

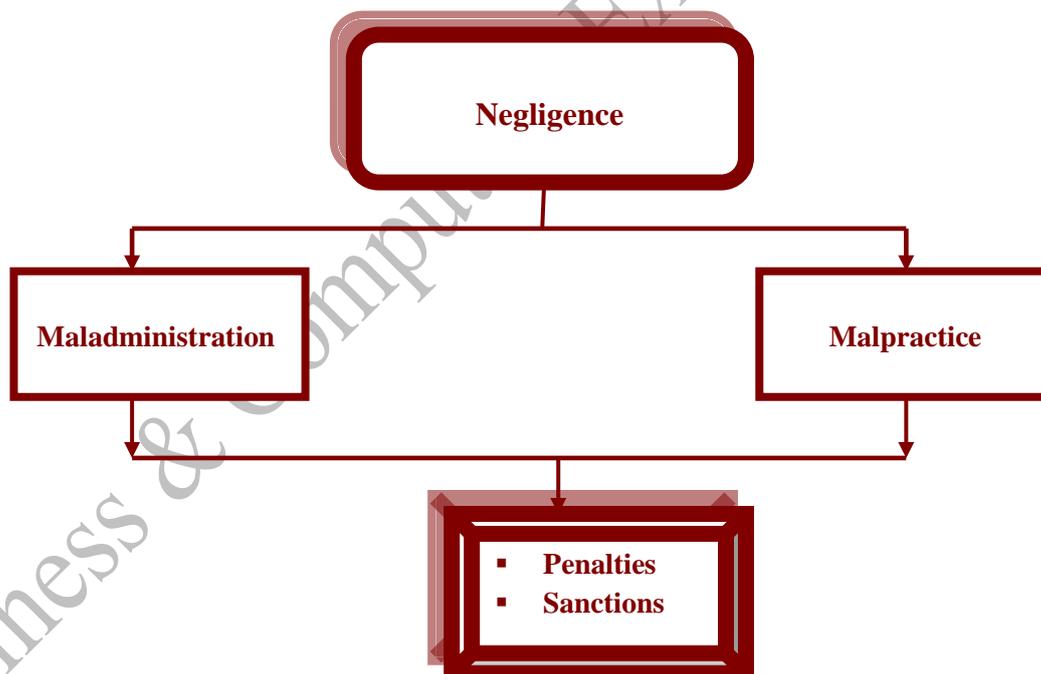


Business & Computing Examinations (BCE) LONDON (UK)

Maladministration and Malpractice Policy

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Responsibility for implementation:	Programme Development Manager / Office Manager

Maladministration and Malpractice Framework



Maladministration and Malpractice Procedures

1. Integrity of practice

All BCE staff and staff working at BCE Approved Centres are expected to demonstrate honesty and integrity in the development, delivery and awarding of qualifications. It is the Centre's responsibility to ensure that all relevant centre staff familiarise themselves with this document.

2. Definitions

BCE will use the term 'malpractice' as a catchall to encompass the following:

Maladministration

Maladministration refers to an unintended act of negligence that could jeopardise the development, delivery and award of qualifications.

Malpractice

Malpractice is any activity or practice which deliberately compromises the integrity of the development, delivery and award of qualifications.

3. Reporting malpractice

All BCE staff and staff working at BCE Approved Centres should report any suspected act of malpractice involving BCE staff (including assessment panel) learners, centre staff, invigilators or any others involved with BCE Assessment.

Where malpractice is suspected by centre staff, the Centre Head should be notified immediately. It is the duty of that Centre Head to conduct an immediate investigation into the incident and to notify BCE at the earliest opportunity.

Failure to report any suspected acts can lead to the application of sanctions and penalties [see BCE Sanctions Policy for more information]

If an incident of malpractice is suspected, an immediate investigation should be conducted and the outcomes of this investigation should be sent to BCE using the BCE Malpractice Report Form. This should be sent to the BCE Quality Assurance Manager at qualityassurance@bcexam.com.

