

# Malpractice and Maladministration Policy

## 1. Scope

1.1 This Policy applies to all Law Training Centre employees, contractors and Learners.

## 2. Definitions

2.1 Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) that is a breach of the requirements of the awarding body, including any act, default or practice that:

- compromises, attempts to compromise, or may compromise, the process of assessment, the integrity of any qualification, or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of the awarding body or any officer, employee or agent of the awarding body

2.2 Malpractice 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 qualifications
- The qualification or the wider qualifications community
- The confidentiality of assessment materials

2.3 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.

2.4 Failure by the Centre to deal with an identified issue may in itself constitute malpractice.

2.5 A non exhaustive list of examples of the type of incident that may amount to mal practice is provided in this Policy.

2.6 Maladministration relates to any activity, neglect, default or other practice that results in the Centre or Learner not complying with the specified requirements for delivery of the qualifications as set out in the relevant codes of practice, where applicable.

## 3. Learner/Candidate Malpractice

3.1 Candidate malpractice means any type of malpractice by a candidate which threatens the integrity of an examination or assessment.

3.2 The courses and qualifications that Law Training Centre provide take a range of formats:

- Non-exam based assessment
- In person exam based assessment
- Remote online exam based assessment

3.3 Examples of Learner/Candidate malpractice for all forms of assessments include:

- Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment – including the early and unauthorised access to a question paper.
- Collusion with others during the assessment.

- Copying from another candidate's assessment and/or working collaboratively with other candidates to complete an assessment.
- Offensive content – content in assessment materials that includes vulgarity and swearing that is out with 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 (including the use of AI to generate the assessment answers).

### 3.4 Examples of Learner/Candidate malpractice for in person exam based assessments include:

- Inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language, and having a prohibited electronic device.
- Prohibited electronic items that candidates must not have with them including: mobile phones; and other electronic devices such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information - unless any of these things have been approved by the qualification awarding body or Law Training Centre as part of an assessment arrangement.
- Other prohibited items such as: books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary – unless any of these things have been approved by the qualification awarding body or Law Training Centre as part of an assessment arrangement.

### 3.5 Examples of Learner/Candidate malpractice for remote online exam based assessments include:

- Failing to comply with Law Training Centre or the proctor's instructions before, during and after an examination;
- Failing to complete 360 degree room scan.
- Failing to complete a materials scan (as applicable).
- Taking any books, revision notes or similar materials to the exam desk or attempting to use such materials in the exam where not permitted.
- Making handwritten notes within the assessment
- Communicating, or attempting to communicate with, anyone other than the proctor during the exam;
- Leaving the room during the exam (unless approved by the qualification awarding body or Law Training Centre as part of an assessment arrangement).

## 4. Centre Malpractice

### 4.1 Centre 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);
- Some incidents arise due to ignorance of qualification awarding body or regulator requirements, carelessness or neglect in applying the requirements (maladministration).

### 4.2 Malpractice can include both maladministration in the assessment and delivery of qualifications and deliberate non-compliance with qualification awarding body or regulator requirements.

### 4.3 Where Law Training Centre identifies a new concern of possible centre malpractice (for example, excessive direction by assessors) in the course of investigating a concern of candidate malpractice, the procedures for responding to centre malpractice should be applied. The first steps in these circumstances are for Law Training Centre to carry out an initial screening and to report the new centre malpractice concern to the qualification authority (as applicable).

### 4.4 Similarly, where the qualification authority or a nominated third party identifies a new concern of possible centre malpractice in the course of investigating a concern of candidate malpractice, the procedures for responding to centre malpractice will be applied.

## 5. Preventing and dealing with Malpractice

**5.1** Law Training Centre will take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available. Where it has not been possible to prevent this, it is in everyone's interest to ensure that all cases of suspected or actual malpractice/maladministration are dealt with quickly, thoroughly and effectively.

