

## Malpractice and maladministration policy

### Introduction

1. This policy sets out how FDQ aims to prevent malpractice and maladministration and to deal with any suspected or alleged cases of malpractice and maladministration in its activities as an Awarding Organisation (AO) and End-point Assessment Organisation (EPAO).

FDQ aims to provide high quality assessment products to all its learners/apprentices and therefore takes all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of its products. This includes identification of risks and incidents that could result in maladministration and malpractice.

2. If any malpractice or maladministration is suspected or alleged and there are reasonable grounds for the suspicion or allegation, FDQ will investigate to establish whether or not malpractice or maladministration has taken place. If it has, FDQ will take all reasonable steps to prevent any adverse effect or where it does occur, mitigate it as far as possible.
3. Where malpractice or maladministration is shown to have taken place in the development, delivery, or award of FDQ assessment products, FDQ's processes will aim to prevent this recurring. FDQ will also take action commensurate with the gravity and scope of the occurrence against those responsible. For centres and others working with FDQ (eg employers, providers or suppliers) this will be via use of the Sanctions Policy; for staff or contractors, this will be governed by FDQ's staff management and contractual procedures. FDQ will inform any centre or other awarding organisation/ end-point assessment organisation that might be affected and will keep the Regulators informed at all stages.
4. For the purposes of this policy and in accordance with the Regulators' Conditions:
  - a) Malpractice is defined as any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates – it also covers misconduct.

- b) Maladministration is any activity or practice which results in non-compliance with regulations, including cases of persistent mistakes or poor administration within a centre and from others working with FDQ (eg providers or contractors).

### Prevention of malpractice and maladministration

5. FDQ has systems and procedures in place covering the development, delivery and award of its assessment products. The systems and procedures have been specified in such a way that malpractice and maladministration should be prevented and so need to be carefully implemented at all times. The systems and procedures, include identification of risks that could lead to occurrence of malpractice and maladministration at any stage of the development, delivery and award of each type of its assessment products.
6. All organisations, including training providers and employers that deliver FDQ qualifications or part of an End-point Assessment (EPA) must be approved as a FDQ centre. Training providers and employers engaging with FDQ as an EPAO that do not deliver any part of the EPA do not need to become approved as a FDQ centre.
7. All FDQ centres and other organisations (such as employers, providers or suppliers) working with FDQ, must be familiar with FDQ's malpractice and maladministration policy. Centres are also required to have their own policies to prevent the occurrence of malpractice and maladministration and to deal with it should it occur. To this end, the FDQ malpractice and maladministration policy is referenced in its Centre Handbook and available on its website. Centres must have their own malpractice and maladministration policies that are checked at centre approval and during on-going quality assurance. FDQ will offer further guidance on requests from any centre, as how best to prevent, investigate and deal with malpractice and/or maladministration.
8. The categories listed below are examples of centre and learner/ apprentice malpractice. These examples are not exhaustive and are only intended as guidance on the definition of malpractice:
  - a) Contravention of centre, qualification and End-point Assessment requirements
  - b) Denial of access to resources (premises, records, information, learners/apprentices and staff) by any authorised FDQ representative and/or the Regulators

- c) Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with requirements
- d) Deliberate failure to adhere to learner/apprentice registration and learner certification procedures
- e) Deliberate or persistent failure to adhere to centre recognition or assessment product approval criteria or actions assigned to the centre
- f) Deliberate failure to maintain appropriate auditable records, e.g. certification claims
- g) Persistent instances of maladministration within the centre
- h) Fraudulent claim for learner certificates
- i) The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
- j) Intentional withholding of information from FDQ which is critical to maintaining the rigour of quality assurance and standards of its assessment products
- k) Deliberate misuse of FDQ's logo and trademarks or misrepresentation of a centre's relationship with FDQ and/or its recognition and approval status
- l) Forgery of evidence
- m) Falsification of evidence for EPA Gateway
- n) Collusion or permitting collusion in exams and assessments
- o) Learners still working towards a qualification after certification claims have been made
- p) Contravention by centre(s) or learner(s)/apprentice(s) of the assessment arrangements specified for FDQ assessment products
- q) Insecure storage of assessment materials and exam papers; permitting unauthorised access to assessment materials online
- r) Plagiarism of any nature by learners/apprentices, including copying and use of content and AI generated content which is presented as the learner's/apprentice's own work without appropriate referencing (to the source material)

