



Malpractice and Maladministration policy

Introduction

The purpose of this Policy is to provide information to our clients, candidates and their employers, Assessors and IQA's on what Lucelly Consultancy Ltd considers as malpractice or maladministration and to make clear how any allegations or actual malpractice/maladministration will be investigated and handled.

The scope of the policy is to provide:

- A definition of malpractice.
- Examples of what constitutes Malpractice and maladministration by our candidates.
- Examples of what constitutes Malpractice and/or Maladministration by our Lucelly Consultancy employees, Assessors, IQA and partners.
- Process for making an allegation of suspected Malpractice or Maladministration.
- How we will deal with any allegations of suspected Malpractice or Maladministration.
- If Malpractice is proven, the following actions that can be taken.
- What we will do to try and prevent this from happening again.

Definition of malpractice

Malpractice is defined as any act, or failure to act, that threatens or compromises the integrity of the internal or external assessment process or the validity of the Awarding Body's qualifications and their certification and/or breaks regulations or laws.

This includes:

- Maladministration and the failure to maintain appropriate records or systems.
- The deliberate falsification, neglect or other practice that compromises or could compromise records or documents or assessments connected to the award/validity of qualifications.
- Acts of plagiarism ***including the use of artificial intelligence (AI)/software*** by candidates (See separate A.I. Policy for more details).

- Other academic misconduct and/or actions that compromise the reputation or authority of Lucelly Consultancy Ltd, our Awarding Bodies, our Assessors, IQA's and partners.
- Unnecessary discrimination or bias towards certain individuals.

We will report all relevant cases of suspected malpractice to our Awarding Bodies, accepting that in certain circumstances our Awarding Bodies may act of their own, including imposition of sanctions.

Definition of maladministration

Maladministration is defined as any activity, neglect or practice that results in the centre or candidate not complying with the specified requirements for the delivery of the qualification (e.g. non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre, like inappropriate candidate records. Maladministration is generally seen as not deliberate.

Examples of maladministration:

- Deliberate and/or persistent failure to adhere to our candidate registration and certification procedures.
- Deliberate and/or persistent failure to adhere to our centre or qualification approval criteria (E.g. Not considering entry qualification requirements)
- Unreasonable delays in responding to requests and/or communications from the Awarding Body
- Inaccurate claims for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from the Awarding Body, which is required of the centre's ability to deliver qualifications appropriately
- Failure to adhere to or provide provisions as outlined in the Awarding Body Reasonable Adjustments and Specials Considerations Policy.
- Failure to keep secure records.
- Failure to conduct a thorough investigation into alleged or actual malpractice and/or maladministration, and or failure to report.

A deliberate act of maladministration is malpractice.

Examples of Malpractice by our candidates

Some examples of candidate malpractice are described below. These examples are not exhaustive and all incidents of suspected malpractice, whether described below, will be fully investigated, where there are sufficient grounds to do so.

- Arranging for an individual other than the person to undertake any of your activities or professional discussion.
- Submitting evidence for an activity or other relevant work not undertaken or completed by the candidate.
- The use of Artificial Intelligence (A.I.) or A.I.-based software or any other technological means to write/complete your answers or evidence for the activities set out in your qualification is not allowed as you could gain an unfair advantage. [See separate A.I. Policy for further details and guidance on its use.](#)
- Producing, altering, using or allowing the use of forged or falsified documentation or using others documentation and passing off as your own, including but not limited to:
 1. Personal identification. Please ensure you follow the guidelines on the induction and ID checks process in the Induction and ID check policy.
 2. Any evidence provided for your qualification activities (This includes, documents, photos, emails and or screenshots).
 3. Presenting a falsified certificate.
- Copying the work of another candidate or knowingly allowing another candidate to copy from their own work.
- Failure to comply with instructions given by your assessor. E.g. not adhering to warnings relating to your conduct. As per examples above
- Submitting false information to gain a qualification
- Unacceptable conduct, including the use of offensive language to your Assessor our staff at the centre (including threatening, aggressive or behaviour).

Examples of Malpractice and/or Maladministration by Lucelly Consultancy employees, Assessors, IQA and training/centre partners

Examples of malpractice by Lucelly Consultancy employees, Assessors, IQA's and NVQ Centre or Training partners are listed below. These examples are not exhaustive and all incidents of suspected malpractice, whether described below, will be fully investigated, where there are sufficient grounds to do so.

