

MALPRACTICE AND MALADMINISTRATION POLICY



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1. Overview of the policy

1.1. Why do we have a malpractice and maladministration policy?

Our policy aims to ensure that we follow a robust and fair fact find and investigation process when we or other parties identify situations that give us cause for concern.

We aim to work with centres and their learners to prevent cases of malpractice and maladministration occurring through our supporting visits and documentation. Nevertheless, we realise that incidents happen that could have a detrimental effect on the learner, centre and ourselves and therefore have to be investigated effectively to ensure that there is minimal impact on all parties. Dealing with such incidents will also help both us and centres identify improvements to practices to reduce the risk of malpractice or maladministration recurring.

NCFE is recognised by the qualifications regulator (Ofqual) and in doing so is subject to a range of conditions of recognition. One of the key regulatory conditions is about ensuring that, as an Awarding Organisation, we aim to prevent maladministration and suspected (alleged) or actual cases of malpractice from occurring. If they do occur, and there are reasonable grounds for the suspicion or allegation, then we must investigate the cases and bring them to a satisfactory conclusion.

In ensuring that we meet this condition, our centres must also have robust measures in place to prevent maladministration and malpractice from occurring and if they do, to deal with them in liaison with NCFE.

The policy therefore sets out how NCFE and our centres can work together to ensure that we deal effectively with cases of maladministration and malpractice and prevent maladministration and malpractice from recurring.

1.2. What is malpractice?

Malpractice is essentially any activity or practice that is unethical or illegal which deliberately breaches regulations and compromises or could compromise the integrity of the assessment process, the qualification, the validity of certificates, the reputation of NCFE or the centre or the wider education sector. Malpractice can occur at centre level, centre staff level or candidate level. Please see Appendix 1 'Examples of Malpractice' for examples of what could be deemed to be centre, centre staff and candidate malpractice.

An incident may give rise to alleged malpractice in the first instance and then may be proven or not proven as a result of an investigation. Alternatively, the incident may prove that malpractice has actually occurred which would lead to an investigation.

1.3. What is maladministration?

Maladministration is essentially any activity or practice which results in unintended non-compliance with our centre approval criteria, other NCFE regulations and procedures or the qualification or assessment requirements. Recurring instances of maladministration may be considered serious enough to be treated as cases of malpractice. Maladministration can occur at centre level, centre staff level or candidate level.

1.4. What products and services are covered by the policy?

The policy covers the delivery of all of our national qualifications that are on the Qualifications and Credit Framework (QCF) and National Qualifications Framework (NQF) as well as products that we accredit under our customised award service, national partnership award service and Investing in Quality licence.

Services include but are not limited to the following arrangements or procedures:

- ◆ centre or programme approval
- ◆ quality assurance arrangements in centres delivering NCFE programmes
- ◆ candidate registration
- ◆ candidate entries for paper-based and online external assessments
- ◆ requests for external assessment materials
- ◆ conduct of paper-based and online external assessments
- ◆ return of external assessment materials
- ◆ marking of external assessments
- ◆ receipt of external assessment results
- ◆ claims for candidate certification
- ◆ requests for reasonable adjustments or special considerations
- ◆ enquiries about results and appeals
- ◆ requests for replacement certificates.

1.5. Who in the centre needs to know about the policy?

You must make the following people familiar with the contents of the policy, how it may affect them or the centre and where they can access it:

- ◆ your centre staff who are involved in the management, assessment and quality assurance of our programmes
- ◆ your candidates studying our programmes.

You can discuss any aspects of the policy with our External Moderators, External Verifiers and Quality Advisors when they visit you or contact our Quality Assurance team on 0191 239 8000.

1.6. How can we get copies of the policy?

You can download copies of the policy from our website: www.ncfe.org.uk or request copies from our Centre Support team on 0191 239 8000 or by emailing info@ncfe.org.uk. We've also signposted the policy in our Candidate Learning Logs and Learner Evidence Tracker Logs which are available to use for our NCFE national qualifications and we've signposted the policy in our *Regulations for the Conduct of External Assessment*. All these documents are available from our website or from our Centre Support team.

