

# **Malpractice and Maladministration Policy and Procedure**

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## **1.Introduction**

### **1.1 Purpose of the policy**

This policy provides definitions of malpractice and maladministration and sets out information about the procedures which all centres approved to offer VTCT Skills qualifications, must follow for reporting and dealing with any suspected or actual cases of malpractice or maladministration.

VTCT Skills publishes this policy, procedures and process flowchart on its website, to support all parties involved in the handling of suspected or actual instances of malpractice or maladministration, by providing a framework for investigating and dealing with such instances in an effective and consistent manner.

This document sets out the process for investigating suspected or actual cases of malpractice or maladministration. It should be read in conjunction with the following related policies and procedures:

- Centre Agreement;
- Plagiarism, Collusion and Cheating Policy;
- External Whistleblowing Policy and Procedure;
- Sanctions Policy;
- Adverse Effects and Investigations;
- Conflict of Interest Policy and Procedures;
- Enquiries and Appeals Policy;
- Withdrawal of Approval Policy;

### **1.1.Scope of the policy**

The Malpractice and Maladministration Policy and Procedures apply to all VTCT Skills qualifications. This policy is provided for the use of VTCT Skills customers, being learners who are taking or have taken VTCT Skills assessments, and personnel with responsibilities for managing, delivering, assessing and quality assuring qualifications in VTCT Skills approved centres, who suspect or become aware that malpractice or maladministration has occurred. It is also provided for awarding organisation personnel who suspect or become aware that malpractice or maladministration has occurred.

### **1.2. Regulatory authorities**

This policy addresses the requirements of the relevant regulatory authorities' criteria.

### **1.2.1. Adverse effects**

Attention is drawn to VTCT Skills obligations to consider risks caused by adverse effects, defined as an act, omission, event, incident or circumstance that gives rise to prejudice to learners or potential learners or adversely affects:

- the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with regulatory requirements.
- the standards of qualifications which the awarding organisation makes available or proposes to make available, or public confidence in qualifications.

### **1.2.2. Malpractice / Maladministration**

‘Malpractice’, means any act, default or practice which is a breach of the Regulations or which:

- gives rise to prejudice to candidates;
- compromises public confidence in qualifications;
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate;
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.

Malpractice will generally involve some form of intent. It may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions. Bias or discrimination could also lead to malpractice.

Malpractice includes maladministration and instances of non-compliance with the regulations, and includes activity such as failure to adhere to the regulations regarding the conduct of controlled assessments, coursework, examinations and non-examination assessments, or failures of compliance with VTCT requirements in the conduct of examinations/assessments and/or the handling of examination question papers, candidate scripts, mark sheets, assessment records, results and certificate claim forms. This list is not exhaustive.

VTCT Skills are obliged to notify the regulators of certain malpractice incidents, in accordance with the regulators’ conditions.

A list of examples of malpractice and maladministration is included in Appendix 1. It should be noted that this list is not exhaustive.

## **1.3. Responsibilities**

### **1.3.1. VTCT Skills**

VTCT Skills is responsible for ensuring that all related investigations are conducted by individuals who:

- have no personal interest in the issue;

- have appropriate competence.

VTCT Skills personnel are required to follow the related procedures to deal with cases of suspected and/or actual malpractice and maladministration as effectively as possible.

VTCT Skills will be responsible for ensuring that investigations are carried out in a prompt and effective manner and in accordance with the procedures in this policy. VTCT Skills will allocate a suitable member of staff (e.g. a member of VTCT Skills Quality Assurance Team) to lead the investigation of a case, establish if malpractice or maladministration has occurred, and review any supporting evidence received or gathered by VTCT Skills.

The Malpractice Committee will ensure malpractice investigations are managed and explored effectively to ensure good governance by collaboratively monitoring all investigations to ensure due process is being followed and appropriate evidence has been gathered and reviewed. The investigating officer may also be responsible for liaising with relevant external parties and keeping them informed.

It is essential for VTCT Skills to meet its obligations relating to notification of adverse effects to the regulators, including suspected cases of malpractice and maladministration. VTCT Skills may be required to include this in the Annual Statement of Compliance. (See 1.3.1).

Where the allegation may affect another awarding organisation and their provision, VTCT Skills will inform that awarding body in accordance with regulatory requirements, and/or seek to undertake a joint investigation with the awarding body if appropriate. If VTCT Skills does not know the details of organisations that might be affected, the regulators will be asked to help identify relevant parties that should be informed.

