

Malpractice Policy

Version	Date	Author	Update Information
1	16/1/15	AG	Original, reviewed 20/6/16
2	27/10/17	AG	Updated in line with new guidance from SQA
3	26/10/18	JW	Updated 4.1; 4.4, reviewed 23/9/19 JW, 22/10/20 CB; 12/4/21 JW
4	22/07/21	CB	Re-written in line with SQA guidance
5	25/04/22	CB	Addition to centre malpractice re assessment feedback being too leading
6	31/01/23	LJ	Updated in line with SQA guidance on external reporting

This policy applies to all SQA qualifications and is written in line with SQA's publication, [Malpractice: Information for Centres](#).

Definition of Malpractice

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of SQA assessment requirements including any act, default or practice which:

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any SQA qualification or the validity of a result or certificate; and/ or
- Damages the authority, reputation or credibility of SQA or any officer, employee or agent of SQA.

Malpractice can arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance). Examples might include:
 - completing assessment work on behalf of learners; or
 - falsification of information leading to certification
- Some incidents of malpractice are unintentional. We define unintentional malpractice as 'maladministration', which includes incidents that arise due to ignorance of SQA requirements, carelessness or neglect in applying the requirements. Examples might include:
 - seeking approval to offer a new qualification after the deadline for new approval applications has passed; or
 - requesting late certification of learners after a regulated qualification's certification end date

Malpractice can include both deliberate non-compliance with SQA requirements and maladministration in the assessment and delivery of SQA qualifications.

Training for Care will investigate and act upon any suspected instances of malpractice, whether intentional or not, to protect the integrity of the qualification, the centre's reputation and to identify any wider lessons to be learned.

Candidate Malpractice

Training for Care will endeavour to ensure that all assessors follow the guidelines in SQA's publication [Guide to Assessment](#) for ways of assessing and authenticating candidate evidence to minimise the risk of candidate malpractice.

If staff suspect there has been candidate malpractice before results are submitted to SQA, or before SQA carries out planned quality assurance activities SQA's current guidance on malpractice should be consulted immediately and followed.

Candidates are advised of SQA's policy on malpractice as part of their induction and must read and sign our *Candidate Malpractice Declaration* (Appendix 1). Candidates are also advised of their right to appeal a malpractice decision, which is referred to in TfC's Appeal Grounds and Procedure.

The following are examples of candidate malpractice, but those involved in the assessment process should be vigilant to other instances of suspected malpractice:

- collusion, working collaboratively with other candidates beyond what is permitted
- copying from another candidate
- frivolous content, producing content that is unrelated to the assessment
- misconduct, inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others.
- offensive content, content in assessment materials that includes vulgarity and swearing that is outwith the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidates' rights to freedom of expression.
- Personation, assuming the identity of another candidate, or a candidate having someone assume their identity during an assessment
- plagiarism, failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own
- prohibited items, possessing items that candidates must not have with them during assessment

Training for Care will respond to any suspected cases of candidate malpractice as detailed in SQA's publication, [Malpractice: Information for Centres](#).

Centre Malpractice

Training for Care is vigilant to possible cases of centre malpractice and has systems in place to minimise risk.

Examples of centre malpractice include (but are not limited to):

- manager or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award
- deliberate falsification of records in order to claim certificates
- excessive direction from assessors to candidates on how to meet national standards
- feedback from assessors that is too leading, particularly where a reassessment needs to take place
- failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards
- failure to comply with SQA requirements in the preparation, quality assurance and submission of estimated grade information
- failure to apply specified SQA assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments, including any amendments to permitted conditions
- misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions
- failure to recognise and apply appropriate measures to manage potential conflict of interest in assessment or quality assurance
- failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements
- failure to comply with SQA requirements in relation to appeals processes
- insecure storage, transmission or use of assessment instruments, materials and marking instructions, resulting in a breach of assessment security

- failure to comply with requirements for safe retention of candidate evidence, and safe and accurate maintenance of assessment and internal verification records
- failure to comply with SQA's procedures for managing and transferring accurate candidate data
- failing to register candidates within a qualification's accreditation period
- making late registrations to the awarding body for qualifications in their lapsing period
- requesting late certification of learners after the certification end date
- for all SQA qualifications, failure by a centre to promptly notify, investigate and report concerns of potential centre malpractice to SQA
- failure to promptly notify SQA of a finding of centre malpractice, maladministration or an equivalent or similar finding by another awarding organisation
- withholding information about circumstances that may compromise the integrity of any SQA qualification or the credibility of SQA
- failure to notify SQA promptly if another awarding body removes approval from the centre, regardless of the reason given for this withdrawal
- failure to take action required by SQA or to co-operate with an SQA investigation into concerns of malpractice
- for qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales, failure by a centre to notify

Training for Care will respond to any suspected cases of centre malpractice as detailed in SQA's publication, [Malpractice: Information for Centres](#) and will co-operate in full with any SQA or SQA Accreditation investigations into Malpractice.

Any suspected cases of centre malpractice will be reported to SQA as soon as we have carried out an initial screening exercise to establish the nature of the concern. This includes any concerns where we take the view that no further action is necessary.

Reporting and Investigation of Suspected Malpractice

Reporting

Where any form of malpractice is suspected by a candidate, member of staff or professional associate (PA), this should be reported verbally or in writing to the relevant Head of Department or to the SQA Centre Co-ordinator. This applies both to reports from staff (about candidates or other members of staff/PA) and candidates (about other candidates or members of staff/PA).

