose and reflects the types of malpractice and maladministration that may arise, how they are identified, prevented and managed.

The next policy review will take place in September 2015.
Appendix 1: Examples of Malpractice and Maladministration

The following situations are examples of malpractice or maladministration; to decide which one depends on whether the actions are deliberate (malpractice) or unintentional (maladministration).

<table>
<thead>
<tr>
<th>Malpractice or Maladministration</th>
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<tbody>
<tr>
<td>Failure to adhere to ASA qualification and/or centre eligibility criteria</td>
</tr>
<tr>
<td>Actions required by an External Verifier not being met within agreed timescales</td>
</tr>
<tr>
<td>Failure to carry out delivery, assessment or internal verification in accordance with ASA AB requirements</td>
</tr>
<tr>
<td>Failure to adhere to ASA AB learner registration and certification procedures</td>
</tr>
<tr>
<td>Fraudulent claim for certificates</td>
</tr>
<tr>
<td>Withholding of information from the ASA AB which is critical to maintaining the rigour of quality assurance</td>
</tr>
<tr>
<td>Insecure storage of assessment materials</td>
</tr>
<tr>
<td>Submission of false or inaccurate information to gain a qualification or unit(s)</td>
</tr>
<tr>
<td>Late learner registrations</td>
</tr>
<tr>
<td>Plagiarism of any nature by learners - failure to acknowledge sources properly and/or the submission of another person’s work as if it were the learner’s own</td>
</tr>
<tr>
<td>Impersonation</td>
</tr>
<tr>
<td>Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment materials and evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia).</td>
</tr>
<tr>
<td>Failure to meet our published timeframes for certification</td>
</tr>
<tr>
<td>Any action likely to lead to an adverse affect</td>
</tr>
</tbody>
</table>
Appendix 2: Sanctions - Centre

If malpractice or maladministration is proven at a centre by the ASA AB, that centre may incur the application of sanctions.

The severity of the sanction applied will be determined by the ASA AB and will be in accordance with the evidence presented, proportionate with the gravity of the malpractice or maladministration. The following sanctions may be applied individually or in combination to those centres proven to have been involved in malpractice or maladministration.

<table>
<thead>
<tr>
<th>Sanction</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Written warning</td>
<td>A letter will be sent to the Key Contact advising of the breach (including the report) and will inform of the further action that may be taken (including the application of sanctions) should there be a recurrence of this breach, or subsequent breaches at the centre.</td>
</tr>
<tr>
<td>Training</td>
<td>Require the Key Contact to undertake specific training within a particular period of time and undergo a review process at the end of the training.</td>
</tr>
<tr>
<td>Action plan</td>
<td>The Key Contact, along with appropriate managerial centre staff will be required to review the centres procedures for the conduct or administration of a particular assessment, or all assessments in general, and report back to the ASA AB on improvements implemented by a set date. Alternatively an action plan will be agreed between the ASA AB and the centre, which will need to be implemented as a condition of continuing to accept registrations from the centre.</td>
</tr>
<tr>
<td>Approval of specific assessment tasks</td>
<td>The approval by the ASA AB of specific assessment tasks in situations where these are normally left to the discretion of the centre.</td>
</tr>
<tr>
<td>Additional monitoring or inspection</td>
<td>The ASA AB may increase, at the centres expense, the normal level of monitoring that takes place in relation to the qualification(s). Alternatively a Centre Reviewer may be notified of the breach of regulations and may randomly, without prior warning, inspect the centre over and above the normal schedule for inspections.</td>
</tr>
<tr>
<td>Independent verifiers</td>
<td>The appointment for a specified period of time, at the centres expense, of independent verifiers to ensure the conduct of assessments is in accordance with the regulations.</td>
</tr>
<tr>
<td>Suspension of learner registrations</td>
<td>The ASA AB may, for a period of time, or until a specific matter has been rectified, refuse to accept learner registrations from a centre.</td>
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<tr>
<td>Sanction</td>
<td>Description</td>
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<tr>
<td>Suspension of certification</td>
<td>The ASA AB may, for a period of time, or until a specific matter has been rectified, refuse to issue certificates to learners.</td>
</tr>
<tr>
<td>Withdrawal of approval for a specific qualification(s)</td>
<td>The ASA AB may withdraw the approval of a centre to offer one or more of its qualifications.</td>
</tr>
<tr>
<td>Withdrawal of centre recognition</td>
<td>The ASA AB may withdraw recognition or approval for the centre. This means as a result that the centre will not be able to deliver or offer learners any ASA qualification. Other awarding organisations with a vested interest in the centre will be informed of this action. At the time of withdrawal of centre recognition, the centre will be informed of the earliest date at which it can reapply for registration and any special measures it will need to take prior to this application. Centres which have had centre recognition withdrawn should not assume that re-approval will be treated as a formality.</td>
</tr>
</tbody>
</table>

Any expense incurred in ensuring compliance with the sanctions and/or special conditions will be at the expense of the centre.

If the Key Contact leaves whilst the centre is subject to any sanctions or special measures, the ASA AB will, if approached to do so, review the need for the continuation of these measures with the new Key Contact.

**Impact on learner cohorts**

The ASA AB will take appropriate action to protect those learners caught up in malpractice or maladministration incidents through no fault of their own. However, in some cases, in order to protect the integrity of ASA AB qualifications, it may be necessary to withhold the results and/or certificates of learners who were not themselves responsible for the malpractice or maladministration that took place.
Appendix 3: Sanctions - Learner

In the event that malpractice or maladministration is proven against a learner, that learner may incur the application of sanctions. The centre is responsible for any matters relating to the conduct of the learner whilst undertaking the qualification; therefore the penalties imposed are to be determined by the head of the centre.