Where an associated investigation leads to the discovery of a failure in its assessment process, VTCT Skills takes all reasonable steps to:

- identify any other learner who has been affected by the failure;
- correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure;
- ensure that the failure does not recur in the future.

### **1.3.2. Centres**

The centre agreement sets out the specific duty not to put the awarding organisation in breach of its ability to fulfil its obligations under the General Conditions of Recognition. It is therefore important that adverse effects (see 1.3.1), malpractice and/or maladministration are notified to VTCT Skills immediately and dealt with in line with the policy and procedures.

It is also important that staff involved in the management, assessment and quality assurance of VTCT Skills qualifications, and learners, are fully aware of the contents of the policy and that the centre has arrangements in place to prevent and investigate instances of malpractice and maladministration.

The centre's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration is reviewed periodically through the centre monitoring arrangements.

When an investigation is conducted by the 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 outcome;
- ensure the investigation is carried out in an effective, prompt and thorough manner;
- ensure staff co-operate fully with the investigation, providing speedy and full responses to requests for information.

## **1.4. Review arrangements**

This policy is reviewed annually as part of VTCT Skills self-evaluation activity, which considers customer and regulatory feedback and good practice guidance, changes in VTCT Skills practices, actions from the regulators, changes in legislation, or trends identified from previous cases.

In addition, this policy may be updated following consideration of operational feedback to ensure VTCT Skills arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

### **1.4.1. Situations brought to our attention by the regulators**

Where the regulators notify us of failures that have been discovered in the assessment process of another awarding organisation, we will review if a similar failure could affect our own assessment processes and arrangements.

## **2. Malpractice and Maladministration - Process**

### **2.1. Introduction**

Centres are obliged to inform VTCT Skills promptly of any and all suspected or alleged cases of malpractice or maladministration. Where malpractice or maladministration is suspected or has occurred in a centre, including any assessment site or a partner organisation involved in the administration or assessment of the qualification, VTCT Skills may apply sanctions immediately while investigations are underway. This may include preventing the centre from processing any further registrations and/or certification claims, and/or the removal of direct claims status. VTCT Skills reserve the right to withhold learner results for any qualification(s)/unit(s) they may be studying at the time of the investigation pending the outcome in order to mitigate any risk.

#### **2.1.1. Identifying possible or actual malpractice or maladministration**

Any person may identify a matter that they think could constitute malpractice or maladministration. This will normally be a centre employee, a learner, an awarding organisation employee, a contractor (e.g. a moderator), or an external agency (e.g. the Education and Skills

Funding Agency). VTCT Skills may identify cases of malpractice or maladministration through its routine work or in considering other matters, such as an appeal against results.

VTCT Skills will notify the head of centre when an allegation of malpractice or maladministration is received. If the notification implicates the head of centre, the chair of the centre board, or an appropriate alternative, will be notified.

Failure to report any suspected or actual malpractice or maladministration may result in VTCT Skills applying sanctions immediately while investigations are underway. Centres failing to report malpractice or maladministration may not have their approval status reinstated after the investigation is completed.

VTCT Skills is responsible for each of the centres it approves and as such, the responsibility for investigating alleged irregularities normally rests with VTCT Skills unless there are special circumstances which require the regulator(s) to be involved. VTCT Skills must notify the regulator(s) when commencing an investigation and provide an estimated timescale for its completion.

### **2.1.2. Anonymity and Whistleblowing**

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. An informant who is concerned that possible adverse consequences may occur if their identity is revealed to another party should notify VTCT Skills.

VTCT Skills will always aim to keep a whistleblower's identity confidential where asked to do so, although it cannot be guaranteed. VTCT Skills may, for example, need to disclose an informant's identity if the matter leads to issues that need to be taken up by other parties such as the police, fraud prevention agencies or other law enforcement agencies, the courts (regarding any court proceedings) or the regulators.

The investigator(s) assigned to review the allegation will not reveal the whistleblower's identity unless the whistleblower agrees, or doing so is necessary for the purposes of the investigation. The investigator will advise the whistleblower if it becomes necessary to reveal their identity. A whistleblower should also understand that they may be identifiable by others due to the nature or circumstances of the disclosure (e.g. the party against whom the allegation is made may identify possible sources of disclosure without such details being disclosed to them). Once a concern has been raised, VTCT Skills has a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing a notification, as VTCT Skills is obliged by the regulators to follow up and investigate all allegations of malpractice or maladministration.

