

Malpractice and Maladministration Policy

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Introduction

This policy sets out the approach that CIOL Qualifications (CIOLQ) will take towards malpractice and maladministration. It includes the steps that we will take to manage, mitigate and report any instances where suspected or actual cases of malpractice and/or maladministration have occurred. This policy additionally identifies CIOLQ's responsibilities in dealing with any occurrences, alongside the procedural steps we will follow when reviewing such cases.

Where malpractice or maladministration is alleged or suspected, we will promptly investigate to determine whether either instance has occurred and will take all reasonable steps to prevent any resulting adverse effect. Where an adverse effect has occurred, we will take all necessary steps to mitigate or correct the adverse effect and will notify the appropriate regulatory bodies.

This policy is designed to:

- protect registered candidates
- minimise the risk of an adverse effect from occurring
- help ensure that compliance with regulatory conditions is maintained

Scope

This policy is aimed at the users of CIOLQ qualifications, who are taking, delivering, or assessing CIOLQ regulated qualifications or units. Users of CIOLQ qualifications may be exam venues, exam venue staff, candidates or contractors. It is essential that any users associated with our qualifications have both read and understand this policy.

This policy will also be utilised by internal CIOLQ staff to ensure they deal with all malpractice and maladministration investigations in a consistent and appropriate manner.

Responsibilities of exam venues in preventing malpractice and maladministration

All exam venue staff involved in the management and quality assurance of CIOLQ qualifications must be fully aware of the policy's contents and understand the arrangements in place to prevent and/or investigate instances of malpractice and maladministration.

Exam venues must notify us immediately of any potential malpractice or maladministration. Failure to report suspected or actual malpractice/maladministration cases, or to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on an exam venue, exam venue staff and/or candidates, by CIOLQ.

Full cooperation with any investigation undertaken by CIOLQ is mandatory, and requests for information must be complied with within the timelines specified by CIOLQ and this policy.

As a point of reference, the Exam Venue Agreement should be read and understood at the point of signing, and all conditions within it must additionally be reviewed at regular intervals. At a minimum, an exam venue must:

- Ensure that the Malpractice and Maladministration Policy is made available to candidates and that they are made aware of their rights and responsibilities
- Clearly document all procedures to be followed by candidates as part of the proper conduct of any assessment(s) and to ensure that candidates are made aware of these procedures

- Ensure that the Malpractice and Maladministration Policy is made available to staff and professional contractors so that they are aware of their responsibilities in the prevention of such instances
- Ensure that staff and professional contractors remain vigilant to guard against possible instances of malpractice and maladministration
- Communicate any CIOLQ changes to systems and procedures to staff/assessors/moderators in a clear and timely manner

Responsibilities of CIOLQ in preventing malpractice and maladministration

To prevent the occurrence of malpractice and maladministration, CIOLQ will:

- Ensure that it maintains a rigorous process of exam venue approval, and one that considers the ability of the exam venue to conduct CIOLQ assessments in an appropriate and secure manner
- Ensure that an exam venue is informed of what activity constitutes malpractice and maladministration, alongside their role in preventing it and the need to communicate relevant preventative guidelines to all exam venue staff
- Communicate any changes to systems and/or procedures to an exam venue in a clear and timely manner
- Monitor that the internal exam venue procedure for preventing and dealing with malpractice and maladministration is clearly defined and communicated within the exam venue
- Ensure that thorough quality monitoring of an exam venue is carried out regularly by appropriately trained CIOLQ staff/representatives
- Ensure that CIOLQ sanctions are clearly documented and communicated to an exam venue, clearly stating the repercussions of malpractice and maladministration

For the purpose of this policy, the terms 'malpractice and maladministration' also cover misconduct and forms of unnecessary discrimination/bias towards any defined group of candidates.

Anybody who identifies (or is made aware of) suspected or actual cases of maladministration at any time, must immediately report their findings to the Head of Exam Venue and/or a relevant other senior member in the organisation. In doing so, they must both formalise these concerns in writing by email and enclose appropriate supporting evidence.

The categories listed below are examples of exam venue and/or candidate malpractice. Please note that these examples are not exhaustive and are only intended for guidance insofar as defining malpractice:

- Contravention of CIOLQ exam venue and qualification approval conditions
- Denial of access to resources (premises, records, information, candidates and staff) by any authorised CIOLQ staff or the regulatory authorities
- Failure to carry out delivery of qualifications, exams, internal assessment, internal moderation or internal verification in accordance with CIOLQ requirements
- Deliberate failure to adhere to CIOLQ candidate registration and certification procedures
- Deliberate or persistent failure to adhere to CIOLQ exam venue or qualification approval criteria
- Deliberate failure to maintain appropriate auditable records such as candidate achievement tracking, registration or certification records
- Fraudulent claims for certificates
- Unauthorised use of materials/equipment in assessment settings, including (but not limited to): mobile phones, mobile hotspots, tablets or other prohibited computing equipment, dictionaries, smart watches, and/or cameras - as appropriate to the specific requirements of the relevant assessment

- Intentional withholding of information from CIOLQ which is critical to maintaining the rigour of quality assurance and standards
- Deliberate misuse of the CIOLQ logo and trademarks
- Forgery of evidence
- Collusion or permitting collusion in exams
- Candidates still working towards qualifications after certification claims have been made
- Contravention by a CIOLQ exam venue and candidates of the assessment arrangements we specify for CIOLQ qualifications
- Insecure storage of assessment materials and exam papers
- Plagiarism of any nature by candidates
- Unauthorised amendment, copying or distribution of exam papers
- Inappropriate assistance to candidates by exam venue staff (e.g., unfairly helping them to pass a unit or qualification)
- Submission of false information to gain a unit and/or qualification pass
- Failure to keep exam papers and other assessment materials secure, before, during or after an exam
- Allowing candidates to work beyond the allocated exam time
- Leaving candidates unsupervised during an exam
- Assisting or prompting candidates with answers

Definition of Maladministration

Maladministration is essentially any activity or practice that results in non-compliance with administrative regulations and requirements, including the application of persistent mistakes or poor administration within an exam venue (e.g., inappropriate use of candidate records).