The severity of the sanction applied will be determined the ASA AB and will be in accordance with the evidence presented, proportionate with the gravity of the malpractice or maladministration and the type of qualification involved. The following sanctions may be applied individually or in combination to those learners proven to have been involved in malpractice or maladministration.

<table>
<thead>
<tr>
<th>Sanction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warning</td>
<td>The learner is issued with a written warning that if the offence is repeated within a set period of time then further specified sanctions will be applied.</td>
</tr>
<tr>
<td>Disqualification from a unit</td>
<td>The learner is disqualified from further participation in the unit. The effect of this sanction is to prevent the learner from applying for certification of the full qualification, albeit those units not affected can be certificated at the learner’s expense.</td>
</tr>
<tr>
<td>Disqualification from a whole qualification</td>
<td>The learner is disqualified from further partaking in the concerned qualification with immediate effect and further excluded from participating in any further ASA qualifications for a period of 12 months.</td>
</tr>
<tr>
<td>Learner disqualification</td>
<td>The learner is disqualified from entering for one or more qualifications and subsequent assessments for a set period of time. This penalty is applied in conjunction with any of the other sanctions listed, if the circumstances warrant it.</td>
</tr>
</tbody>
</table>

Unless a sanction is accompanied by a disqualification on future qualification entry, all learners sanctioned by disqualification may retake the unit(s) or qualification(s) affected in the next permitted assessment opportunity if the learner registration period permits. If the learner registration period expires, the learner will need to re-register in accordance with centre and ASA AB requirements.

Heads of the centre may wish to take further action themselves in cases of learner malpractice.
Appendix 4: Sanctions – ASA AB representatives

In the event that malpractice or maladministration is proven against an ASA AB representative, the offending individual may incur the application of sanctions. The severity of the sanction applied will be proportionate with the gravity of the malpractice or maladministration.

In determining the appropriate sanction or penalty, the ASA AB will consider factors including the potential risk to the integrity of the assessment, the potential impact on learners, the number of learners and/or centres affected and the potential risk to those relying on the qualification (e.g. employers or members of the public).

The following information informs the level of sanction or penalty that be imposed on an ASA AB representative where malpractice or maladministration is proven.

<table>
<thead>
<tr>
<th>Sanction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Written warning</td>
<td>Issue the member of staff with a written warning that if the offence is repeated within a set period of time, further specified sanctions will be applied.</td>
</tr>
<tr>
<td>Training</td>
<td>Require the member of staff to undertake specific training or mentoring within a particular period of time and undergo a review process at the end of the training.</td>
</tr>
<tr>
<td>Special conditions</td>
<td>Impose special conditions on the future involvement in its assessments by the member of staff. This may involve the internal assessment, the conduct, supervision or administration of its assessments.</td>
</tr>
<tr>
<td>Suspension</td>
<td>Bar the member of staff from all involvement in the delivery or administration of its assessments for a set period of time. Other awarding organisations and regulators will be informed when a suspension is imposed.</td>
</tr>
</tbody>
</table>

If an ASA AB representative is connected or involved with any centre, the ASA AB reserves the right to inform the Key Contact of those centres concerned, depending on its relevance and severity, as to the nature of, and the reason for, the sanction imposed on the offending individual.
Appendix 5: Process overview

Suspected case of malpractice or maladministration

Centre should investigate allegation in compliance with own policy and procedures

Confirmed case must be reported to the ASA AB, in writing, via the Allegations Form

ASA AB RO will record the allegation on the Allegations Register and call upon independent review panel to commence investigation

Confirmed case will be investigated by the review panel within 30 working days from receipt of the allegation (unless a centre visit is necessary)

No confirmed case. It is not necessary to inform the ASA AB

Failure to report the allegation, withhold information and therefore impede an investigation will result in the imposition of sanctions on the centre, ASA AB representative or learners

If the investigation confirms that malpractice or maladministration has taken place, one or more sanctions will be imposed.

Appeals against a decision made by the ASA AB will only be accepted from the Key Contact (on behalf of the centre or learner) or ASA AB representative.

Stage 1: Notification of suspected case of malpractice or maladministration

Stage 2: Review and investigation of allegation

Stage 3: Management of confirmed cases of malpractice and maladministration
Appendix 6: Allegation Form

Informant information should include information relating to the person submitting the Allegation Form. If you are a learner, please indicate this clearly under informant role.

<table>
<thead>
<tr>
<th>Name of informant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informant role</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Telephone number</td>
</tr>
<tr>
<td>Email address</td>
</tr>
</tbody>
</table>

ASA Approved Centre

<table>
<thead>
<tr>
<th>Qualification title</th>
</tr>
</thead>
</table>

Type of allegation
- Complaint against centre service(s) Y / N
- Appeal against assessment decision(s) Y / N
- Report of child/vulnerable adult abuse Y / N
- Report of suspected malpractice Y / N
- Report of suspected maladministration Y / N
- Complaints against ASA AB customer services Y / N
- Other (please specify) Y / N

Details of the allegation (continue on a separate page if required)

Declaration

I confirm that the information in this form is accurate, to the best of my knowledge, and that the centre will provide arrangements in accordance with the guidance given by the ASA AB.

Signature

Date

Please return to ASA Awarding Body Responsible Officer, Allegations, SportPark, 3 Oakwood Drive, Loughborough, LE11 3QF.