In all cases the whistleblower will have the opportunity to raise with the investigators any concerns about the way the investigation is being conducted. It should be noted that VTCT Skills will not disclose details of all of the investigation activities, and it may not be appropriate to disclose full details of the outcomes of the investigation due to confidentiality or for legal reasons (e.g. action to be taken against the parties concerned). Please see the External Whistleblowing Policy for further information in relation to whistleblowing arrangements.

### **2.1.3. Timescale**

VTCT Skills aim to action and resolve all stages of the investigation within 30 working days of receipt of the allegation. Please note that in some cases the investigation may take longer, for example, if a centre visit/investigation is required. In such instances, VTCT Skills may advise all parties concerned of the likely revised timescale.

#### **2.1.4. Retention of materials**

VTCT Skills will:

- ensure all materials collected as part of an investigation are securely kept and require the centre to do likewise;
- retain, for a period of not less than 7 years, all records and original documentation concerning a completed investigation leading to sanctions against a centre;
- retain, until the case and any appeals have been heard and for 7 years thereafter, all records and original documentation of an investigation leading to the invalidation of certificates, or criminal or civil prosecution.

## **2.2. Process for dealing with suspected or actual case of malpractice or maladministration**

- An initial notification of suspected or actual malpractice or maladministration should be submitted to [qualityassurance@vtct.org.uk](mailto:qualityassurance@vtct.org.uk) no later than 2 working days after the occurrence of the event. The notification must include the following information:
  - centre name and contact details of person submitting the notification;
  - learner's name and registration number (if applicable);
  - name(s) and job role(s) of centre/awarding organisation personnel involved in the case;
  - qualification(s) or service(s) affected;
  - nature of the suspected or actual malpractice or maladministration and associated dates;
  - details and outcome of any initial investigation carried out by the centre or other person involved in the case, including any mitigating circumstances;
  - declaration of any personal interest by the person making the allegation.
- Within 5 working days of notification VTCT Skills:
  - informs the head of centre in writing of the allegation, the information provided to date, the process of investigation and the possible outcomes;



- shares with the head of centre any information in relation to the allegation and investigation that will be, or has been, shared with regulator(s) and may be shared with other relevant bodies (e.g. police);
  - draws the attention of the head of centre to the right to appeal in case the centre ultimately wishes to appeal against the outcome of the process;
  - establishes/confirms the lead contacts for VTCT Skills and the centre for the impending investigation;
  - may direct the centre to carry out an investigation, or inform the centre VTCT Skills will be undertaking the investigation itself;
  - clarifies the process for the investigation;
  - notifies the regulators, and subsequently updates them throughout the investigation;
  - may apply sanctions if deemed appropriate, pending the outcome of the investigation, and if so informs the head of centre of these.
- The centre must:
    - provide VTCT Skills with all the requested information;
    - advise all parties implicated in the case of the allegation and possible outcomes;
    - ensure all parties involved receive a copy of the Malpractice and Maladministration Policy and Procedures and are made aware of the timescales for the investigation;
    - inform those parties of any actions taken pending the outcome of the investigation;
    - advise all parties implicated that they have the right to respond to allegations and the right to appeal against any decisions for actions against them.
  - An investigation will be conducted. The investigation may involve but is not limited to the following:
    - a request for further information from the centre
    - a request for further information from VTCT Skills personnel
    - interviews (face to face or by telephone) with personnel and/or learners involved in the investigation
    - arrangements for VTCT Skills Quality Assurance team to carry out a centre visit.

VTCT Skills expect all parties, who are either directly or indirectly involved, to fully co-operate with the investigation.

- If the centre is directed to investigate the case, for example, in the case of an allegation of collusion in an assessment, this internal investigation should be completed within 10 working days. A report should be submitted to VTCT Skills immediately upon completion.

If there is a reason why this timescale cannot be met, the centre must notify VTCT Skills immediately, giving the reason. The report should cover the points set out in section 2.3 below.