**5.2** Law Training Centre is responsible for:

- Taking reasonable steps to prevent malpractice/ maladministration from arising
- Being vigilant to possible instances of malpractice and maladministration
- Implementing any actions required during and after investigation into a case of malpractice
- Taking action required to prevent the recurrence of malpractice/maladministration.
- Advising Learners of the awarding body's policy on malpractice/maladministration during their induction
- Complying with published the awarding body malpractice procedures
- Immediately notifying an awarding body of any incidents, or suspected incidents, of malpractice/ maladministration as required by the awarding body policies
- Assisting with any requests for information made by the awarding body
- Co-operating with the awarding body malpractice/maladministration investigations
- Carrying out investigations of malpractice under the guidance of the awarding body

**5.3** The overall responsibility of dealing with malpractice/maladministration lies with the Director of Education. It could also under some circumstances be dealt by a person nominated by the Director of Education. As a part of procedure, the alleged malpractice incident has to be reported to the Awarding Body in the case where the Awarding Body is external.

**5.4** It is necessary to investigate any concerns of potential malpractice, whether they are intentional or not, to protect the integrity of the qualification and to identify any wider lessons to be learned

**5.5** The response to any concern of suspected malpractice may include up to three stages:

- initial screening
- investigation and
- decision.

The detailed steps to be taken within each of these broad stages, and relative responsibilities, may vary depending on the type of assessment affected.

## 6. Initial screening

**6.1** Once alleged malpractice is suspected an initial screening must first take place.

**6.2** The purpose of the initial screening is to determine whether the complaint has sufficient grounds to warrant further investigation.

**6.3** Initial screening may involve assessing the credibility and seriousness of the allegations and can include obtaining an initial account from the alleged person involved. If this step is taken at the initial screening the alleged person must be informed in writing of the:

- nature of the alleged malpractice.
- possible consequences if malpractice is proven.

**6.4** If the allegation passes the initial screening, a formal investigation should be conducted.

## 7. Investigation

**7.1** Law Training Centre will conduct investigation in a predefined and structured way into the alleged incidents of malpractice. These investigations are supported by the Director of Education of the Centre and conducted by the person nominated by the Director of Education.

**7.2** The structure of the investigation is as follows:

- the report of alleged incident is documented
- the alleged individual is informed about the allegation of the malpractice in writing

- the alleged individual is then explained the right and procedures regarding appeal in case the incident is proven to be true
- the individual is then given time and opportunity to respond to the incident. This has to be done in writing
- the response of the individual is then considered thoroughly
- the investigation is then completed and the decision passed on to the individual in writing
- all stages of this investigation are to be documented and the records kept for three years after the decision.

**7.3** Individual candidates who are under investigation for suspected malpractice should be provided with:

- information about the allegation made against them and information about the evidence there is to support that allegation
- information about the possible consequences should malpractice be established
- the opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- the opportunity to consider their response to the allegations (if required)
- the opportunity to submit a written statement
- information on the applicable qualification authority's appeals procedure, should a decision be made against them

**7.4** During an investigation, the conduct of the candidate in other examinations or assessments should not be taken into account in reaching a finding of malpractice. However, any previous findings of malpractice against the same candidate may be taken into account for the purposes of determining the appropriate sanction.

**7.5** Where the incident involves one or more candidates sitting an invigilated assessment (in person or remote online), the details should be recorded on an Invigilator Report Form. Each incident should also be recorded in the Log of Instances of Malpractice.

**7.6** In conducting an investigation, Law Training Centre will retain the following records and documentation for six years. The records should include:

- a report containing a statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the centre into the suspected case of centre malpractice
- written statements from the centre staff and candidates involved – these should normally be signed by the interviewee(s) and dated
- any work of the candidate(s) and internal assessment or verification records relevant to the investigation
- details of any remedial action identified as necessary to ensure the integrity of certification now and in the future

## 8. Penalties

**8.1** There is a variety of sanctions and/or penalties that could be applied upon Learners and/or Centre staff. These sanctions totally depend upon the intensity of the incident and therefore vary in nature. Following are the few sanctions that could be applied if the malpractice is proven:

- the staff or Learner is issued with a written warning about future assessment conduct.
- Assessment result declared void
- in the case where there is repetitive conduct of malpractice by a Learner they may be refused a further assessment attempt
- in the case where malpractice is proven against a member of staff they will be subject to an immediate decline in their access to records and authority to assess or certify.
- the staff may also be barred from the use of certain administrative tools depending upon the nature of malpractice and may be reprimanded or terminated from the job

Approved by	Eve Dullabh	Approval signature	<i>Eve Dullabh</i>
Date signed	03/2025		