



Malpractice Policy

Version 8

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Version	Issue Date	Amendments	Page No
8	16/04/19	Clarification on possible investigation cost recharge to centre	8

1 Purpose

This policy sets out SFJ Awards' approach to preventing and managing any form of malpractice or cheating which undermines the credibility of qualifications and learner achievements.

2 Definitions

SFJ Awards defines malpractice as any activity or practice which deliberately contravenes regulatory requirements and compromises the integrity of the assessment process, the validity of certificates, the credibility of SFJ Awards and public confidence in qualifications.

Please Note: serious or persistent occurrences of maladministration where it is at a serious level and/or persistent may be accelerated to malpractice without the need for any deliberate attempt to contravene regulations. For a list of examples please refer to SFJ Awards' Maladministration Policy which is available from www.sfjawards.com/maladministration

3 Roles and Responsibilities

Learners:

- Understand the implications of malpractice or cheating.
- Are familiar with your centre's malpractice policy and learner conduct policy.
- Speak to a member of staff at your centre if they have any concerns or questions about malpractice.
- Report any suspected cases/incidents to a member of centre staff.

Centre Staff:

- Understand the implications of malpractice or cheating.
- Be familiar with your centre's malpractice policy.
- Be vigilant and report any suspected malpractice to the Head of Centre immediately.
- Assist fully in investigations.

Heads of Centre:

- Ensure the centre is at all times compliant with SFJ Awards centre approval criteria.
- Have a policy in place for preventing, investigating and dealing with alleged or suspected malpractice.
- Ensure all staff and learners understand malpractice and the associated consequences.
- Monitor centre activity to detect any suspected or actual malpractice.

- Promptly investigate any suspected or actual malpractice, using staff who are independent of the alleged or suspected malpractice.
- Promptly report to SFJ Awards details of any malpractice investigations that have taken place.
- Cooperate fully with SFJ Awards in any further investigation of reported, suspected or actual malpractice.

SFJ Awards External Quality Assurers (EQAs):

- Be vigilant and report any suspected cases of malpractice to SFJ Awards' Quality & Assessment Manager immediately.
- Support centres and provide them with guidance on how to prevent, investigate and deal with alleged or suspected malpractice.
- Limit cases through routine external quality assurance activities.
- Identify issues during day to day operations that leads SFJ Awards to believe that malpractice has or may have happened.
- Take into consideration instances of malpractice when recommending sanctions and applying appropriate risk ratings to approved centres.

SFJ Awards' Quality Assurance Officer:

- Monitor SFJ Awards approved centres and work with EQAs to apply corrective actions in response to any malpractice event which has taken place.
- Identify issues during day to day operations that leads SFJ Awards to believe that malpractice has or may have happened.
- Report any suspected cases of malpractice to SFJ Awards' Quality & Assessment Manager immediately.

SFJ Awards' Quality & Assessment Manager:

- Notify the Head of Centre when either SFJ Awards or an external/third party identifies alleged or actual malpractice.
- Manage the centre approval process and the ongoing compliance of approved centres
- Oversee the work of the External Quality Assurers (EQAs) to reduce, detect and manage malpractice.
- Examine cases of alleged or actual malpractice and determine the wider implications of each reported malpractice event.
- Inform SFJ Awards' Awarding Organisation Manager (Responsible Officer) immediately of any actual or potential Adverse Effects.

4 Preventing Malpractice

SFJ Awards takes any form of malpractice or cheating by learners or anyone involved in the delivery, assessment and internal quality assurance of its qualifications very seriously.

Centres must take all reasonable steps to prevent the occurrence of malpractice, by identifying where potential malpractice may take place and taking preventative action, building security measures and robust quality assurance into their working practices.

It is important that centre staff involved in the delivery, assessment and internal quality assurance of SFJ Awards' qualifications, units or courses are aware of this policy and the consequences of malpractice.

