



Policy and Processes	
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This policy is intended for anyone involved in managing the delivery of the CIO Standard. It is important for persons involved in the delivery of the CIO Standard to be fully aware of the contents of this document and its possible implications should they fail to comply with the requirements within this policy. Tech Leaders Connect has a responsibility to candidates taking our CIO Standard qualifications and the Awarding Body to ensure that the CIO Standard is delivered in accordance with the requirements.

This document details the procedures for investigating and determining allegations of malpractice which in their fairness, thoroughness, impartiality and objectivity meet or exceed the requirements of current law in relation to such matters. It has been based on the Suspected Malpractice Policies and Procedures produced by the Joint Council for Qualifications (JCQ) which will be referred to in any suspected malpractice incidents.

What is Malpractice

Malpractice means any act, default or practice which is in breach of the Regulations or which:

- compromises the integrity of the assessment process and/or the validity of the result or certificate;
- gives rise to prejudice to candidates; and/or
- compromises public confidence in qualifications; and or
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of the awarding body or centre.

Malpractice can occur at training provider level, learner level or within the awarding body.

Examples of malpractice include:

- a breach of security (e.g. failure to keep test material secure, tampering with results, taking a screenshot/photograph of a live test);
- deception (e.g. deliberate falsification of test records or manufacturing evidence);
- taking bribes;
- selling or disclosing live test material;
- improper assistance to candidates (e.g. prompting candidates when answering test questions by means of signs, verbal or written prompts or allowing candidates to have access to prohibited materials (e.g. dictionaries or calculators);
- sitting the test for the candidate;
- deliberate conflict of interest which compromises the integrity of the test (e.g. the invigilator has an invested interest in the outcome of the test);

- failure to notify Tech Leaders Connect of an actual or suspected malpractice when known;
- failure to co-operate with an investigation;
- failure to investigate if requested;
- there is a substantial error in our assessment materials;
- candidate collusion
- learner plagiarism

What is Maladministration

Any activity or neglect that results in a lack of compliance with the specified requirements for delivery of the qualification. Examples of Maladministration include:

- inappropriate retention or destruction of records;
- failure to ensure appropriate test conditions;
- poor administration (failure to have appropriate records);
- failure to have appropriately trained staff;
- breach of re-sit rule;
- registering a learner after a live test;
- accidentally logging a learner onto the wrong test;
- anyone involved in the delivery of the qualification invigilating the test;
- sharing keys and passwords inappropriately;
- additional attempts greater than the number of test papers as outlined in the qualification specification;
- giving learner assistance with reasonable adjustments when not authorised to do so
- ignorance of the regulations;
- carelessness or forgetfulness when applying the regulations;
- unintentional conflict of interest;
- invigilator leaving the room during a live test;
- failure to check that candidates do not have unauthorised material in the test room
- requesting access arrangements for learners who do not meet the requirements

It is worth noting that these are categorised for first time instances, however, where there are repeated instances then it is possible that the act / omission could be assessed as deliberate and malpractice may be considered. Other instances of malpractice or maladministration may be identified and considered by Tech Leaders Connect at our discretion.

All allegations of malpractice or maladministration will be investigated. This is to protect the integrity of the qualification and to be fair to the training provider and all learners. Any suspected instances of malpractice or maladministration need to be reported to Tech Leaders Connect.

How Tech Leaders Connect will deal with allegations of Malpractice

Identification

There will be several ways to identify an adverse effect; malpractice or suspected malpractice such as:

- on-going quality assurance activity and monitoring e.g. internal verification activity;
- intelligence, complaints or feedback;
- scheduled quality assurance activity and monitoring;

Anyone who suspects malpractice or that an adverse effect has happened has a responsibility to notify Tech Leaders Connect without delay.

The Allegation

A full account of the incident / adverse effect must be submitted in writing together with supporting evidence to Tech Leaders Connect. The report a member of staff but it could also be reported a candidate or any other interested party.

If for some reason, the alleged incident cannot be made in writing, the staff member taking the call must capture as much information as possible and save the details to the relevant malpractice folder.

Tech Leaders Connect will try to protect the identity of an informant if this is asked for at the time the information is given. Staff making allegations of malpractice may be protected by the Public Interest Disclosure Act 1998.

All allegations will be recorded in the Quality Log. The Malpractice / Maladministration Report must be used to log the allegation and will be the working document for the case.

Response

In the case of a notification of an adverse effect or suspected malpractice, Tech Leaders Connect will consider the information provided and decide to do one of the following:

- take no further action;
- bring the matter to the attention of the person responsible for the delivery of the CIO Standard, or another suitably qualified individual, asking them to gather evidence into the alleged malpractice and produce a written report of the outcome to Tech Leaders Connect;
- investigate the matter independently, especially where there is an allegation of fraud or serious threat to the integrity of certification, where there is an allegation against the person delivering the CIO Standard;
- nominate a third party to conduct the investigation on our behalf.

