

Malpractice and Maladministration Policy and Procedure

Introduction

This policy is aimed at recognised Centres and their learners, who are delivering / registered on **Association of Certified Digital Accounting Professionals (ACDAP)** regulated qualifications or units or courses within or outside the UK. It is used by staff to ensure they deal with all malpractice or maladministration in a consistent manner.

It sets out the steps Centres, learners or other personnel must follow when reporting suspected or actual cases of malpractice and maladministration and ACDAP's responsibilities in dealing with such cases. It also sets out the steps we will follow when reviewing the cases.

The Centre's responsibility

It is important that Centre staff involved in the management, assessment and quality assurance of ACDAP's regulated qualifications or units or courses, and all registered learners, are fully informed of the contents of the policy. As set out within the centre agreement, Centres need to have in place documented arrangements to reduce the risk and incidents of malpractice and maladministration occurring.

Any failure to report suspected or actual malpractice and maladministration cases, or failure to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on Centres.

Centres wishing to receive guidance / advice from ACDAP on how to prevent, investigate and deal with malpractice and maladministration can contact the organisation (details at the end of this policy) and a member of staff will be happy to provide such advice and/or guidance.

A Centre's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by ACDAP External Quality Assurers / Standards Verifiers periodically through the ongoing Centre monitoring arrangements.

Should an investigation be undertaken within a Centre, the Head of Centre must:

Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes.

- Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the immediate reported issues to assure the ACDAP that arrangements at the Centre are appropriate for all qualifications.
- Respond speedily and openly to all requests relating to the allegation and/or investigation.
- Ensure their staff cooperate fully with any investigation and/or request for information.

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ACDAP responsibilities

ACDAP will make staff and consultants aware of the policy, through the process of induction and subsequent update training.

When occurrences of malpractice and maladministration are identified within internal processes and procedures these will be reviewed and revised as appropriate on the outcome of the investigation, in order to mitigate against the occurrence being repeated.

Review arrangements

ACDAP will review the policy annually as part of the self-evaluation arrangements and revise it as and when necessary in response to Centre and learner feedback, changes in internal practices, actions from the regulatory authorities or external agencies or changes in legislation.

In addition, this policy may be updated in light of operational feedback to ensure the arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

If Centres wish to feedback any views please contact ACDAP via the details provided at the end of this policy.

Definition of Malpractice

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal and external assessment process, and/or the validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- The assessment process
- The integrity of a regulated qualification
- The validity of a result or certificate

The reputation and credibility of ACDAP, the qualification or the wider qualifications community.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

Definition of Maladministration

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

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Examples of Malpractice

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

Examples of Centre malpractice

- Failure to satisfactorily implement conditions of Centre recognition within stated timescales.
- Denial of access to resources (premises, records, information, learners and staff) for any authorised ACDAP representative and/or the regulatory authorities.
- Actions required by External Quality Assurers / Standards Verifiers not being met within agreed timescales.
- Deliberate failure to carry out delivery, internal and external assessment, internal verification in accordance with the requirements.
- Deliberate failure to adhere to learner registration and certification procedures.
- Deliberate failure to continually adhere to Centre recognition and/or qualification approval criteria.
- Deliberate failure to maintain auditable records, e.g. certification claims.
- Fraudulent claim for certificates.
- Persistent instances of maladministration.
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones).
- Intentional withholding of information from ACDAP which is critical to maintaining the quality assurance rigor.
- Deliberate misuse of ACDAP logo and trademarks.
- Misrepresentation of a Centre's relationship with ACDAP and/or its recognition and approval status with ACDAP.
- Collusion or permitting collusion in exams.
- Contravention by Centres and their learners of the assessment arrangements specified for qualifications offered by ACDAP.
- Learners still working towards a qualification after certification claims have been made.
- Condoning plagiarism by Centre staff.
- Creation of false records.
- Impersonation of a learner for internal or external assessment.
- Cash for certificates (e.g. the selling of certificates for cash).
- A loss, theft of, or a breach of confidentiality, in any assessment materials.
- Unauthorised amendment, copying or distributing of exam papers and controlled assessments.
- 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.