Please Note: serious or persistent occurrences of maladministration where it is at a serious level and/or persistent may be accelerated to malpractice without the need for any deliberate attempt to contravene regulations. Please refer to SFJ Awards' Malpractice Policy which is available from www.sfjawards.com/malpractice

Centre Malpractice:

The following are examples of centre malpractice (*the list is not exhaustive and is intended for guidance only*):

- Tampering with learner scripts or assessed work after collection.
- Improper assistance to learners in the production of assessed work.
- Fabricating assessment and/or internal quality assurance/certification records or authentication statements.
- Making fraudulent claims for certificates.
- Deliberate misuse of the SFJ Awards' logo.
- A centre failing to inform SFJ Awards of an incident or suspected incident of malpractice regardless as to whether the centre believes it has resolved the incident or not.
- Failing to declare a Conflict of Interest.

Learner Malpractice:

The following are examples of learner malpractice (*the list is not exhaustive and is intended for guidance only*):

- Cheating
- Plagiarism (ie submitting work that is not the learner's own work).
- Using a false identity to gain a qualification by proxy.
- Forging evidence which is submitted for assessment (eg forged letters, signatures, certificates)
- Misrepresentation of their role in a work-based activity in order to secure evidence of competence.
- Collusion.
- The introduction of unauthorised materials or equipment into the assessment room (eg reference materials, calculators, mobile phones).
- The deliberate destruction of another's work.
- Not adhering to the terms set out by SFJ Awards, where Reasonable Adjustments have been granted.

Further information about plagiarism, collusion and learner conduct can be found in SFJ Awards' Learner Conduct Policy, available from the website www.sfjawards.com/learnerconduct

SFJ Awards recognises that whatever preventative measures it or a centre puts in place, malpractice may occur.

Malpractice cases can lead to (*the list is not exhaustive and is intended for guidance only*):

- Learners not receiving credit for their work.
- Learners not receiving certificates/having certificates revoked.
- Sanctions being applied to the centre, eg:
 - Centre not being approved to offer qualifications(s)
 - Centre registration of learners suspended/not accepted
 - Suspension of certification.
- Additional financial costs for the centre (eg additional centre monitoring visits).
- Loss of SFJ Awards Centre Approval.

Failure to have in place effective arrangements to prevent instances, to promptly investigate suspected or actual malpractice cases and to promptly report outcomes of concluded investigations to SFJ Awards, may lead to sanctions being imposed on centres (outlined in the SFJ Awards' Sanctions Policy) available from the website www.sfjawards.com/sanctions

5 Reporting and Investigating Malpractice

Centre Investigating

Normally SFJ Awards expects its approved centres to take full responsibility for any instance of potential or identified malpractice and investigate. However in serious cases or if the centre/key centre staff are implicated, the investigation will be conducted by SFJ Awards.

Centres must have arrangements in place to quickly, openly and thoroughly investigate when an actual or suspected instance occurs and promptly implement any corrective actions that arise.

A responsible named person (normally the Head of Centre or suitable appointed manager) must investigate all suspected or actual incidents of maladministration and report them to the SFJ Awards.

If it is necessary for the Head of Centre to delegate the responsibility for the investigation to another member of staff it is essential that this person is of similar responsibility within the centre and is able to act impartially, i.e. does not have connection with the incident or the department involved in the suspected malpractice. Conflicts of interests which may arise may compromise the investigation.

It should not be assumed that because an allegation has been made it is true. The investigator should seek to establish the full facts and circumstances of any alleged malpractice, collecting evidence as appropriate. Evidence could include witness statements, copies of records, photographs, emails.

The aim of the investigation is to:

- Determine the facts relating to the allegations received.
- Determine whether irregularities have occurred.
- Determine the circumstances and scale of the alleged malpractice.
- Identify the cause of the irregularities (and those involved).
- Determine where the culpability lies for any breach of regulation.
- Detect any patterns or trends.

- Identify and, where necessary, take action to minimise the risk to current learners and claims for certification.
- Evaluate any action already taken by the centre.
- Determine remedial action required to reduce the risk to current learners and to preserve the integrity of the qualification(s).
- Determine whether any action is required in respect of certificates already issued.
- Obtain evidence to support any sanctions to be applied to the centre and/or to members of staff/learners.
- Determine any changes to policies/procedures that need to be made.
- Determine an outcome.