- On receipt of the centre's investigation report, VTCT Skills undertakes to complete its review of the report within 10 working days. If for any reason this is likely to take longer, the centre will be notified immediately. If VTCT Skills does not agree with points of factual accuracy in the report, the centre will be notified and a record will be maintained.
- If VTCT Skills investigates, it aims to complete this within 10 working days of notification and, where appropriate, will produce a draft report summarising, in line with the objectives set out in section 2.3:
  - the origin of the issue or mode of discovery of the alleged irregularity;
  - where the breach, if any, occurred;
  - the facts of the case;
  - any mitigating factors;
  - with whom the responsibility for the breach lies;
  - details of the investigation;
  - the evidence provided;
  - the conclusions drawn.
- Where appropriate, the draft report is submitted to all parties concerned to check for factual accuracy. Any subsequent amendments are agreed between the parties and VTCT Skills.
- If VTCT Skills has concluded that malpractice or maladministration has or is likely to have occurred, appropriate action may be taken, in line with VTCT Skills Sanctions Policy.
- If malpractice or maladministration is not found, VTCT Skills will lift any related sanctions which have been imposed during the investigation.
- VTCT Skills will produce and submit a final summary of outcomes to all relevant parties and inform the centre, in writing, of any actions to be taken and sanctions to be imposed/removed.
- VTCT Skills will make the final outcome available to other external agencies as required. In some circumstances the police or other external authorities may need to be alerted.
- If an independent/third party notified VTCT Skills of the suspected or actual incident of malpractice, upon conclusion of any investigation, VTCT Skills may provide stakeholders with a summary update of outcomes within 10 working days. In doing so, some details

may be withheld if to disclose such information would breach a duty of confidentiality, GDPR or any other legal duty. The update will not:

- contain detailed confidential information relating to any individuals involved in the case.
- provide the regulators with full details of the investigation/evaluation.
- Where any serious issues are proven, other awarding organisations offering the same or similar qualifications will also be informed.
- Where the allegation was about a member of awarding body staff or contractor, appropriate training and/or disciplinary procedures may be implemented.

The centre must:

- implement any actions required as a result of its own investigation or that carried out by VTCT Skills;
- retain all relevant documentation securely and in line with its own policies;
- take actions to prevent a recurrence of the incident.

VTCT Skills will:

- monitor the completion of actions and/or compliance with any sanctions by the centre;
- provide the regulators with updates and informs them when the actions have been completed;
- support the centre in implementing actions to be taken relating to the case and preventing recurrence;
- retain all relevant documentation in line with data protection legislation.

### **2.3. Investigating a case of suspected or actual malpractice or maladministration**

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 underpinned by terms of reference based around the following broad objectives:

- to establish the facts relating to allegations 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;
- 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 VTCT Skills Sanctions Policy;
- to identify any adverse patterns or trends.

VTCT Skills may carry out the investigation itself or require the centre to carry this out, within an agreed timescale (see 2.2).

VTCT Skills will expect all parties who are either directly or indirectly involved in the investigation to co-operate fully with the investigation. In carrying out any investigation VTCT Skills will be sensitive to the effect on and the reputation of a centre and/or those members of staff or other individuals who may be subject to investigation. It will strive to ensure that the investigation is carried out as confidentially as possible.

The organisation/person who is the subject of the allegation will have the opportunity to raise any issues with the investigator(s) at any stage about the proposed approach and conduct of the investigation. The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Interviews will be recorded, dated and signed by all involved. The person(s) accused of malpractice or maladministration may choose to be accompanied in the interview by a work colleague, trade union representative or other person, and must be advised of this right in time to be able to arrange to be accompanied. Children, young people and vulnerable adults must be accompanied at the interview by an appropriate adult.

VTCT Skills may find that the complexity of a case or a lack of co-operation from a centre means that it is not possible to complete an investigation. In such circumstances the relevant regulatory authority is consulted to determine how best to progress the matter.

Exceptionally, the regulator(s) may need to take over an investigation. In such circumstances the regulator(s) will provide a written instruction to VTCT Skills informing them of this requirement and its reasons for taking such action.

Where a member of VTCT Skills staff is implicated in any actual or potential malpractice or maladministration, VTCT Skills will investigate. This will be through the VTCT Skills HR policies and procedures.