2. Roles and responsibilities

When either NCFE or a centre is notified of alleged or actual maladministration or malpractice, we are responsible for ensuring that we establish the facts to determine whether or not the allegation can be proven and, if necessary, carry out an investigation and take the appropriate action.

In doing so, we will work with the relevant people (including centre staff and external parties) and will define each person's responsibilities at that time.

2.1. NCFE's responsibilities

NCFE's responsibilities are as follows:

- ◆ Notify the Head of Centre when either NCFE or an external party identifies alleged or actual maladministration or malpractice. If the notification implicates the Head of Centre, NCFE will notify another suitable person at the centre.
- ◆ Use staff and/or External Contractors who are not connected to the centre or centre personnel or candidate(s) to undertake a fair and unbiased fact find and investigation.
- ◆ Ensure that we take all reasonable steps to prevent or mitigate the impact and effects of the incident of alleged or actual maladministration or malpractice.
- ◆ If requested by a centre, provide them with guidance on how best to investigate, deal with and prevent the alleged or suspected maladministration or malpractice in liaison with NCFE.
- ◆ Provide the centre with a report on the outcome of a fact find or investigation.
- ◆ Take appropriate action against those who are responsible for committing an act of proven maladministration or malpractice.
- ◆ Apply appropriate sanctions in line with our sanctions policy which can be found at www.ncfe.org.uk
- ◆ Work with the centre as appropriate to ensure that maladministration or malpractice doesn't recur.

- ◆ Inform relevant awarding organisations of the allegation and the outcome of the investigation in line with the conditions of recognition we must work to. These can be those who offer the same or similar qualifications/products in the sector and those Awarding Organisations by whom the affected centre is approved to offer the same or different qualifications/products.
- ◆ Report the allegation and final outcome to Ofqual and other regulators, as appropriate, eg the Welsh Government if a centre under investigation operates in Wales, and any relevant professional bodies.
- ◆ Report the case to other external parties as appropriate, if we have evidence to believe that a criminal act has been committed, eg the Police, Skills Funding Agency.
- ◆ If an independent/third party notified us of the alleged maladministration or malpractice, we'll inform them of the outcome.
- ◆ Respect the confidentiality of information we handle.
- ◆ Retain records during and after the completion of the investigation.

2.2. Centre's responsibilities

A centre's responsibilities are as follows:

- ◆ Notify NCFE immediately if the centre/centre personnel or its candidate(s) identifies alleged or actual maladministration or malpractice.
- ◆ Inform a member of staff or candidate if they are suspected of malpractice that a fact find and/or investigation will be launched and that they have a right to reply and appeal against any sanction imposed on them.
- ◆ Comply with NCFE's requests for information in relation to our fact find or investigation in the timescales agreed by NCFE and the centre to enable us to carry out and complete the fact find or investigation.
- ◆ Co-operate with NCFE during the investigation.
- ◆ Carry out a fact find or part of the investigation using people who are independent of those involved in the maladministration or suspected or actual malpractice with guidance from NCFE which may involve interviewing centre staff or candidates.
- ◆ Provide NCFE with a report of any fact find or part of the investigation we ask you to undertake.
- ◆ Implement agreed actions as a result of the investigation.

- ◆ Inform your centre staff and candidates affected of the implications of the actions and sanctions.
- ◆ Take appropriate action to prevent the incident of maladministration or suspected or actual malpractice recurring.
- ◆ Notify NCFE if any personnel involved in the maladministration or malpractice or in completing any actions from NCFE as a result of the investigation leaves the centre.
- ◆ Respect the confidentiality of information you handle.
- ◆ Retain records and documentation relating to the fact find or investigation for a period of time.

We expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us. In instances where you or your candidates don't co-operate, unfortunately we may have no alternative but to permanently or temporarily remove your approval status or withdraw your candidates from the programme.