Tech Leaders Connect may choose to communicate with a candidate directly if the circumstances of the case require us to. (For example, if there is a contradiction in the evidence provided by the candidate

and other party).

Regardless of whether the allegation of malpractice is proven or not, to ensure the integrity of, and public confidence in, future assessments, Tech Leaders Connect may undertake additional inspections and/or monitoring, and/or require additional actions.

Investigation Objectives

Investigations into malpractice and suspected malpractice should aim to:

- Establish the facts relating to allegations/complaints 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 malpractice has occurred
- Establish the facts, circumstances and scale of the alleged malpractice. In considering the scale of the malpractice, it is important that the investigation is not too narrowly

focused and considers the broader impact the malpractice could have on the candidates or qualifications

- Identify the cause of the irregularities and those involved
- Identify and, if necessary, take actions to minimise the risk to current candidates and requests for certification
- Evaluate any actions already taken
- Determine whether any remedial actions are required to reduce the risk to current candidates and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued
- Obtain evidence to support the investigation
- Identify any patterns or trends
- Identify any changes to training provider policy or procedure or Awarding Body policies or procedures

The Investigation

Tech Leaders Connect will lead any investigation into suspected malpractice and will expect full co-operation all parties.

Those responsible for investigating should seek evidence from which the full facts and circumstances of any alleged malpractice can be established. It should not be assumed that because an allegation has been made, it is true. The fundamental principle of an investigation is to conduct it in a fair, reasonable and legal manner ensuring that all relevant information is considered without bias and as quickly as possible.

Individuals accused of malpractice should normally be made fully aware at the earliest opportunity of the nature of the allegation, preferably in writing, of the information used to notify Tech Leaders Connect of the malpractice, and the possible consequences should malpractice be proven. They must also be given the opportunity to respond, preferably in writing, to the allegation made against them.

The person undertaking the investigation must ensure there is no conflict of interest, organise an investigation into the alleged malpractice and then submit a report to Tech Leaders Connect. There must not be a conflict of interest between the person conducting the investigation and the individual(s) accused of malpractice. The person conducting the investigation must have no personal interest in the outcome of that investigation.

Tech Leaders Connect will not normally withhold any evidence or material obtained or created during an investigation into an allegation of malpractice. However, we may do so where this would involve disclosing the identity of an informant who has asked for his/her identity to remain confidential. In such cases, Tech Leaders Connect will provide the evidence and material and will withhold information that would reveal the person's identity and will explain why the withheld information cannot be provided.

If investigations reveal that candidates had prior knowledge of the content of a live test, Tech Leaders Connect will establish whether information could have been divulged other candidates or to other unauthorised persons. It may be necessary to interview a candidate during an investigation.

When it is necessary to conduct an interview with a staff member, the member of staff being interviewed may be accompanied by a friend or advisor who is impartial to the investigation. The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour. However, if any party wishes to be accompanied, for example by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. The person accompanying the interviewee should not take an active part in the interview, he/she is not to answer questions on the interviewee's behalf. Tech Leaders Connect will not be liable for any professional fees incurred.

The "Suspected Malpractice Investigation" checklist must be used to document the points to cover during the investigation. The investigation must determine:

- who was involved in the incident
- the facts of the case, as established from evidence and/or statements from those involved.

Rights of the Accused during the Investigation

When, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a candidate or a member of staff) accused of malpractice must:

- be informed in writing of the allegation made against him or her;
- know the possible consequences should malpractice be proven;
- can consider their response to the allegations (if required);
- have an opportunity to submit a written statement;
- be informed that he/she will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee;
- have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
- be informed of the applicable appeals procedure, should a decision be made against him or her;
- be informed of the possibility that information relating to a serious case of malpractice may be shared with other as appropriate.

Responsibility for informing the accused individual rests with the investigator. In certain circumstances, it may be necessary for the investigator to exercise discretion, in the light of all the circumstances of the case, as to the timing and how an allegation of malpractice and the supporting evidence is presented to the individual(s) involved.

By their very nature investigations usually necessitate access to information that is confidential. All material collected as part of the investigation must be kept secure and not normally disclosed to third parties (other than the regulators, or the police where appropriate). All relevant documents and evidence must be retained for a minimum of one year following the conclusion of the investigation.

The Report

Where the investigation into the alleged malpractice has been carried out the investigator must submit a full written report of the case to Tech Leaders Connect. The report should be accompanied by the following documentation, as appropriate:

- a statement of the facts, a clear and detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out

- the evidence relevant to the allegation, such as written statement(s) from the invigilator(s), assessor, internal verifier(s) or other staff who are involved
- written statements from candidates, teachers, invigilators or other members of staff concerned which must be signed and dated
- any exculpatory evidence and/or mitigating factors
- unauthorised material found in the test room
- any work of the candidate and any associated material (e.g. source material for coursework) which is relevant to the investigation
- any other evidence relevant to the investigation

Tech Leaders Connect will decide based on the report, and any supporting documentation, whether there is evidence of malpractice and if any further investigation is required.