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- Deliberate failure to adhere to the requirements of the Reasonable Adjustments and Special Considerations Policy and Procedures.

Examples of Learner malpractice

- Forgery of evidence.
- Plagiarism of any nature by learners.
- Collusion in an exam or controlled assessment.
- Tampering with another learner’s assessment evidence.
- Not adhering to exam or controlled assessment conditions.
- Not following instructions from invigilators, examiners or ACDAP staff during supervised exam or controlled assessments.
- Obtaining, receiving, exchanging or passing on information relating to and during an exam or controlled assessment by: talking, written paper or notes or electronic means.
- Copying from other learners during an exam or controlled assessment.
- A loss, theft of, or a breach of confidentiality, in any assessment materials.
- Destruction of another learner’s work.
- Submission of false information to gain a qualification or unit.
- False ID used in the registration process.
- Making a false declaration of authenticity.
- Impersonation of a learner for an internal or external assessment.
- Disruptive behaviour during an exam or controlled assessment.
- Accessing prohibited websites during an exam or controlled assessment.
- Inappropriate use of technology during assessments (e.g. mobile phone or tablet computer).
- Cheating

Examples of maladministration

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

Centre examples

- Persistent failure to adhere to our learner registration and certification procedures
- Persistent failure to adhere to Centre recognition and/or qualification requirements and/or associated actions assigned to the Centre
- Persistent late learner registrations
- Unreasonable delays in responding to requests and/or communications from ACDAP (e.g. Centre postponement of visits by External Quality Assurers and ACDAP staff for more than 6 months)
- Failure to train invigilators adequately
- Failure to invigilate to ACDAP requirements
- Failure to ensure that assessment venues meet ACDAP requirements
- Inaccurate claim for certificates

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- Failure to maintain appropriate auditable records (3 years), e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from ACDAP which is required to assure ACDAP of the Centre’s ability to deliver qualifications appropriately
- Misuse of ACDAP logo and trademarks or misrepresentation of a Centre’s relationship with ACDAP and / or its recognition status with ACDAP
- Failure to adhere to, or to circumnavigate, the requirements of ACDAP Reasonable Adjustments and Special Considerations Policy.

Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify ACDAP. ACDAP will accept any written report, letter or e mail that sets out the details of the alleged malpractice / maladministration. The correspondence must be sufficiently detailed and include any evidence that supports the allegation to enable an investigation to commence. A malpractice / maladministration notification form is available on ACDAP website.

All allegations should include (where relevant):

The Centre’s name, address and number

- The learner’s name and ACDAP registration number
- The name and position of any Centre staff member(s) involved in the case
- Details of the ACDAP course/qualification affected or nature of the service affected
- Nature of the suspected or actual malpractice or maladministration
- Details of any initial investigation carried out by the Centre or anybody else involved in the case, including any mitigating circumstances
- Date of the report and the informant’s name and position.

If a Centre has conducted an initial investigation prior to formally notifying ACDAP, the Centre should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances the Centre must immediately notify ACDAP if they suspect malpractice or maladministration has occurred as ACDAP has a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice or maladministration reported to ACDAP the organisation will protect the identity of the ‘informant’ in accordance with the duty of confidentiality and/or any other legal duty.

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Confidentiality and whistle blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details, if you are concerned about possible adverse consequences you may request ACDAP not to divulge your identity. If it helps to reassure you on this point, ACDAP can confirm that the organisation is not obliged (as recommended by the regulator Ofqual) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

While ACDAP is prepared to investigate issues which are reported anonymously, the organisation shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates. For example, where appropriate:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- The courts (in connection with any court proceedings)
- Other third parties such as the relevant regulatory authority e.g. Ofqual.

At all times ACDAP will investigate such allegations from whistle blowers in accordance with relevant whistle blowing legislation.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of malpractice and maladministration will be examined promptly by ACDAP to establish if malpractice or maladministration has occurred and all reasonable steps will be taken to prevent any adverse effect from occurring as defined by the regulator Ofqual.