3. Identifying cases of alleged or actual maladministration or malpractice

3.1. Who can identify an incident that may be a case of alleged or actual maladministration or malpractice?

Anyone can come across an issue that they think could constitute alleged or actual maladministration or malpractice. This can include but is not restricted to:

- ◆ NCFE staff who identify it through our own working relationship with a centre
- ◆ NCFE's External Contractors who identify it via their centre visits or marking of assessments
- ◆ Centre staff
- ◆ Candidates
- ◆ External agencies, eg Skills Funding Agency, OFSTED, the police, qualifications regulator (Ofqual), other Awarding Organisations
- ◆ External individuals, eg parents/guardians of learners, member of the general public, employers
- ◆ Whistleblowers (eg a person who works at a centre who wishes to disclose malpractice in the centre)
- ◆ Anonymous informants.

In cases where we a third party has notified us of alleged or actual maladministration or malpractice, we will establish whether or not they agree to us using their name when we communicate with the centre or candidate as part of our fact find or investigation. If they do not wish us to reveal their identity, eg whistleblower, we will respect this. We will only disclose their name if we are legally required to do so. Nevertheless, we will still carry out the investigation; however, we will make the person who informed us aware that the extent of our investigation may be limited.

3.1.1. Anonymous allegations

We may receive allegations of maladministration or malpractice from a person who wishes to remain anonymous and does not disclose any contact details or the centre name, centre staff name or candidate name. If we don't have the name of the centre or candidate or the name and contact details of the informant then we will not be able to take the case further but we will log the allegation.

3.2. How do we identify cases of alleged or actual maladministration or malpractice?

3.2.1. NCFE can identify cases via:

- ◆ Its routine centre visits conducted by our External Contractors
- ◆ Complaints, intelligence, information or feedback we receive from centre staff, candidates, external parties, Ofqual, Awarding Organisations, whistleblowers etc.

3.2.2. Centres can identify cases via:

- ◆ Its quality assurance activities
- ◆ Complaints, intelligence or feedback from its centre staff, candidates, external parties visiting the centre.

4. Informing NCFE of alleged or actual maladministration or malpractice?

Please complete our *Notification of maladministration or malpractice form* as this will ensure that we have the correct details and facts. By all means you can phone us to discuss the issue and we'll then ask you to complete our form to ensure that there aren't any misunderstandings.

If you've completed your own internal investigation or have collated pieces of evidence to support the allegation, please send these to us when you submit the form.

4.1. Where can we find your form?

You can download the *Notification of maladministration or malpractice form* from our website: www.ncfe.org.uk or request it from our Centre Support team on 0191 239 8000 or by emailing info@ncfe.org.uk.

You can discuss any aspects of completing the form with our Quality Assurance team on 0191 239 8000.

4.2. What information will you need to receive?

So that we can gather the facts and understand the nature and scope of the alleged or actual maladministration or malpractice we'll ask you for some basic information, eg date(s) the alleged or suspected maladministration or malpractice occurred; title and number of the NCFE programme affected or nature of the service affected.

4.3. When do we notify you of a case of maladministration or suspected or actual malpractice?

You must notify us as soon as you identify alleged or actual maladministration or malpractice. This will allow us to work with the relevant parties to gather the facts and make informed decisions. The quicker we can carry out our fact find and, if necessary, an investigation, the sooner we can look to resolve the situation and mitigate the impact on the learners, the centre, ourselves and other Awarding Organisations, as appropriate.

4.4. What happens if NCFE identifies suspected or actual maladministration or malpractice by a centre or by a candidate?

If, during our day to day operations, we identify an issue that leads us to believe that maladministration or malpractice may have or has occurred by a centre or candidate we will conduct our own initial fact find and notify the centre of the details.

If the scope of the fact find means that we believe we have sufficient, accurate and relevant evidence to conclude that maladministration or malpractice has occurred and we won't instigate an investigation, we will notify the Head of Centre of the nature of the maladministration or malpractice and that we intend to apply a sanction and that the centre has the right of appeal against the sanction.