The Decision

To determine the outcomes in cases of alleged malpractice Tech Leaders Connect will convene the Malpractice Committee composed of internal and/or external members experienced in test and assessment procedures. The Committee may also be assisted by another member of staff who has not been directly involved in the investigation. Alternatively, this function may be allocated to a named member or members of staff.

The work of the Committee is confidential. Members of the Committee are required to identify any case of which they have personal knowledge or might be said to have some interest which could lead to an inference that the Committee had been biased. Any member with a close personal interest will take no part in the discussion of the case and will not be present when the Committee discusses the matter.

Accused individuals or their representatives are not entitled to be present at meetings of the Committee. However, the person against whom the allegation has been made will be given the opportunity to make a written statement to the Committee considering the material provided.

The key principle underpinning the composition of the Committee is that it is independent of those who have conducted the investigation. Tech Leaders Connect staff who have directly investigated the case will play no role in the decision-making process. No-one who declares an interest in the outcome of the case will be present in the room when the case is considered. In deciding on any report, the Committee will establish that correct procedures have been followed in the investigation of the case, and that all individuals involved have been given the opportunity to make a written statement.

If satisfied, the Committee will consider:

- the regulatory criteria which is alleged to have been compromised
- the facts of the case
- whether malpractice is occurred
- who is responsible if criteria have been compromised
- any points of mitigation

If the Committee is satisfied that there is sufficient evidence that malpractice has occurred, the Committee will then determine:

- appropriate measures to be taken to protect the integrity of the assessment and to prevent future breaches

- the nature of any sanction or penalty to be applied.

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of behaviour this may be taken into consideration when determining whether a sanction should be applied. The Committee will seek to make decisions unanimously, but if necessary may decide by a majority.

The Committee must be satisfied from the evidence before it that on the balance of probabilities the alleged malpractice occurred (i.e. that it is more likely than not). It is possible that the evidence in some cases may be inconclusive, but Tech Leaders Connect may decline to accept the work of the candidates to protect the integrity of the qualification for the majority.

In situations where a case is deferred because the Committee requires further information to decide, the deferral and the nature of the request will be shared with the investigator.

In straightforward cases where the evidence is not contested or in doubt, Tech Leaders Connect may invoke a summary procedure. Sanctions may be applied and notified to an individual following consideration of the case by an awarding body member of staff. Sanctions and penalties applied under this summary procedure are subject to appeal, as are all other sanctions and penalties resulting from cases of malpractice.

Once a decision has been made, it will be communicated in writing the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

Most cases of malpractice are confidential, the individual who engaged in the malpractice and Tech Leaders Connect. However, in cases of serious malpractice, where the threat to the integrity of the assessment is such as to outweigh a duty of confidentiality, it may be necessary for information to be exchanged with other interested parties as outlined below.

Notifying the Regulators and Other Interested Parties

Tech Leaders Connect will report cases of malpractice to the relevant Regulator if the circumstances of the case are likely to meet the Ofqual definition of an Adverse Effect. This will include details of the actions take.

Sanctions and Penalties – Candidates

Tech Leaders Connect will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. Not all the sanctions and penalties are appropriate to every type of qualification or circumstance.

During the investigation, and pending any sanctions or penalties, the learner(s) are not permitted to undertake any live testing for the CIO Standard.

These penalties may be applied individually or in combination:

Warning: The candidate is issued with a warning that if the offence is repeated within a set period, further specified sanctions will be applied.

Disqualification from a unit: The candidate is disqualified from the unit. This penalty is only available if the qualification is unitised. The effect of this penalty is to prevent the candidate aggregating or requesting certification in that series if the candidate has applied for it.

Disqualification from a whole qualification: The candidate is disqualified from the whole qualification.

Barring a Candidate

The candidate is barred from entering for one or more tests for a set period. This penalty is applied in conjunction with any of the other penalties above, if the circumstances warrant it.

Once a decision has been made, it will be communicated as soon as possible to the individuals concerned.

Candidate Appeals

Tech Leaders Connect will advise Candidates they have the right to appeal a decision where a case of maladministration has been upheld. Candidates should be aware of the appeals process.

Candidates have a right to appeal where:

- evidence has been provided that the candidate disagrees with

Maintaining Records

Tech Leaders Connect will retain all investigation documentation for one year following the conclusion of the investigation. In an investigation that involves a criminal prosecution or civil claim, records should be retained for one year after the case and any appeal has been heard.

Records should include:

- a report containing a statement of facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out
- written statements from all those involved
- Any work of the candidate, internal assessment or verification records relevant to the investigation
- Details of remedial actions taken to ensure on-going integrity of the CIO Standard now and in the future

Review and Monitoring

This policy will be reviewed annually.