All suspected cases of malpractice and maladministration will be passed to the Director of Quality who will acknowledge receipt, as appropriate, to external parties within 2 working days. The Director of Quality will advise the Chief Executive Officer of suspected cases of malpractice and maladministration.

The Director of Quality will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by ACDAP.

At all times ACDAP will ensure that personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

Notifying relevant parties

In all cases of suspected or actual malpractice or maladministration, ACDAP will notify the Head of Organisation or Chair of Board involved in the allegation that the organisation will be investigating the matter and/or in the case of learner malpractice, may ask Centres to investigate the issue in liaison with ACDAP personnel – in doing so details of the person making the allegation may be withheld if to

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do so would breach a duty of confidentiality or any other legal duty. We will only ask the Centre to investigate the matter where we have confidence that the investigation will be prompt, thorough, independent and effective.

Where applicable, the Director of Quality will inform the appropriate regulatory authorities promptly if it is believed there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation. In particular, we will keep them informed of progress in large and/or complex cases.

Where the allegation may affect another awarding organisation and their provision, ACDAP will also inform them in accordance with the re organisations that might be affected are not known ACDAP will ask Ofqual for help to identify relevant parties that should be informed.

Investigation timelines and process

ACDAP aims to action and resolve all stages of the investigation within 20 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a Centre visit is required. In such instances, ACDAP will advise all parties concerned of the likely revised timescale.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred
- To identify the cause of the irregularities and those involved
- To establish the scale of the irregularities and whether other qualifications may be affected
- To evaluate any action already taken by the Centre
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification
- To ascertain whether any action is required in respect of certificates already issued
- To obtain clear evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with the Sanctions Policy
- To identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, ACDAP will:

- Ensure all material collected as part of an investigation be kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a Centre be retained for a period of not less than five years. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original

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documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter

- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with the organisation.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, ACDAP reserves the right to impose sanctions on the Centre in accordance with the Sanctions Policy in order to protect the interests of learners and the integrity of qualifications.

ACDAP also reserves the right to withhold a learner's, and/or cohort's, results for all the ACDAP regulated qualifications or units or courses they are studying at the time of the notification or investigation of suspected or actual malpractice or maladministration.

If appropriate, ACDAP may find that the complexity of a case or a lack of cooperation from a Centre means that it is unable to complete an investigation. In such circumstances the organisation will consult the relevant regulatory authority in order to determine how best to progress the matter.

Where a member of ACDAP staff is under investigation the organisation may suspend them or move them to other duties until the investigation is complete.

If ACDAP believes there is sufficient evidence to implicate an individual/Centre in malpractice/ and/or maladministration it will:

- Inform them (in writing) of the allegation
- Provide them with details of the evidence found to support the judgment
- Inform them of the possible consequences
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
- Provided them with an opportunity to consider and respond to the allegation and findings
- Inform them of the Appeals policy should they wish to appeal against the decision.

After an investigation, ACDAP will produce a draft report for the parties concerned to check the factual accuracy (Centres will normally receive this via ACDAP Centre management system).

Throughout the investigation the Director of Quality will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.

Allegations involving ACDAP staff or consultants

Where allegations of malpractice and/or maladministration relate to a member of staff of ACDAP an investigation will be undertaken by the Director of Quality in accordance with the investigation procedure. In cases where the allegation relates to the Director of Quality the investigation will be undertaken by the Chief Executive Officer.

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The report will be agreed by the Chief Executive Officer with the relevant internal managers informed and appropriate internal disciplinary procedures will be implemented, in accordance with ACDAP Disciplinary, Capability, Grievance and Appeals Policy.

In the event that an allegation is against the Chief Executive Officer the Chair of the Board of Trustees and Director of Quality will investigate and agree the appropriate actions.

Where allegations of malpractice and/or maladministration relate to a consultant working for ACDAP an investigation will be undertaken by the Director of Quality in accordance with the investigation procedure.

Upon the conclusion of the investigation the Chief Executive Officer will review the outcome of the investigation in terms of the on-going contractual arrangements.