### **2.3.1. Use of sanctions during the investigation**

Either at notification of a suspected or actual case of malpractice or maladministration and at any time during the investigation, VTCT Skills reserves the right to impose sanctions on the centre in accordance with VTCT Skills Sanctions Policy, to protect the interests of learners and

the integrity of the qualifications. Any sanctions imposed will be proportionate to the nature of the allegation.

VTCT Skills also reserves the right to withhold or invalidate a learner's and/or cohort's results for all of the VTCT Skills qualifications and/or units they are studying at the time of the notification or investigation.

### **2.3.2. Investigation outcomes and actions**

If the investigation confirms that malpractice or maladministration has taken place, VTCT Skills considers what action to take to:

- minimise the risk to the integrity of the qualification(s);
- maintain public confidence in the delivery and awarding of qualifications;
- discourage others from carrying out similar instances of malpractice or maladministration;
- ensure there has been no gain from compromising VTCT Skills standards.

The actions VTCT Skills may take regarding centre/centre staff malpractice may include:

- undertaking additional/increased visits to a centre to provide a greater level of support and/or monitoring;
- 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 effectively in the delivery of VTCT qualifications;
- not permitting specific centre staff to be involved in the delivery or assessment of VTCT Skills qualifications (e.g. invigilation);
- imposing sanctions on the centre – if so, these will be communicated to the centre in accordance with VTCT Skills Sanctions Policy together with the rationale for the sanction(s) selected;
- taking appropriate action against those involved in relation to proven instances of cheating, plagiarism or fraud (see the Plagiarism, Cheating and Collusion process document);
- amending aspects of VTCT Skills qualification development, delivery and awarding arrangements, and if required, assessment and monitoring arrangements and associated guidance to prevent the issue from recurring;
- informing relevant third parties (e.g. funding bodies) of VTCT Skills findings in case they need to take relevant action in relation to the centre;
- carrying out additional, related investigations if VTCT Skills suspects the issue may be more widespread at the centre and/or exist at other centres;

- the issue of a written warning to the centre including an agreed action plan;
- restrictions on the examination/assessment material;
- the deployment of an independent invigilator;
- withdrawal of approval for a specific qualification/s;
- full withdrawal of centre approval.

In proven cases of malpractice and/or maladministration by a centre, VTCT Skills reserves the right to charge the centre for the cost of any resits and reissue of certificates and/or additional quality assurance activities/centre monitoring visits.

The actions VTCT Skills may take regarding learner malpractice may include:

- warning;
- loss of marks gained for section;
- loss of all marks gained for a component;
- loss of all marks gained for a unit;
- disqualification from the unit;
- disqualification from all units in one or more qualifications taken in the series;
- disqualification from the whole qualification;
- disqualification from all qualifications taken in that series;
- barred from entering for examinations for a set period of time;
- suspension of the learner registration.

VTCT Skills must inform the regulator(s) whenever it finds evidence that a certificate may be invalid and must agree with the regulator(s) any appropriate action that may be required. Any qualification certificates are deemed invalid if any of the following are found to have occurred:

- the evidence assessed is not the learner's own work;
- the learner has not finished the qualification before the certificate has been claimed;
- the certificates have been claimed based on falsified records;
- the awarding organisation has issued certificates contrary to regulatory requirements.

Subsequent actions to be taken will be agreed with the regulator(s) by VTCT Skills and will be proportionate to the gravity of the malpractice or maladministration.

When the decision is taken to invalidate certificates, VTCT Skills must ensure that the centre promptly follows the principle of seeking to protect the interests of learners as far as reasonably possible in the circumstances.

VTCT Skills will:

- inform the centre concerned and the regulatory authorities why the certificates are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates;
- direct the centre to inform the affected learners of the action VTCT Skills is taking and that their original certificates are invalid;
- direct the centre to return the invalid certificates to VTCT Skills if possible;
- amend its database so that replacement of the invalid certificates cannot be issued;
- direct the centre to amend its records to show that the original awards are invalid.

## **2.4. Right to appeal**

An appeal can be made against a decision or action taken/to be taken following an investigation into maladministration or malpractice. See section 2.6 for the related process.

## **2.5. Process for dealing with an appeal against a decision or action relating to malpractice or maladministration**

A centre or learner may submit an appeal against a decision or action to be taken following investigation into maladministration or malpractice. This section sets out the process to be followed to appeal against such a decision or action. For clarity, this appeal process is separate from appeal against an assessment decision, unless an assessment decision is the subject of the appeal following an investigation into malpractice or maladministration.