In the event of malpractice by a learner in an examination, a centre may expel that learner from the examination room. Where malpractice relates to the work of a learner, that work needs to be saved and sent with the Malpractice Report form to the BCE Quality Assurance Manager.

4. The BCE commitment to take action

BCE does not accept any form of malpractice and will act quickly and decisively in the action it takes to ensure the on-going integrity of our qualifications.

Any reported incidents will immediately result in an investigation. If this incident involves Centres, the Centre in question will be suspended from making claims for certification pending the outcomes of that investigation.

Where malpractice is established, BCE will act in accordance with its Sanctions Policy.

5. Examples of malpractice and maladministration by centres, learners and BCE staff

5.1 Incidents of malpractice/maladministration at Centres may include the following. Please note this list is not exhaustive.

Relationship with BCE

- Deliberately providing misleading information to BCE through the Centre Approval process.
- Running BCE Qualifications without gaining Centre Approval.
- The falsification of a candidate's formative marks, assessment evidence, results information and claims for certification made/sent to BCE.
- Failure to report or investigate an act of malpractice.
- Failure to give BCE access to premises, relevant records or respond to requests for information or actions/conditions of accreditation set by BCE.
- Failure to send required information to BCE in a timely fashion.
- The misuse of the BCE corporate logo.
- Failure to notify BCE of a significant change in ownership, management or financial circumstances such as a pending bankruptcy.

The Management of results information and assessment material

- Allowing unauthorised access to confidential assessment material, this includes the copying and distribution of examination question papers.
- The loss of learner data, results information or assessment material through negligence.

The Management of learners

- Providing an unacceptable level of support to learners in the completion of coursework assignment or in the production of answers to examination questions. This can range from an act of deception in providing/writing answers for learners, to inappropriate levels of advice in preparing learners for assessments.
- Deliberately giving inaccurate or misleading advice to learners.
- The use of inaccurate marketing material relating to the qualifications, resources or services provided by that centre.
- Failure to respond to enquiries, appeals or complaints by a learner.
- Any act of discrimination, harassment or bullying against a learner.
- Failure to apply reasonable adjustments or special considerations in line with BCE policy.
- Unfairly charging learners for resources/services. This might include not fully disclosing the range of fees learners need to pay, not providing sufficient notice in any increase in course fees, registration fees and any other related fees and not providing accessible information on fees on Centre website or other marketing material.

Resources, management and practice

- Failure to provide the necessary staff, resources or systems needed to support the delivery and assessment of qualifications
- Failure to give the necessary training and support to tutors/instructors
- Showing bias in the delivery or assessment of BCE qualifications
- Making changes to the examination timetable which have not been agreed with BCE
- Failure to properly adhere to BCE's invigilation requirements

5.2 Incidents of malpractice by learners may include the following. Please note this list is not exhaustive.

- Failure to comply with the instructions of a supervisor or invigilator.
- The use of unauthorised material in an examination or assessment process.
- The misuse of examination material in an assessment process.
- Exchanging, giving, receiving, obtaining confidential examination or assessment material.
- Falsifying or forging written assignments.
- Destroying or damaging the work of another learner.
- Falsifying or forging certificates.
- A deliberate act of plagiarism.
- Colluding with other learners in the production of assignments or responses to examination questions, this includes copying the work of another learner
- Disruptive behaviour in the examinations room for example in using offensive language to other candidates or invigilators.
- Impersonating someone else in producing a written assignment or in sitting an examination
- A false declaration of authenticity in relation to assessed work.

5.3 Incidents of malpractice/maladministration by BCE staff may include the following. Please note this list is not exhaustive.

- Providing inaccurate or misleading advice to learners or centres, for example in relation to the regulated status of qualifications.
- The production of inaccurate marketing material relating to the qualifications, resources or services provided by BCE.
- The loss of learner data, results information or assessment material through negligence.
- Unfairly charging learners for resources/services. This might include not fully disclosing the range of fees centres need to pay, not providing sufficient notice in any increase in examination fees, registration fees and any other related fees and not providing accessible information on fees on their website or other marketing material.