Investigation report

After an investigation, ACDAP will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ACDAP. The report will:

- Identify the breach of the regulatory conditions, if any, that occurred
- Confirm the facts of the case
- Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied.

ACDAP will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified ACDAP of the suspected or actual case of malpractice or maladministration, the organisation will also inform them of the outcome – normally within 10 working days of making the decision - in doing so some details may be withheld if to disclose such information would breach a duty of confidentiality or any other legal duty.

Investigation outcomes

If the investigation confirms that Centre malpractice or maladministration has taken place ACDAP 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 and maladministration
- Ensure there has been no gain from compromising ACDAP standards.
- The action ACDAP may take includes:
- Impose actions with specified deadlines in order to address the instance of malpractice or maladministration and to prevent it from reoccurring. For example, by:

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- Undertaking additional/increased visits to a Centre to provide them with a greater level of support and/or monitoring depending on their needs and performance
- Requiring specific Centre staff to undergo additional training and/or scrutiny by the Centre if there are concerns about their ability to undertake their role in the delivery of qualifications offered by ACDAP effectively
- Not permitting specific Centre staff to be involved in the delivery or assessment of qualifications offered by ACDAP (e.g. not permitting an individual to assess)
- Altering the way, and the period in which, Centres receive assessment materials from ACDAP if there are concerns around their ability to maintain the security and confidentiality of such materials
- Appointing independent invigilators to observe an examination when appropriate at the Centre if there are concerns around the Centre's arrangements and/or the Centre is unable to resource particular examinations.
- Impose sanctions on Centres – if so, these will be communicated in accordance with the Sanctions Policy along with the rationale for the sanction(s) selected
- Take action against a learner(s) in relation to proven instances of cheating, plagiarism, fraud, as suggested by Ofqual in their guide to “Authenticity”, such as
 - Loss of credits/ marks for the related work/unit
 - Disqualification from the unit(s)/qualification
 - Placing a ban for a set period of time from taking any further qualifications with ACDAP
- In cases where certificates are deemed to be invalid, ACDAP will inform Centres concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. ACDAP will also ask the Centre to let the affected learners know the action being taken and that their original certificates are invalid and ask the Centre – where possible – to return the invalid certificates to ACDAP. ACDAP will also amend the internal database so that duplicates of the invalid certificates cannot be issued and the organisation expects the Centre to amend their records to show that the original awards are invalid
- Amend aspects of the qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring
- Inform relevant third parties (e.g. funding bodies) of the findings in case they need to take relevant action in relation to the Centre
- Carry out additional, related investigations if we suspect the issue may be more widespread at the Centre and/or at other Centres.

In proven cases of malpractice or maladministration by a Centre ACDAP reserves the right to charge the Centre for any re-sits and reissuing of certificates and/or additional External Quality Assurer / Standards Verifier visits. The fees for which will be the current ACDAP prices for such activities at the time of the investigation.

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In addition, to the above the Director of Quality will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help ACDAP prevent the same instance of malpractice or maladministration from reoccurring.

If Centres wish to appeal against the decision to impose sanctions, please refer to the Appeals Policy.

Monitoring

ACDAP Quality and Standards Committee will be responsible for monitoring the effectiveness of the malpractice / maladministration process. Summary reports will be submitted to enable the Committee to review the effectiveness of the process and, where appropriate, monitor changes to the policy and procedures, which will be submitted annually to the Board of Trustees for monitoring and appropriate action.

Contact details

If you wish to discuss any aspect of this policy and/or have a related query please contact:

Telephone	02036216472
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The Office of Qualifications and Examinations Regulation (Ofqual) General Conditions of Recognition

- Condition A8: Malpractice and maladministration
- Condition C2: Arrangements with Centres
- Condition B3: Notification to Ofqual of certain events
- Condition G4: Maintaining the confidentiality of assessment materials, including the conduct of specified training
- Condition D4: Responding to enquiries and complaints procedures

Council for the Curriculum, Examinations and Assessment (CCEA) General Conditions of Recognition

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