- s) Cheating, or facilitating cheating, in assessment
  - t) Unauthorised tampering, amendment, copying or distributing of exam papers and/or secured assessment materials
  - u) Inappropriate assistance to learners/apprentices by centre staff (e.g. unfairly helping them to pass an assessment, unit or qualification)
  - v) Submission of false information to gain a qualification or unit
  - w) Deliberate failure to adhere to the requirements of FDQ's reasonable adjustments and special consideration policies
  - x) Failure to ensure security of IT systems relating to FDQ assessments, learners / apprentices
9. Where malpractice or maladministration is suspected or has been alleged, FDQ will carry out an investigation. This is set out in FDQ's Investigation procedure. If a centre, or other organisation that works with FDQ (such as contractors, employers, providers or suppliers) has discovered irregularities, it may be appropriate for its staff to undertake the initial investigation after reporting the matter to FDQ and under FDQ's direction.

FDQ will ensure that any investigation is carried out rigorously, effectively and by persons of appropriate competence who have no personal interest in the outcome of the investigation.

The scale and scope of any investigation required, will be determined by a number of factors such as

- a) The nature of the possible malpractice or maladministration, for example, whether the issue relates to a breach of confidentiality in the design stage, cheating in assessments or problems at the marking or any grading stage
- b) The number of learners/apprentices involved, if any, in the alleged malpractice or maladministration and the number directly advantaged, or disadvantaged, by the alleged malpractice or maladministration
- c) The degree of potential advantage or disadvantage to learners/apprentices involved in, or affected by, the alleged malpractice or maladministration

- d) The extent to which teachers, assessors or other professionals may be involved in the alleged malpractice or maladministration
- e) The extent to which the allegation or suspicion suggests any level of knowledge or awareness of the suspected malpractice or maladministration at Centre level.
- f) The number of Centres or other organisations working with FDQ involved
- g) The potential impact on public confidence in the qualification, or regulated qualifications more widely, of the suspected issue if confirmed
- h) Any potential impact on public confidence if Centre staff have a role in the investigation
- i) The degree to which alleged malpractice or maladministration may disadvantage other learners/apprentices
- j) The number of other learners/apprentices that may be affected by the alleged malpractice or maladministration, and the potential impact on them, as this might influence the effect on public confidence.

10. Whenever malpractice or maladministration is suspected or alleged, there is the potential for an adverse effect to occur. To ensure that these are recorded and dealt with in a consistent manner, the Incident Log (included in FDQ process documents) should be completed. This will include, inter alia, notes of any investigation that has taken place, where records are held, when the Regulators have been informed, and all actions taken. The Log should be completed for all allegations even if no action is taken so that there is an opportunity for cross-referencing if further evidence comes to light.

### **Dealing with malpractice and maladministration**

11. If FDQ establishes that malpractice or maladministration has occurred, either at a centre or within its own development, delivery or awarding procedures, it will take appropriate and immediate action against those responsible to prevent it from recurring. If the issue is with a member of staff or a contractor, appropriate management procedures will be instigated.

12. If malpractice or maladministration has occurred at a centre, the Sanctions Policy will come into force and one or more of the following actions will be taken until such time as FDQ is satisfied that appropriate corrective measures have been taken:
- a) Compulsory approval of assessment tasks and activities
  - b) An increased level of monitoring activities
  - c) A suspension of learner/apprentice registrations and learner claims for certification
  - d) Suspension or withdrawal of centre approval.
13. If the occurrence of malpractice or maladministration could affect another centre or another AO or EPAO, FDQ will inform that organisation. For example, if malpractice in marking exams were found, FDQ would inform the affected centres; if an issue of malpractice were found at a centre which operated with other awarding organisations, according to Regulatory requirements. All such information sharing will be recorded on the Incident Log.

#### **Monitoring malpractice and maladministration**

14. FDQ will ensure that:
- a) Records of actual or suspected cases of malpractice and maladministration, along with details of any actions taken, are maintained, and reviewed on a regular basis by the relevant Standards & Quality Group/s at FDQ
  - b) Records are used to identify broader issues or themes that may emerge over time and to recommend appropriate corrective actions that might need to be taken
  - c) Reports are made to the FDQ Governance Committee on a regular basis and as part of the self-evaluation procedure
  - d) Guidance from the Regulators is reviewed, and the policy is update to comply with best practice
  - e) Information from monitoring activities will be made available to the Regulators on request.