External Reporting

Centre Malpractice

Any suspected cases of centre malpractice must be reported to SQA by the Centre Co-ordinator as soon as we have carried out an initial screening exercise to establish the nature of the concern. This includes any concerns where we take the view that no further action is necessary.

We must inform SQA of any investigation carried out by an awarding body, industry body, funding agency or regulator which may or may not affect the delivery of SQA qualifications. We must also promptly bring to SQA's attention any findings of centre malpractice or maladministration communicated to us by another awarding or industry body. We must notify SQA promptly if another awarding body removes approval from our centre, regardless of the reason given for this withdrawal.

Candidate Malpractice

SQA expects centres to bring candidate malpractice concerns for internal assessments to their attention only if:

- the concern came to our centre's attention after submission of internal assessment marks

- the concern relates to candidate malpractice for a qualification regulated by SQA Accreditation, Ofqual or Qualifications Wales
- a candidate affected by a malpractice decision, who has exhausted their right of appeal within our centre, wishes to exercise their right of appeal to SQA; or
- there are other exceptional circumstances, eg we believe that the malpractice case involves a criminal act (if the malpractice involves a criminal act the matter must also be reported to the police)

Investigation

On receiving notification of suspected Malpractice, a Malpractice case file will be created and held securely by the SQA Co-ordinator. All related assessment, verification and resulting will be suspended until the investigation has been completed.

Investigation of the case will be carried out by the SQA Centre Co-ordinator or appropriate Head of Department and will commence within **7 days** of the Malpractice case file being created. The method of investigation will depend on each particular case but will usually involve a second opinion.

The file will contain: full details of the investigation recorded; written statements from centre staff and candidates involved; any work of the candidate and internal assessment or verification records relevant to the investigation; details of any remedial action being taken to ensure the integrity of certification at that point and in the future.

The aim will be to complete the investigation within **14 days** of the start of the investigation, but depending on the circumstance this may take longer; the candidate will be informed if a longer timescale is required.

Decision

The outcome of the investigation will be notified in writing to the person or persons being investigated and to other interested parties e.g. assessor, tutor, data management staff within **7 days** of the decision.

Where a candidate malpractice decision has been made, depending on the severity of the malpractice, the candidates will either

- i) be informed that they will be withdrawn from completing the qualification, and SQA notified of the reason for this; they will also be advised of their right to appeal or
- ii) be issued with a warning and asked to resubmit the piece of work in full

Where a malpractice decision has been made involving any member of staff or Professional Associate they will be subject to Training for Care's Disciplinary Procedures.

Appeals

Candidates and staff have the right to appeal a Malpractice decision made by Training for Care or by SQA. Please see our Appeals Procedure for more information on how to do this.

We have the right to appeal a decision where a case of reported malpractice by our centre has been confirmed through investigation by SQA.

We also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by our centre to SQA.

Candidates have the right to appeal to SQA where:

- SQA has conducted an investigation and the candidate disagrees with the decision
- our centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted our centre's appeals process,

- SQA has asked our centre to conduct an investigation and the candidate disagrees with the outcome and has exhausted our centre's appeals process, and For regulated qualifications only:
- Our centre and our candidates have the right to request a review by the appropriate regulator (SQA Accreditation, Ofqual or Qualifications Wales) of the awarding body's process in reaching a decision in an appeal of a malpractice decision.

Recording

Records will be kept as detailed in SQA's publication, [Malpractice: Information for Centres](#).

Where an investigation of suspected malpractice is carried out, we will retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications. Records will include any work of the candidate, and assessment or verification records relevant to the investigation.

In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records will be retained for six years.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation will be retained for six years after the case and any appeal has been heard. If there is any doubt about whether criminal or civil proceedings will take place, we will keep records for the full six year period.

CANDIDATE MALPRACTICE DECLARATION

Please read this information carefully, it is very important that you understand what is being said. If you have any questions, please ask the member of staff delivering your induction. You can also refer to the full Malpractice Policy in your induction pack.

What is Malpractice?

Malpractice can be any action undertaken during assessment which gives you an unfair advantage, false result or causes damage to the authority, reputation or credibility of SQA.

In the Care/Childcare Sector, Malpractice can have very dangerous consequences as you may, on the basis of your qualification, be given responsibilities to look after someone, and not have the skills and knowledge which you claimed to have.

Examples of Malpractice

- Plagiarism - copying evidence from another person's portfolio; making up evidence, i.e. saying you have done, seen or heard something which you have not; failure to acknowledge sources properly*;
- Collusion - working with someone else to produce evidence, your work must be your own
- Personation - pretending to be someone else
- Frivolous content - producing content that is unrelated to the assessment
- Unauthorised aids - physical possession of unauthorised materials
- Inclusion of inappropriate, offensive, discriminatory or obscene material in evidence
- Inappropriate behaviour during an internal assessment that causes disruption to others
- Taking copies or images of SQA assessments

*This does not mean that you should not refer to someone else's work in your portfolio. In fact, it is good to do lots of research as it shows that you are learning from other people, but you must make it clear where the work came from. Your tutor or assessor will give you more information about correct referencing.

Declaration

Malpractice is very serious and anyone found to be in breach of our Malpractice Policy is at risk of serious consequences.

By signing this form, I confirm that I have understood the above information on Malpractice and that the evidence I produce for this SQA qualification must be my own work.

Name:	
Signature:	
Date:	