5. NCFE's process for dealing with notifications of alleged or actual maladministration or malpractice

5.1. What will you do when you receive a notification?

We appreciate that this can be a difficult time whilst we carry out the necessary fact find or investigation and that learners may be waiting for their certificates. We'll liaise with you during this time and keep you updated on what's happening.

Below are our service level agreements for each stage of the process:

- ◆ We'll acknowledge receipt of your completed *Notification of maladministration or malpractice form* within 2 working days of receipt.
- ◆ We'll arrange for appropriate NCFE personnel (*'panel'*) to review the report and carry out the fact find within 10 working days of receipt of the report. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, we'll advise all parties concerned of the likely revised timescale.
- ◆ We'll advise you of the outcome of our fact find within 2 working days of making our decision.
- ◆ If we need to carry out an investigation, we'll aim to complete this within 30 working days of informing you that we are commencing the investigation. Please note that in some cases the investigation may take longer, for example, if a centre visit is required. In such instances, we'll advise all parties concerned of the likely revised timescale.
- ◆ We'll advise you of the outcome of our investigation within 2 working days of making our decision.

5.2. Who will be involved?

We will appoint NCFE staff and, if necessary External Contractors, who are independent of the normal day to day working relationships with the centre and with any individuals who are under investigation.

We may ask you to carry out a fact find or investigation and produce a report to assist us with our own fact find or investigation. If so, we will need you to use people who are independent of the qualification or personnel who are affected by the maladministration, suspected or actual malpractice. We expect the fact find or investigation you conduct to be fair and thorough and we'll provide you with the necessary guidance and support. For more information on guidance on conducting investigations you can request a copy of our *Guidance for Centres for conducting a fact find or investigation* from our Centre Support team on 0191 239 8000 or by emailing info@ncfe.org.uk.

If we agree that you don't have the capacity to conduct a fact find or investigation, we will carry these out.

5.3. What happens to our approval and candidates' results or claims for certificates during a fact find or investigation?

Either at notification of a case of maladministration or suspected or actual case of malpractice or at any time during the investigation, we reserve the right to temporarily:

- ◆ suspend your approval for the qualification/award in question
- ◆ suspend your centre approval
- ◆ withhold results for external assessments at batch or individual candidate level for the programmes they are studying
- ◆ withhold claims for candidate certification at batch or individual candidate level for the programmes they are studying.

We don't take these decisions lightly and will make the decision based on a number of factors such as the apparent seriousness of the incident or the possibility that results or certificates may be invalid if they were to be issued.

5.4. Confidentiality of information, evidence and records

We may need access to confidential information and we will ensure that such information is kept secure and only used for the purposes of the investigation. We will not normally disclose the information to third parties (unless required to do so, eg to the qualification regulators or the police).

We will aim to access and retain original evidence or information. If original records cannot be retained, we will photocopy the original and record the copy as authentic.

5.5. What is a fact find?

When anybody identifies an alleged or actual maladministration or malpractice, NCFE will carry out a review of the information provided together with any internal data, and decide whether or not further investigation is needed.

5.5.1. The fact find process

The purpose of the fact find is to collect and analyse data and information to establish the facts about the alleged or actual maladministration or malpractice.

NCFE's panel appointed to the case will look at evidence that is provided by relevant parties, eg the centre, candidate, NCFE's external contractor, the person notifying us about the case, and we'll also look at our own data as appropriate.

As part of our fact find we may need to ask you a number of questions or we may need to visit you to establish facts and/or review or collect information to help us with our fact find. We may interview personnel as part of our fact find - this can include the person who notified us of the allegation, the centre staff, candidate etc.

We may ask you to conduct a fact find and if so, we will outline to you how we intend for you to conduct the fact find and to send the information and a report to NCFE.

We will keep you informed of our progress and expect you to do the same if we ask you to carry out a fact find.

5.5.2. Outcome of the fact find

Our panel will make an informed decision based on evidence we've reviewed. They will aim to make a unanimous decision (or majority decision if this is not possible). This will enable us to determine the outcome of the fact find which may be:

- ◆ No further action to be taken as the allegation could not be proven
- ◆ An agreed action plan between NCFE and the centre which will be monitored by NCFE
- ◆ An investigation is launched.
- ◆ There is enough evidence to impose a sanction (please see section 7).