The appellant should submit a report to the Chief Academic Officer setting out the reasons for the appeal, together with any supporting evidence, as soon as possible and no later than 15 working days after the date of receipt of the decision. Please note that appeal applications without supporting evidence will not be accepted.

The following information must be included in the appeal:

- Centre name and number;
- Learner name(s) and registration number(s) if relevant;
- The affected service;
- The name of the qualification involved;
- Details of any investigation carried out relating to the issue;
- The appellant's name, position and signature.

VTCT Skills will:

- consider if it will accept the appeal and notifies the appellant of this decision, normally within 10 working days of receipt of the appeal;
- if it accepts the appeal, arrange for a panel comprising a minimum one senior manager and an independent person to review the case and come to a decision, normally within 20 working days of receipt of the appeal.

If it is not possible to complete the review within 20 working days, VTCT Skills will notify the appellant of the expected timescale.

Possible outcomes are as follows:

- the appeal is not upheld;

- the decision has been judged to be unreasonable, and has been removed or changed;
- procedures were judged to have not been applied consistently, properly or fairly. The subsequent decision is reviewed and revised accordingly.

The panel's decision is final and completes the internal appeals procedures. No further appeal will be accepted.

If an appellant wishes to take the matter further they may consider contacting the relevant regulator(s). The regulators would require evidence that the appellant had exhausted VTCT Skills own appeals procedure as set out above prior to taking this step.

### **3. Appendix 1: Examples of Malpractice and Maladministration**

#### **3.1. Malpractice**

The following list provides examples of centre and learner malpractice. This list is not exhaustive and is intended as guidance on VTCT Skills definition of malpractice.

- Deliberate failure to adhere continually to VTCT Skills centre approval and/or qualification approval requirements or actions assigned to the centre within stated timelines;
- Denial of access to premises, records, information, learners and staff by any authorised VTCT Skills representative and/or the regulatory authorities;
- Inadequate centre procedures for the induction of staff or any contracted person involved in the delivery of qualifications;
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with VTCT Skills requirements;
- Deliberate failure to adhere to VTCT Skills learner registration and certification procedures;
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims, and/or forgery of evidence.
- Fraudulent claim for certificates;
- Intentional withholding of information from VTCT Skills which is critical to maintaining the rigour of quality assurance and standards of qualifications;
- Deliberate misuse of VTCT Skills logo and trademarks or misrepresentation of a centre's relationship with VTCT Skills and/or its recognition and approval status with VTCT Skills;
- Collusion or permitting collusion in exams/assessments, e.g. allowing another learner to copy work or the unsanctioned collaboration between a learner or another individual in the production of work to be submitted;
- Learners still working towards a qualification after certification claims have been made;
- Persistent instances of maladministration within a centre;
- Deliberate contravention by a centre and/or its learners of the assessment arrangements as specified for VTCT Skills qualifications;
- Loss of, theft of, or a breach of confidentiality in any assessment materials;
- Plagiarism of any nature by learners and/or staff;



- Copying from another learner (including using ICT to do so);
- Impersonation - assuming the identity of another learner or having someone assume the identity of the named learner during an assessment;
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials;
- Inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass a unit or qualification);
- Deliberate submission of false information to gain a qualification or unit;
- Deliberate failure to adhere to, or attempts to circumnavigate the requirements of VTCT Skills Reasonable Adjustments and Special Considerations Policy;
- Failure to effectively and continuously supervised examinations/assessments and/or learners;
- False ID used at the registration stage;
- Creation of false records;
- Cheating;
- Disruptive behavior in the examination/assessment setting;
- Selling examination papers/assessment details/certificates;
- Failure to manage and prevent conflicts of interest;
- Failure to provide learners and staff, including contractors, with the knowledge of their responsibilities through policies and procedures;
- Failure to review systems, policies and procedures to ensure they remain fit for purpose;
- Centre postponement of visits by VTCT Skills External Quality Assurer for more than 6 months;
- Failure to carry out delivery, internal assessment, internal moderation or internal quality assurance in accordance with VTCT Skills requirements;
- Failure to conduct assessments or other external assessment according to VTCT Skills procedures or regulations;
- Inaccurate recording of learner assessment decisions leading to invalid claims for certification;
- Deliberate falsification, fabrication or forgery of assessment/examination evidence, records or authentication statements by centres or learners;
- Failure to retain accurate learner assessment decision for the specified timescale;
- Deliberate destruction or theft of another's work;
- Obtaining examination or assessment material without authorization;
- Introduction of unauthorised material into an assessment room, for example notes, study guides, own blank paper, calculator (where prohibited), dictionary (where prohibited), translation devices, personal stereos, mobile phones, smart watches and other similar electronic devices.