6. Investigating malpractice

6.1 Conducting an initial investigation

Centre

Where malpractice is reported at a centre it is the duty of the Centre Head to undertake an investigation personally which:

- establishes the full facts and circumstances

- ensures that individuals being investigated are made fully aware of the allegation against them and are informed of the process and potential outcomes of the investigation

Centre Heads should be mindful of any potential conflicts of interest where working with other staff in investigating suspected malpractice involving either centre staff or learners.

If a centre conducts a preliminary investigation prior to formally notifying BCE, 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 BCE if it suspects that staff member/learner malpractice has occurred as BCE has a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In conducting any preliminary investigation the centre must undertake the following actions:

- Inform the staff member/learner in writing at the earliest opportunity of the nature of the alleged or suspected malpractice, of the procedures that will be followed, and the possible penalties if malpractice is proved
- Undertake an investigation of the allegation or suspicion
- Provide the staff member/learner with an opportunity to contest or refute the allegation or suspicion, either in writing, or at a hearing, or both
- Allow the staff member/learner to be accompanied by a friend at any hearing
- Make a decision based on the investigation and hearing
- Ensure that the person or persons conducting the investigation, any hearing, and making any decision:
 - are not the same as the person making the allegation or raising the suspicion
 - have sufficient professional standing and authority, and, if necessary have appropriate subject knowledge.
- Inform BCE if Centre is unable to meet either of the above requirements (for example, if Centre has a small number of employees), of which BCE will advise the centre on how to meet the requirements, if necessary by the involvement of persons external to the centre
- Inform the staff member/learner of the investigation outcome in writing
- Where malpractice is proved, immediately inform BCE in writing
- Ensure that the assessed work is included in any sample work provided to BCE authorised person (Quality Assurance Manager) so that he/she can confirm the investigation outcome.

6.2 Sending a Malpractice report to BCE

The Centre Heads must provide BCE with a full written report of the outcomes of the investigation undertaken using the BCE Malpractice Report Form which is downloadable from the website. This should include the following:

- a detailed account of the circumstances of the alleged malpractice and of the investigation carried out by the centre;
- a written statement from the relevant staff involved;
- a written statements from any learners who are involved;
- any work of the learners involved and any associated material.

This report should be sent to BCE within 10 working days of notifying BCE of the suspected case of Malpractice. On the basis of this information, BCE will decide what if any further actions should be taken. Any further action will be governed by BCE's Sanctions Policy.

6.3 Investigation by BCE

Where an act of malpractice is deemed to seriously threaten the integrity of BCE qualifications, BCE will conduct its own independent investigation into this incident of malpractice. The investigation will aim to be conducted quickly and transparently. The report produced will be sent to the Centre Head and will inform what further action is taken by BCE. Any further action will be governed by BCE's Sanctions Policy.

BCE authorised person (Quality Assurance Manager) will confirm the outcome of the investigation and recommend the appropriate penalty. The recommendation(s) will be considered and confirmed by the BCE Programme Development Manager as appropriate after consulting the CEO. Where the nature or gravity of the malpractice appears to warrant it, and the proposed penalty is severe, the case may be referred to the Appeals Committee or Board of Advisors Chairperson as appropriate for advice.

The Programme Development Manager will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with BCE procedures as per updates from Quality Assurance Manager who leads the investigation in establishing whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by BCE. Throughout the investigation the Programme Development Manager will be responsible for overseeing the work of the investigative personnel 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.

At all times BCE 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.

Investigation Timescales

BCE aims normally to complete all stages of the investigation within 10 working days of receipt of the allegation. In some cases the investigation may take longer; for example, if a centre visit is required. In such instances, BCE 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 lawful 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 the allegation, suspicion or complaint 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.
- 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 our 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, BCE 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 perpetrator will 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 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 us.

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

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

Where BCE finds that the complexity of a case or a lack of cooperation from a centre means that it is unable to complete an investigation, it will consult the relevant regulatory authority in order to determine how best to progress the matter.