The investigation must be fully documented. A written investigation report should be produced. The report should include any suggested actions or recommendations, for SFJ Awards to agree, to resolve the case and to mitigate similar cases occurring again (with clear timescales and who will be responsible for completion).

Centre Reporting

Where malpractice is identified and certificates have been issued by SFJ Awards, the Head of Centre must arrange for those certificates to be recovered and returned promptly to SFJ Awards by trackable post.

Malpractice investigations should be reported promptly in writing to SFJ Awards' Quality and Assessment Manager by the Head of Centre (or appointed investigator) using one of the following methods:

1. by email to info@sfjawards.com
2. by letter to:

The Quality and Assessment Manager
 SFJ Awards
 1st Floor, Unit C Meadowcourt Business Park
 4 Hayland Street
 Sheffield
 S9 1BY

Emails and letters should state:

- the approved Centre's name and address.
- the name(s) of those involved in the suspected or actual malpractice and if appropriate, their job role.
- the title of the qualification(s) or programme(s) affected by the suspected or actual malpractice.
- the date(s) the suspected or actual malpractice occurred.
- the full nature of the suspected or actual malpractice.
- full details of internal investigations the centre has conducted (contained within the investigator's report).
- full details of identified remedial actions to mitigate against the occurrence being repeated (contained within the investigator's report).

SFJ Awards' Quality & Assessment Manager will acknowledge receipt within 5 working days.

Upon receipt SFJ Awards' Quality & Assessment Manager will consider the details within the investigation report (and supporting evidence) within 10 working days of receipt. (If the process is expected to take longer, you will be advised of this and the likely amended timescale).

SFJ Awards' Quality & Assessment Manager will then decide to either:

- 1 note the incident and take no further action.
- 2 ask the Head of Centre to carry out further investigation/provide further evidence.
- 3 take a decision on the case, which may lead to Sanctions being imposed on the centre (outlined in SFJ Awards' Sanctions Policy).
- 4 carry out their own further investigate into the matter.

The Head of Centre will be advised of the outcome of the review in writing by SFJ Awards' Quality & Assessment Manager. Any imposed sanctions will also be conveyed at that time.

The Head of Centre will be expected to respond, within 5 working days, with details of how they will implement any actions or recommendations set, and by whom. If SFJ Awards do not receive a response, they may increase the level of sanction imposed on the centre accordingly, based on risk.

Investigations carried out by SFJ Awards

Normally SFJ Awards expects its approved centres to take full responsibility for any instance of potential or identified malpractice and investigate. However in serious cases, if the centre/key centre staff are implicated, or if a report involves fraud or a serious breach of assessment security, an investigation will be carried out by SFJ Awards. This may involve SFJ Awards notifying other third parties who need to know or may be affected – including, for example but not limited to, the Ofsted, the Charity Commission, funding bodies and other awarding organisations

Investigations will be carried out promptly, based on facts and evidence obtainable.

SFJ Awards will aim to complete this within 30 working days of informing you that they are commencing the investigation. (If the process is expected to take longer, you will be advised of this and the likely amended timescale).

Investigations carried out by SFJ Awards will be conducted by the Quality and Assessment Manager or their appointed representative (eg an independent External Quality Assurer with no previous involvement with the centre).

If it is necessary for SFJ Awards to visit a centre as part of the investigation, this will be at the expense of the centre.

SFJ Awards reserves the right to recharge investigation costs incurred in dealing with the appeal to the centre.

The outcome of the investigation (along with any actions or recommendations set to mitigate similar cases occurring again, with clear timescales for completion) will be communicated in writing by SFJ Awards' Quality & Assessment Manager to the Head of Centre within 5 working days of their investigation being concluded. Any imposed sanctions will also be conveyed at that time.

The Head of Centre will be expected to respond, within 5 working days, with details of how they will implement any actions or recommendations set, and by whom. If SFJ Awards do not receive a response, they may increase the level of sanction imposed on the centre accordingly, based on risk.

6 Monitoring

Reported incidents will be monitored by SFJ Awards and will contribute towards the ongoing evaluation and overall Risk Rating of approved centres.