- Obtaining, receiving, exchanging or passing on information during an assessment (or the attempt to) by any means;
- Failure to follow a centre's own malpractice and maladministration policy and/or report occurrences to VTCT Skills;
- Tampering with learners' scripts or other assessed work after collection;
- Non-compliance with invigilation requirements during assessments;
- Failing to keep assessment papers secure prior to assessment;
- Withholding of information from VTCT Skills, by deliberate act or omission, which is required to assure VTCT Skills of the centre's ability to deliver qualifications appropriately.
- Contravention by centres or learners of the assessment arrangements specified by VTCT Skills for VTCT Skills qualifications.
- Failure by a centre to notify, investigate and report to an awarding organisation all allegations of malpractice or suspected malpractice;
- Failure to take action as required by an awarding organisation, as detailed in this document, or to co-operate with an awarding organisation's investigation.

### **3.2. Maladministration**

The following list provides examples of centre and learner maladministration. This list is not exhaustive and is intended as guidance on VTCT Skills definition of maladministration.

- Failure to adhere to VTCT Skills learner registration and certification procedures;
- Failure to adhere to VTCT Skills centre agreement and/or qualification requirements and/or associated actions assigned to the centre;
- Late registration of learners;
- Unreasonable delays in responding to requests and/or communications from VTCT Skills;
- Inaccurate claim for certificates;
- Failure to maintain appropriate auditable records, e.g. certification claims;
- Misuse of the VTCT Skills logo and trademarks or misrepresentation of a centre's relationship with VTCT Skills and/or its recognition and approval status with regard to VTCT Skills qualifications. VTCT Skills may take legal action if centres fail to cooperate with reasonable VTCT Skills requests;
- Failure to adhere to, or to circumnavigate, the requirements of VTCT Skills Reasonable Adjustments and Special Considerations Policy;
- Failure to adhere to VTCT Skills policies, procedures and practices;
- Failure to adhere to VTCT Skills financial payment terms and/or plans (whether infrequent or persistent).

## Document amendment history page

Version	Document Owner	Issue Date	Changes	Role
			Previously included as part of the centre handbook up and including Feb 2015.	
v1	Head of Quality	11/06/2015	Standalone document created, separated from the Centre Handbook.	Quality and Processing Manager
v2	Head of Quality	19/04/2017	Updated with new brand	Quality and Processing Supervisor
v2.1	Head of Quality	27/06/2017	Appendix added	Quality and Processing Supervisor
v3	Quality and Processing Manager	14/11/2017	Content added	Quality and Processing Supervisor
v4	Quality and Processing Manager	12/02/2018	Formatted and updated to new branding	Product Designer (Qualifications)
v5	Quality and Processing Manager	03/03/2018	Reviewed in response to SQA feedback and amended to ensure the policy covers requirements of all UK regulators in addition to Ofqual.	Executive Director of Awarding
v6	Quality and Processing Manager	06/03/2018	Removal of appendix 2 and fixed formatting error	Product Administrator
v7	Head of Quality	05/03/2019	Updated formatting onto new template	Compliance Manager
v8	Head of Quality	22/07/2020	Added the COVID – 19 Addendum	Compliance Manager
v8.1	Quality Lead	18/03/2021	Amendment to VTCT job titles following restructure	Quality Assurance Administrator
v9	Quality Lead	19/03/2021	Update to appeals	Product and Regulation Manager
V10	Quality Lead	19/08/2021	Amendment to publication locations	Quality Administrator

V11	Head of Standards	23/11/2022	Policy Integration	Quality Assurance Administrator
V12	Head of Standards	24/10/2024	Branding update	Quality Assurance Supervisor

Document Review

Role	Review Status
Quality Assurance Supervisor	Agreed

Document Owner

Document Owner	Document shared with
Head of Standards	Quality Assurance Administrator

Document Sign-off

Role	Sign-off Date
Head of Standards	24/10/2024