We will inform you of our decision and any action we or you need to take. Please see section 7.

5.6. What is an investigation?

If the fact find reveals concerns that there could be actual maladministration or suspected or actual malpractice, we'll conduct a more in depth review of the facts which may involve gathering more information from the centre or candidate (via the centre) visiting a centre, speaking with centre personnel or candidates to establish what happened, the reason and the consequences of the incident on the integrity of the qualification/product, the assessment etc.

5.6.1 The investigation process

The investigation process will be instigated when there is evidence to confirm that there are reasonable grounds to suspect or confirm actual malpractice.

NCFE's panel appointed to the case will lead and carry out the investigation. We will expect all relevant parties to co-operate with our investigation.

The purpose of the investigation is to find out more information and facts based on the findings from the fact find that will prove or disprove the suspected or actual malpractice and in doing so may or may not result in a sanction. (Please see section 7).

The format of the investigation will include one or more of the following approaches:

- ◆ a written request for further information from the centre/candidate/informant/NCFE personnel
- ◆ interviews (face to face or by telephone) with personnel involved in the investigation – this can include the third party who notified us of the incident, the centre staff, candidate etc
- ◆ arranging for NCFE authorised personnel to carry out a centre visit. In this case, we'll have to charge you a fee for the visit (see our current *Fees and Pricing* document which is available from www.ncfe.org.uk or on request from our Centre Support team).

We will usually carry out interviews with 2 people from the panel and are happy for the centre personnel or candidates to be accompanied by another person if they are being interviewed in line with the centre's own policy on conducting interviews with staff and candidates in these circumstances. If a legal advisor is used by the centre to accompany an interviewee or be present in an interview, then NCFE must be made aware of this decision so that we have the opportunity to use a legal advisor as appropriate.

We may ask you to conduct part of the investigation and if so, we will outline to you how we intend for you to conduct the investigation and to send the information and a report to NCFE.

We will keep you informed of our progress and expect you to do the same if we ask you to carry out part of the investigation.

5.6.2. Outcome of the investigation

Our panel will make an informed decision based on a number of factors in determining whether or not malpractice has occurred and if so the appropriate sanction to be imposed. They will aim to make a unanimous decision (or majority decision if this is not possible).

This will enable us to determine the outcome of the investigation which may be:

- ◆ No further action to be taken as the allegation could not be proven
- ◆ An appropriate sanction in imposed.

We will inform you of our decision and any action we or you need to take. Please see section 7.

6. Communicating the findings from a fact find or investigation

We will provide the Head of Centre or their nominee with our report detailing the findings from our fact find or investigation. We will give you the opportunity to review the report for factual accuracy before we finalise it. We would ask you to complete your review within 5 working days of receiving it.

If we've asked you to carry out fact find or an investigation you'll provide NCFE with a report detailing the findings from your fact find or investigation. We will check any factual accuracy relating to NCFE that may be in the report before you finalise it. We will review your draft report within 5 working days of receiving it.

We will provide you with a template report in order for you to do this and supply the necessary information to us.

7. Making a decision on the outcome of the fact find or investigation and imposing sanctions

If we have evidence or reasonable grounds to believe that malpractice or maladministration is proven we can impose sanctions. These are a range of actions and are applied proportionately, ie they will reflect the seriousness of the maladministration or malpractice and any mitigating facts. When deciding the appropriate sanction we will consider factors such as the actual or potential risk to the integrity of the programme and assessment and the scale of the malpractice.

Please be aware that in cases where, after a thorough investigation, the case is inconclusive where there is evidence of malpractice but it is not possible to prove who was to blame, we may still impose a sanction if it is unsafe to issue results or certificates.

It's your responsibility to inform your centre staff and candidates affected of the implications of the actions and sanctions.