- Persistent failure to adhere to Lucelly Consultancy and the Awarding Body policies on checking candidate ID or complete induction forms
- Persistent failure to adhere to the relevant the centres requirements, regulations and procedures, including those relating to centre approval and monitoring requirements as set out by Lucelly Consultancy and our Awarding Bodies.
- Persistent failure to adhere to any associated actions assigned to the centre
- Unreasonable delays in responding to requests or communications with Lucelly Consultancy Ltd or the Awarding Body
- Unreasonable delays in responding to candidates, Assessors or IQA's
- Knowingly allowing an individual to impersonate a candidate
- Allowing a candidate to copy other candidates work or allowing a candidate to let their own work be copied
- Completing an assessed assignment for a candidate or providing them with assistance beyond what is deemed reasonable
- Failing to give inappropriate support to a candidate.
- Improper assistance to candidates during assessments
- Damaging a candidate's work or failing to provide access to records, information to a centre, Awarding Body or the regulator Ofqual.
- Failure to maintain appropriate auditable records on the E-portfolio system or keep evidence/assessments secure of conducted on-site.
- Withholding of information by deliberate act or omission
- Disruptive behaviour or unacceptable conduct, including the use of offensive language (including aggressive or behaviour/sexual harassment or intimidation/bullying)
- Allowing disruptive behaviour or unacceptable conduct at the Centre to go unchallenged, for example, aggressive or offensive language or behaviour
- Failure to carry out internal assessment, verification in accordance with our requirements
- Failure to adhere to adhere to candidate registration and certification procedures
- Candidates still working towards the qualification after certification claims have been made.

- Producing, using or allowing the use of forged or falsified documentation, including but not limited to:
 1. Personal identification.
 2. Any evidence provided for a candidates' qualification activities (This includes, documents, photos, emails and or screenshots).
 3. Presenting a falsified certificate.
- Fraudulent claim for a certificate.
- Failing to report a suspected case of candidate malpractice, including plagiarism to Lucelly Consultancy Ltd.
- Plagiarism by a candidate, Assessor or IQA.
- Intentional withholding of information from Lucelly Consultancy Ltd, which is critical to maintaining the rigour of Quality Assurance and standards of qualifications

How to prevent malpractice in our centre

Using Electronic Signatures

Electronic signatures are permitted on all assessment documentation if there is an audit trail to support its authenticity. This also includes candidate signatures required. The simplest way to do this is via a dated comment on the assessment documentation stating 'Signed: assessor or candidate name' and this would be sufficient on its own or a recorded video, where the assessor gains acceptable from the candidate to sign documentation on their behalf. Alternatively, centres could validate through:

- An email from the candidate/assessor with the record attached to show that it has been sent from them.
- A system log to show that the candidate/assessor has submitted the record.

Please note: It is a requirement of Lucelly Consultancy that all inductions/ID checks are recorded (video or voice recording), and an induction form completed by the assessor. Where the assessor signs the form on the candidate's behalf, the assessor gains acceptable from the candidate to sign documentation on their behalf.

Both the induction form and recording should be uploaded to Quals Direct by the assessor and added to the "additional information" section on the candidate's account.

All qualification evidence submitted by a candidate, must for the NVQ must represent solely the candidates own work and that it has not been copied from another individual's work, used A.I. or copied information from the internet to produce evidence.

Please note: As part of Lucelly Consultancy processes, candidates will be expected to declare electronically that it is their own work, by completed the "declaration of authenticity form" provided by their assessor.

Process for making an allegation of suspected Malpractice or Maladministration

Anyone who identifies or is made aware of any suspected or actual cases of Malpractice or Maladministration at any point in time MUST immediately notify the Director at Lucelly Consultancy Ltd- Louise Dodds via the following email: info@lucellyconsultancy.org.uk. This should include any supporting evidence to back up this claim.

This process applies to staff, candidates, Assessors, IQA's, EQA's verifiers and partners and to any reporting of malpractice by a third party or individual who wishes to remain anonymous.

The allegation must include:

1. The candidates name and company details.
2. The name and job role of the person suspected to be involved (staff member, assessor, IQA, EQA).
3. The NVQ name and level.
4. Nature of the suspected or actual malpractice or maladministration. Any dates, or evidence to back up the claims.

How we will deal with any allegations of suspected Malpractice or Maladministration

- Lucelly Consultancy Ltd will acknowledge all reports of suspected malpractice within five working days from receipt of email.
- The informant's identity will not be disclosed during the case to protect their anonymity under our duty of confidentiality and other legal duty.
- The candidate, Assessor or IQA or EQA suspected of malpractice will be warned immediately that their actions may constitute malpractice, and that a report has been made to the centre and the grounds of this malpractice. We will also provide suggested timescales of when the investigation will be concluded and our findings. This will be via phone call initially and then followed up via email for written confirmation.
- Individuals will naturally have a right to respond by providing a personal written response relating to the suspected malpractice (within 10 working days of the date of the email).
- A full investigation will be undertaken which will be to determine, clearly identifying the information, including statements from other individuals involved and / or affected, any evidence obtained. Any mitigating circumstances will also be reviewed, and we will ensure a fair and reasonable process without bias.
We will also ensure there are no trends or patterns relating to other work undertaken and seek to identify if any actions have already been taken before the allegation was made.
We will ensure that we verify that persons undertaking the investigation have no conflicts of interest in the case and are competent to undertake the investigation.