SFJ Awards' Quality and Standards Committee will be responsible for monitoring the effectiveness of the process. A summary report will be submitted to the Committee, allowing them to monitor malpractice reports and investigations over time.

Informing the Qualifications Regulator and other awarding organisations/stakeholders:

If a reported incident has the potential to lead to an Adverse Effect, SFJ Awards Awarding Organisation Manager will notify the Qualifications Regulators and keep them fully informed.

SFJ Awards are required to notify other awarding organisations/stakeholders where cases of malpractice are likely to impact on them. This will be necessary where:

- the centre is approved by another awarding organisation, and the alleged malpractice could affect the awarding organisation's activities
- the centre has indicated they are seeking approval from another awarding organisation.

7 Malpractice Sanctions and Penalties

Where reports of malpractice are found to be proven based on the evidence gathered, SFJ Awards' Quality and Assessment Manager may impose sanctions or penalties on those involved. Sanctions and penalties will be proportionate to the case and the level of impact on the learner(s), the credibility of the qualification(s) and the impact on the centre. They will take into account legislation that may impact upon the case including:

- Employment Law.
- Health and Safety Legislation.
- Equalities and Human Rights Legislation.

Sanctions will be imposed on a centre if malpractice has been proven, to:

- Minimise any risk to the integrity of SFJ Awards qualifications.
- Ensure that only learners who have achieved the required standard are awarded the qualification.
- Minimise the potential of the malpractice recurring.
- Maintain the confidence of the public in the delivery and awarding of SFJ Awards qualifications.

The sanction to be applied will depend on the nature and scale of the malpractice.

Improvements Applied by Centres

Where a centre undertakes an internal investigation and is able to prove that malpractice has taken place, it is able to suggest improvements for SFJ Awards to agree.

Below are examples of sanctions or penalties that a centre may impose in the event of malpractice *(the list is not exhaustive and is intended for guidance only)*:

- Implement revised procedures to mitigate future occurrences.
- Members of staff required to be retrained.

All sanctions and penalties must be issued in writing by the Head of Centre. A copy should be forwarded to SFJ Awards' Quality and Assessment Manager for SFJ Awards to agree.

Malpractice Sanctions and Penalties Applied by SFJ Awards

Below are examples of sanctions or penalties that SFJ Awards may impose in the event of malpractice *(the list is not exhaustive and is intended for guidance only)*:

- Learners may not receive credit for their work
- Issued learner certificates may be revoked
- Centre undertakes corrective actions and provides evidence that this has taken place
- Centre loses its Direct Claim Status
- Centre may be subject to additional monitoring visit(s) by SFJ Awards, at the centre's expense
- Centre's approved status may be removed meaning the centre will no longer be able to offer qualifications through SFJ Awards.

All sanctions and penalties will be issued in writing by SFJ Awards' Quality & Assessment Manager. Please refer to SFJ Awards' Sanctions Policy which is available on www.sfjawards.com/sanctions

The Head of Centre will be expected to respond, within 5 working days, with details of how they will implement any actions or recommendations set, and by whom. If SFJ Awards do not receive a response, they may increase the level of sanction imposed on the centre accordingly, based on risk.

8 Appeals

Learners or centres who wish to appeal against a decision regarding malpractice and the sanctions imposed should do so using SFJ Awards Enquiries and Appeals Policy which is available on www.sfjawards.com/appeals

9 Review of the Policy

This policy will be reviewed by the Quality & Assessment Manager on a regular basis as part of SFJ Awards' self-evaluation arrangements and revised as necessary in response to lessons learnt, customer feedback, changes in legislation and guidance from the Qualifications Regulators.

Our review of the policy will ensure that SFJ Awards procedures continue to be consistent with the regulatory criteria and are applied appropriately and equitably.

Policies are approved by the Quality & Standards Committee.

If you have any queries about the content of the policy or you wish to give feedback then please contact SFJ Awards Tel: 01142 841970 or email info@sfjawards.com

10 Location of the Policy

You can download copies of the policy from our website: www.sfjawards.com/appeals

11 Copyright

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