In cases of malpractice by candidates, you should make your candidates aware that their final results may be void if the case is proven and any certificates which have already been issued may be deemed to be invalid and will need to be returned to NCFE.

7.1. Centre and centre staff

7.1.1. Maladministration or malpractice not proven

If malpractice or maladministration isn't proven then no further action will be taken.

7.1.2. Maladministration proven

If the investigation confirms that centre maladministration has taken place either at centre or centre staff level, we will direct the centre to do one or more of the following to prevent the nature of maladministration from recurring. Please note that this list is not exhaustive:

- ◆ An agreed action plan for the centre or centre staff and monitored for completion by NCFE.
- ◆ Increased level of external moderation, external verification visits, quality advisor visits or centre visits by appointed NCFE staff to invigilate or observe external assessments across the centre or for those programmes where the affected centre staff are involved.
- ◆ Training for your centre staff (as agreed with NCFE) and which may be delivered by NCFE at a cost to the centre.
- ◆ Removal of Direct Claim Status for specific qualifications/awards affected by the malpractice.

7.1.3. Malpractice proven at centre level

If the investigation confirms that centre malpractice has taken place, we will impose one of the following sanctions on the centre. Please note that this list is not exhaustive:

- ◆ Written warning with an action plan
- ◆ Additional conditions of approval at programme or centre level that will be monitored via NCFE
- ◆ Permanent withdrawal of approval for a specific qualifications/awards affected by the malpractice
- ◆ Permanent withdrawal of centre approval, ie for all your NCFE approved programmes
- ◆ Suspension of your candidate's registration and/or certification service for one or more programmes for a period of time.

7.1.4. Malpractice proven at centre staff level

If the investigation confirms that malpractice by a staff member at the centre has taken place, we will impose one of the following sanctions on the centre with a view to prevent such malpractice recurring and ensuring the integrity of the programme, assessment and certification in the future. Please note that this list is not exhaustive and may be in addition to any action the centre may wish to take separately:

- ◆ Training for the staff member as directed by NCFE before they can undertake administration/delivery/assessment/moderation/verification/invigilation of NCFE programmes.
- ◆ Special conditions on their involvement in the administration/delivery/assessment/moderation/verification/invigilation of NCFE programmes.
- ◆ Permanent suspension from any involvement in the administration/delivery/assessment/moderation/verification/invigilation of NCFE programmes.

7.2. Candidates

7.2.1. Malpractice or maladministration not proven

If malpractice or maladministration isn't proven then no further action will be taken.

7.2.2. Maladministration proven

If the investigation confirms that candidate maladministration has taken place, we will direct the centre to do one or more of the following with the candidate(s) to prevent the nature of maladministration from recurring. Please note that this list is not exhaustive:

- ◆ Candidate(s) will be issued with a written warning agreed with NCFE and the centre.
- ◆ Candidate(s) will be re-assessed.

7.2.3. Candidate malpractice proven

If the investigation confirms that candidate malpractice has taken place, we will impose one or more of the following sanctions on the candidate with a view to prevent such malpractice recurring and ensuring the integrity of the programme, assessment and certification in the future.

We will expect you to inform the candidate(s) of the sanction by providing them with written notification from NCFE of the sanction and any resulting action plan. Please note that this list is not exhaustive:

- ◆ A written warning, agreed with NCFE and the centre, that will be monitored by the centre should the candidate repeat the actions leading to the malpractice.
- ◆ Disallowing all or part of the candidate's internal assessment evidence marks for that specific internal assessment and the candidate will need to be re-assessed, internally and externally moderated/verified.
- ◆ Disallowing all or part of the candidate's external assessment marks for that specific external assessment and the candidate will need to be re-entered for the external assessment and closely invigilated in the presence of NCFE personnel.
- ◆ Not issuing the candidate's certificate(s) and the candidate will need to be reassessed.
- ◆ Not accepting any further registrations for the candidate for any qualification/award in a set period of time.
- ◆ Not accepting any further external assessment entries for the candidate for any qualification/award in a set period of time.
- ◆ Permanent disqualification from the qualification/award.