Investigation Report

After an investigation, BCE 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 BCE. BCE will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required. In cases where the original notification of the suspected or actual case of malpractice came from a person or organisation external to BCE (or its centres and learners) it will also inform them of the outcome – normally within 10 working days of making the decision - in doing so it may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty. In cases where the investigation involves a member of BCE staff, the report will be agreed by the CEO with the relevant senior personnel and appropriate internal disciplinary procedures will be implemented.

Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place BCE will:

- impose appropriate actions with specified deadlines to responsible organisation in order to address the instance of malpractice/maladministration or supervision/enforcement and to prevent it from recurring
- impose appropriate sanctions and these will be communicated to Centre Management in accordance with the Sanctions policy along with the rationale for the sanction(s) selected.
- in cases where certificates are deemed to be invalid:

- inform the centre concerned and the regulatory authorities of the reasons why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates
- ask the centre to inform the affected learners of the action BCE is taking and that their original certificates are invalid and ask the centre – where possible – to return the invalid certificates to BCE
- amend our records so that duplicates of the invalid certificates cannot be issued
- expect the centre to amend its records to show that the original awards are invalid.
- amend as appropriate aspects of the qualification development, delivery and awarding arrangements and assessment and/or monitoring arrangements and associated guidance to prevent the issue from recurring.
- inform relevant third parties of its findings in case they need to take relevant action in relation to the centre
- inform the appropriate regulatory authority

In proven cases of malpractice and/or maladministration by a Centre, BCE reserves the right to charge the centre for any resits and reissuing of certificates and/or additional Quality Assurance visits. The charges will be the BCE prices current for such activities at the time of the investigation.

In addition to the above, the Programme Development Manager will record any lessons learnt from the investigation and pass these onto relevant colleagues within BCE to help prevent the same instance of maladministration or malpractice from recurring.

If the relevant party(ies) wish to appeal against our decision to imposed sanctions, the BCE Appeals Policy should be used.

7. The Application of Sanctions

BCE will apply sanctions in accordance with its published Sanctions Policy. If a centre wishes to appeal against BCE's sanctions, it should send the appeal to the Appeals Committee using the BCE Centre Appeal Form which is downloadable from the BCE website.

8. Alleged or suspected malpractice or maladministration by BCE Staff

BCE Investigation

Where a staff of BCE is suspected of malpractice or maladministration, or is alleged (whether by another employee of BCE, a learner or a member of the public) to have committed malpractice or maladministration, it is the responsibility of BCE as the employer of the member of staff concerned:

- to conduct an investigation;
- to determine the outcome;
- to determine the appropriate penalty;
- to comply with BCE's own staff misconduct procedures;
- to comply with appropriate employment legislation.

In conducting the investigation, BCE may seek the advice of Police and/or the Regulatory Authority and may be required to act on any such advice.

Where malpractice or maladministration appears to involve a criminal offence, it may be appropriate to report the case to the police.

During the investigation the employee may be suspended or moved to other duties until the investigation is complete.

Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place BCE will take such actions as are necessary and relevant to the case in order;

- to safeguard the integrity, validity or reliability of any assessment process and/or the validity of any certificates
- to protect the interests of learners
- to maintain public confidence in BCE
- to maintain BCE's status as a awarding organisation

These actions may include:

- in cases where certificates issued are deemed to be invalid:
 - inform the Centre(s) concerned and the regulatory authorities of the reasons why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates
 - ask the Centre(s) to inform the affected learners of the action BCE is taking and that their original certificates are invalid and ask the centre – where possible – to return the invalid certificates to BCE
 - amend our records so that duplicates of the invalid certificates cannot be issued
- amend as appropriate aspects of our qualification development, delivery and awarding arrangements, assessment and/or monitoring arrangements and associated guidance, internal operational procedures, staff recruitment and training, to prevent the issue from recurring.
- inform relevant third parties of its findings in case they need to take relevant action
- inform the relevant regulatory authority

In addition to the above, the Programme Development Manager will record any lessons learnt from the investigation and pass these onto relevant colleagues within BCE to help prevent the same instance of maladministration or malpractice from recurring.