- All the parties involved in the case will then be contacted within 10 working days of the investigation being concluded, detailing the suspected malpractice. We may also contact other individuals who may be able to provide evidence relevant to the case.
- We will promptly take all reasonable steps to prevent any adverse effect that may arise because of the malpractice, or to mitigate any adverse effect, as far as possible, and to correct it to make sure that any action necessary to maintain the integrity of our and our awarding body's qualifications and reputation is taken.
- A full draft report will be provided to parties to review and comment. Any subsequent amendments to this report must be agreed between all parties and fully documented and audited.

Please note: Lucelly Consultancy Ltd has a duty to inform the Awarding Body that we suspect and/or are investigating the potential of maladministration and/or malpractice.

We may also suspend involvement in qualification delivery and/or assessments until the investigation is complete.

If Malpractice is proven, the following actions will take place

- If malpractice is considered proven, Lucelly Consultancy Ltd has a duty to inform the Awarding Body immediately to inform them of this.
We will provide the Awarding Body documents, records, staff information and any other resource during the investigation of maladministration or malpractice. Actions may be imposed either by Lucelly Consultancy or by the relevant Awarding Body, reflecting the seriousness of the case. Individuals will have the right to appeal.
- Where more than one individual is contacted regarding a case of suspected malpractice, for example in a case involving suspected collusion, we will contact everyone separately and will not reveal personal data to any third party unless necessary for the purpose of the investigation.
- The individual has a right to appeal against a malpractice outcome if they believe that the policy or procedure has not been followed properly or has been implemented to their detriment. Individuals should prefer to our Appeals and Grievance/Complaints Policy, should they wish to appeal any decision.
- As Lucelly Consultancy Ltd/Awarding Body has a duty to inform other relevant authorities/regulators, should that be deemed applicable, however this will only be after time for the appeal has passed or the appeal process has been completed. This may also include informing the police if the law has been broken and to comply with any other appropriate legislation.
- Records of all malpractice cases and their outcomes will be held by Lucelly Consultancy Ltd for a period of seven years and are subject to regular monitoring and review. This is to ensure that should any future investigation that leads to an invalidation of a certificate, a criminal or civil prosecution, all documentation is retained until the case, and any appeals has been heard.

Potential Malpractice actions that will be undertaken

Following an investigation, if a case of malpractice is upheld, Lucelly Consultancy Ltd may impose actions/ penalties on the individual(s) concerned. We will report the matter to the relevant awarding body, and the awarding body may impose one or more actions upon the individual(s) concerned. Any actions imposed will reflect the seriousness of the malpractice that has occurred.

Applied to candidates

1. A written warning about future conduct.
2. Notification to their employer, regulator or the police as appropriate.
3. Their NVQ/qualification will be terminated.
4. Revoke any invalid certificates that have been identified

Applied to Assessors, IQA's, staff and partners.

1. A written warning about future conduct.
2. Enforce specific training. E.g. complete appropriate CPD required, as a condition of future involvement in assessments or assessment verification with a review at the end of the training.
3. Suspend involvement in qualification delivery and/or assessments until further notice.
4. Lucelly Consultancy Ltd may carry out unannounced monitoring of the working practices of the individual(s) concerned.
5. Imposition of special conditions for the future involvement of the individual(s) in the assessment or administration of candidates NVQ/qualifications.
6. Informing any other organisation known to employ the individual in relation to training and assessments of the outcome of the case.
7. Dismissal or termination from their permanent, temporary or freelance contract.
8. Notify the Qualification Regulators, other Awarding Bodies, funding authorities or other appropriate regulatory or government bodies of the outcome of the investigation

What we will do to try and prevent this from happening again

1. We will need to consider how procedures may need to be altered to prevent this from happening again to maintain confidence in our ability to deliver NVQ/qualifications to our clients, Awarding Bodies and Regulators.
2. Develop a full action plan for managing and rectifying the negative impact of any incidents of malpractice or maladministration and making this action plan available

to the Awarding Body as required. This plan will identify any areas of improvement required to ensure that malpractice or maladministration does not recur in the future.

3. Provide a standardisation meeting covering this example with our delivery team to ensure this does not happen again and to discuss the implications of this happening again.

This policy also links into the “Access to fair Assessment Policy”, Assessment and IQA Policy, Conflicts of Interest Policy, GDPR Policy, Equality and Diversity, Reasonable Adjustments and Special Considerations Policy, A.I Policy, Lost portfolio Policy, as well as the “Whistle blowing Policy”.

Review and Amendment

This policy will be reviewed regularly to ensure its ongoing compliance with the Awarding Body, legislation and industry best practices. Changes will be made as necessary.

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