7.3. Invalid certificates

In cases where certificates are deemed to be invalid:

- ◆ We will agree the action to be taken for reassessment and/or certification.
- ◆ We'll ask you to let your candidates know the action we're taking and that their original certificates are invalid.
- ◆ We'll also amend our database so that duplicates of the invalid certificates cannot be issued and we expect you to amend your records to show that the original awards are invalid.
- ◆ If candidates are in possession of invalid certificates we will ask you to notify them to return their certificates to you to be destroyed.

8. Centre suspension for financial reasons

We understand that there may be occasions when you experience short term or long term financial situation that mean you are unable to pay monies you owe us. Our Finance team will discuss the necessary arrangements with you with the aim of agreeing a plan to pay the monies. This may or may not necessitate our Finance team imposing a temporary centre suspension whilst the matter is dealt with. Generally, you will be able to operate as usual however there may be restrictions, eg we will not accept candidate registrations or certification claims until the debt is settled as per your agreement with our Finance team.

Nevertheless, if unfortunately you are unable to settle a debt and your centre goes into liquidation or insolvency or winds up, we will have to formally cease trading and your centre status with NCFE will reflect this as permanent withdrawal of centre approval.

9. Impact on candidates if permanent suspension or withdrawal of approval is imposed on the centre

If we permanently withdraw centre or programme approval or we cease trading with you due to financial reasons, and candidates are still on programme, we will instigate our duty of care process. This may mean that we:

- ◆ allow the candidates to complete the programme at the centre subject to specific conditions agreed with NCFE and the centre
- ◆ make arrangements for learners to complete their programme at another NCFE approved centre.

We will discuss the appropriate course of action with you.

9.1. IIQ programmes and customised awards

In cases where you, as the NCFE approved centre sub contracts the delivery and assessment to other centres ('satellite or sub contract centres'), and you own the Intellectual Property Rights of the IIQ programme(s) or customised awards, we will agree with you as the approved centre what arrangements will be made for your candidates and sub contract centres.

10. Appeals against our decision to impose sanctions

Centres, centre staff and candidates have the right to appeal against our decisions.

10.1. Centre and centre staff member(s) appeals

If you disagree with our decision that affects your centre or centre staff member(s), you wish to appeal, please refer to our *Appeals and Enquiries about Results Policy*, available from www.ncfe.org.uk or on request from our Centre Support team.

10.2. Candidate appeals

If your candidate(s) disagrees with our maladministration or malpractice decision, please advise the candidate of your appeals process. If, after exhausting that process, they are dissatisfied they can appeal to NCFE following our appeals process. Please make your candidate(s) aware of NCFE's *Appeals and Enquiries about Results Policy*.

11. Maintaining records after the fact find or investigation

The case will be logged with NCFE and the documentation retained indefinitely.

We expect centres to retain the documentation securely and for a period of time in line with your archiving and retention policy.

12. Review of the policy

We'll review the policy annually and revise it as and when required in response to customer and stakeholder feedback, changes in our practices, actions from our regulatory or external agencies or changes in legislation. Our review will ensure that our procedures continue to be consistent with the regulatory criteria and are applied properly and fairly in arriving at judgements.

13. Your NCFE contact for this policy

If you've any queries about the contents of the policy, please contact our Quality Assurance team:

Email: externalqualityassurance@ncfe.org.uk
Telephone: 0191 239 8000
Fax: 0191 239 8001
Post: NCFE
Citygate
St James Boulevard
Newcastle upon Tyne
NE1 4JE

Updated: May 2012

Appendix 1 - Examples of malpractice

The categories listed below are examples of centre malpractice either at centre level or by centre staff employed by or contractors used by the centre. Please note that these examples constitute deliberate acts as defined in section 1.2 of NCFE's Malpractice and Maladministration policy. The list is not exhaustive:

- ◆ Contravention of our centre and programme approval conditions
- ◆ Failure to satisfactorily implement conditions of approval within stated timescales
- ◆ Centre postponement of visits by our External Contractors¹ for more than 6 months
- ◆ Denial of access to resources (premises, records, information, candidates and staff) by any authorised NCFE representative and/or the qualification regulators
- ◆ Actions required by our External Contractors deliberately not being met within agreed timescales
- ◆ Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with our requirements
- ◆ Failure to adhere to our candidate administration procedures, eg registration, entries for external assessment, certification and replacement certification.
- ◆ Failure to continually adhere to our course/centre approval criteria
- ◆ Failure to maintain auditable records, eg certification claims
- ◆ Fraudulent claim for certificates which could result in action being taken by an external party, eg the Skills Funding Agency
- ◆ Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance
- ◆ Deliberately misleading people who use an NCFE qualification about its content in the way it is advertised or promoted
- ◆ Deliberate misuse of our logo and our Investing in Quality trademark
- ◆ Forgery of evidence, eg fabricating assessment evidence, falsifying signatures, providing fictitious candidates for registration, assessment, moderation/verification and certification
- ◆ Falsification of assessment, moderation/verification and candidate records and documents in order to claim partial or full certificates
- ◆ Failure to deal with identified issues
- ◆ Insecure storage of external assessment papers and any associated mark schemes
- ◆ Non-adherence to our invigilation requirements by centre staff and candidates
- ◆ Unacceptable level and nature of assistance to candidates which could give them an unfair advantage in an internal or external assessment
- ◆ Submission of false information to gain a proxy or a qualification
- ◆ Failure to adhere to our *Regulations for the conduct of External Assessment*
- ◆ Failure to carry out actions identified from our external assessment monitoring visits ('spot checks') in the required timescales
- ◆ Failure to adhere to the requirements of our *Reasonable Adjustments and Special Considerations Policy*

¹ Our External Contractors include External Moderators, External Verifiers, Approval Advisors, Quality Advisors, Examiners, Chief Moderators, Chief Verifiers and Chief Examiners.

- ◆ Unauthorised amendment, copying or distributing of external assessment papers
- ◆ Failure to co-operate with NCFE during a fact find or investigation as set out in our *Malpractice and Maladministration policy*.

Examples of candidate malpractice

The categories listed below are examples of candidate malpractice either by a single candidate or by a group of candidates who, at the time of the incident, are registered with the centre on an NCFE programme or are studying an NCFE programme but had not yet been registered. Please note that these examples constitute deliberate acts as defined in section 1.2 of NCFE's Malpractice and Maladministration policy. The list is not exhaustive:

- ◆ Plagiarism of any nature
- ◆ Inappropriate behaviour in the classroom and during an internal or external assessment by candidates that could disrupt others in the same room
- ◆ Collusion with other candidates when this isn't allowed
- ◆ Copying another candidate's work
- ◆ Assuming the identity of another candidate or letting someone adopt your identity during an internal or external assessment
- ◆ Providing work or evidence that hasn't been completed by the candidate but by someone else on their behalf without the centre's or NCFE's permission
- ◆ Inclusion of inappropriate material that could be deemed to be offensive, discriminatory or obscene in assessment evidence
- ◆ Producing work that is unrelated to the exam paper or coursework
- ◆ Disobeying the instructions provided by the Invigilator or Assessor during an assessment
- ◆ Providing false information to gain entry to a qualification or to be exempt from an assessment

Examples of centre, centre staff and candidate maladministration

Generally, examples will involve instances where the centre hasn't followed our administrative procedures or quality assurance procedures in relation to the qualification/product.

Consequently there are instances as stated in section above that may be deemed to be maladministration and not malpractice when we conclude our fact find of what happened. If a centre or candidate repeatedly commits the same/or not maladministration, this will be deemed to be malpractice.

For further information

If you would like any further information on NCFE's Malpractice and Maladministration Policy, you can call us on 0191 239 8000* or email info@ncfe.org.uk – we'd love to hear from you.

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St James' Boulevard
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F: 0191 239 8001
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*To continue to improve our levels of customer service, telephone calls may be recorded for training and quality purposes.