




Malpractice and Maladministration Policy

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Policy Approval

Approval Required:	Please Check		Annual Review Required:	Please Check	
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Approval Panel:	Shane Carter				
Approved By:	Name		Signature		Date
	Shane Carter				01/09/202
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Policy Writer/s:	Shane Carter				

INDUCTION

This policy is aimed at our staff and learners, who are either delivering or are registered on a Shape Academy qualification or unit and who are involved in suspected or actual case of malpractice or maladministration.

DEFINITION OF MALPRACTICE

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the development, delivery, internal or external assessment process and/or the award of Shape Academy qualifications.

Malpractice could involve centre staff, learners, external verifiers and awarding organisation staff or contractors.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards learner(s).

Shape Academy has policies and procedures in place to minimise the possibility of malpractice or maladministration occurring within the awarding organisation. In particular, qualifications have to be developed according to a specified process, all staff and contractors' work is subject to quality assurance, and both paper-based and IT administration is carried out according to specified procedures.

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Contravention of our centre and qualification approval conditions
- Denial of access to resources (premises, records, information, learners and staff) by any authorised Cinders Training representative and/or the regulators
- Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our learner registration and certification procedures.
- Deliberate or persistent failure to adhere to our centre recognition and/or qualification approval criteria or actions assigned to your centre
- Deliberate failure to maintain appropriate auditable records, e.g., certification claims
- Persistent instances of maladministration within the centre
- Fraudulent claim for certificates
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g., mobile phones)
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of our logo and trademarks or misrepresentation of a partner's relationship with Cinders Training and/or its recognition and approval status with Shape Academy.
- Forgery of evidence
- Collusion or permitting collusion in exams
- Learners still working towards a qualification after certification claims have been made

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- Contravention by our centres and learners of the assessment arrangements we specify for our qualifications
- Insecure storage of assessment materials and exam papers
- Plagiarism of any nature by learners
- Unauthorised amendment, copying or distributing of exam papers
- Inappropriate assistance to learners by centre staff (e.g., unfairly helping them to pass a unit or qualification)
- Submission of false information to gain a qualification or unit
- Deliberate failure to adhere to the requirements of our reasonable adjustments and special considerations policy

DEFINITION OF MALADMINISTRATION

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (e.g., inappropriate learner records).

Procedure for dealing with malpractice and/or maladministration

All incidents of malpractice or maladministration, irrespective of the nature of the incident, must be reported to the Head of Education, Training & Quality. Anonymous reports of malpractice will be acted upon only if there is supporting evidence, or if the nature of the report warrants it.

1. A malpractice allegation is received by Head of Education, Training & Quality
2. The Head of Education, Training & Quality will seek to establish the full facts and circumstances of the alleged malpractice.
3. A report from the candidate's workplace (if appropriate) may be required but an investigation will only be initiated if *reasonable* suspicion of genuine and deliberate malpractice exists.
4. Candidates or centre staff accused of malpractice will be made fully aware in writing at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven.
5. Each case of suspected malpractice will be considered on an individual basis in the light of the all the information available.
6. All actions taken as part of the investigation are fully documented.
7. The Head of Education, Training & Quality will determine:
 - a. whether the regulations have been adhered to
 - b. where the culpability lies for the breach in regulations
 - c. appropriate measures to be taken to protect the integrity of the award and to prevent future breaches as well as mitigate against any adverse effect
 - d. the nature of any penalty to be applied.
8. A record outlining all stages of the above process will be kept on file. The report will include a summary of the origin of the complaint or mode of discovery of the alleged irregularity, the

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investigations carried out, the evidence secured, the conclusions drawn and the decision reached, including any recommendations for action.

9. Penalties will be based only on the evidence presented, and must be justifiable, reasonable in scale, and consistent with previous decisions in similar circumstances.
10. All parties involved will be notified of all decisions in writing to their home or main address.
11. All parties will be given the opportunity to seek a review of the decision should a judgement be made against them.

Artificial Intelligence (AI)

We recognise that artificially intelligent chatbots, such as ChatGPT, are new tools being used across the world.

Shape Academy has strict guidelines on learners. These stress that learners must be the authors of their own work. Content produced by AI platforms, such as ChatGPT, does not represent the learner's own original work so would be considered a form of academic misconduct to be dealt with under Shape Academy disciplinary procedures.

AI may be used as a source of research only.

All work will be checked by a plagiarism checker and an AI plagiarism checker.

Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place by a member of staff, Shape Academy will consider what action to take to:

- Minimise the risk to the integrity of certification now and in the future.
- Maintain public confidence in the delivery and awarding of qualifications.
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising our standards.

Disciplinary action will be taken against any member of staff who is found guilty of malpractice or maladministration which may result in the termination of the employment contract between the guilty party and Shape Academy.

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