Whilst it is not usually deliberate, each case must and will be judged individually and - depending on the impact and severity - it may be deemed as maladministration.

Anybody who identifies (or is made aware of) suspected or actual cases of maladministration at any time, must immediately report their findings to the Head of the Exam Venue and/or a relevant other senior member in the organisation. In doing so, they must formalise these concerns in writing by email and enclose appropriate supporting evidence.

The categories listed below are examples of exam venue and/or candidate maladministration. Please note that these examples are not exhaustive and are only intended for guidance insofar as defining maladministration:

- Failure to adhere to CIOLQ candidate registration and certification procedures
- Failure to adhere to CIOLQ exam venue recognition and/or qualification requirements and/or associated actions assigned to the exam venue
- Late candidate registrations (both infrequent and persistent)
- Failure to adhere to CIOLQ candidate registration and certification procedures
- Inaccurate claims for certificates
- Unreasonable delays in responding to requests and/or communications from CIOLQ
- Unintentional misuse of the CIOLQ logo and trademarks, or misrepresentation of the exam venue's relationship with CIOLQ and/or its recognition and approval status
- Failure to adhere to, or to interpret and apply, the requirements of CIOLQ policies
- The application of persistent mistakes or poor administration within an exam venue (e.g., failure to maintain appropriate candidate records)
- Administration errors with course paperwork (e.g., incorrect marking of candidate portfolios, worksheets, not signing the declaration, etc.)

- Failure to maintain appropriate auditable records (e.g., certification claims and/or forgery of evidence)

Examples of candidate malpractice

This could include, but is not limited to:

- Plagiarism – failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own
- Collusion with others when an assessment must be completed by individual candidates
- Copying – from another candidate
- Personation – assuming the identity of another candidate or having someone assume your identity during an assessment
- Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia)
- Inappropriate behaviour during an assessment that causes disruption

Examples of awarding organisation malpractice

This could include, but is not limited to:

- Insecure storage of assessment instruments and marking guidance
- Misuse of assessments, including inappropriate adjustments to assessment decisions
- Deliberate falsification of records to support the issuing of certificates
- Knowingly failing to adhere to regulations
- Failure to keep exam question papers and other assessment materials secure before, during or after an exam
- Assisting or giving candidates answers to exam question papers and/or assignment briefs
- Failure to act on recognition of maladministration or malpractice carried out by CIOLQ stakeholders or other CIOLQ staff members/Assessment Associates/contractors

Identifying Malpractice and Maladministration

Malpractice or maladministration may be identified by the following activities:

- At exam venue level, through scheduled quality assurance activity and monitoring
- At CIOLQ level, through intelligence, complaints or feedback received from exam venue staff, candidates, whistle-blowers, assessors, etc.
- At CIOLQ level, through information from other organisations e.g., evidence or knowledge from awarding organisations, regulatory authorities or other stakeholders

Malpractice/suspected malpractice may be identified by the following persons:

- A CIOLQ assessment associate
- A CIOLQ member of staff
- Board or Council member
- Exam venue staff
- A whistleblower
- A candidate
- A regulator

Investigation of malpractice or maladministration

There are a number of ways in which CIOLQ will work to identify suspected malpractice; using existing systems and operations that we have in place, as well as CIOLQ staff and assessment associates identifying occurrences during both quality assurance activity, and the monitoring of delivery or exam venues.

Whistleblowing is when an individual discloses information relating to actual or potential malpractice, or the covering up of malpractice. In the case of a suspected case of malpractice brought to our attention by a third party, we will take steps to establish the facts of the alleged case. We will always protect the identity of the third party if this is requested unless we face a legal obligation to disclose such information to the appropriate authorities.

All external (exam venue, exam venue staff, candidate) allegations must include the following information (as appropriate):

- Exam venue name, address and number
- Candidate's name and awarding organisation number
- Exam venue staff details (name, job role) if they are involved in the case
- Title and QAN number of the qualification affected, or the nature of the service provision affected
- Date(s) that the suspected or actual malpractice occurred
- Full nature of the suspected or actual malpractice
- Contents and outcome of any investigation carried out by the exam venue, or anybody else involved in the case, including any mitigating circumstances
- Written statement(s) from the informant, including their name, position and signature

An exam venue must conduct an investigation before submitting an allegation formally to CIOLQ. In this investigation, the exam venue should:

- Ensure that all staff leading the investigation are independent of the staff/candidates/function being investigated
- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes
- Submit the findings of the investigation to CIOLQ with an appropriate report

In all cases, CIOLQ will protect the identity of the informant in accordance with our duty of confidentiality and/or other legal duties.

CIOLQ investigation and response

In the case of allegations, CIOLQ will review the information and decide as to whether it is appropriate to:

- Take no further action and close the case
- Request the Head of Exam Venue to conduct a full internal investigation into the alleged malpractice and submit a written report to CIOLQ
- Investigate the matter directly and issue an action plan or sanction
- Nominate a third party who is independent of any normal day-to-day working relationships between the exam venue and CIOLQ, to carry out the investigation

Investigation timeliness and process

The main purpose of any investigation(s) will be to establish the facts of the case, to ascertain if any regulations have been breached and to assess the subsequent impact if a breach has occurred. CIOLQ will aim to action and resolve all stages of any investigation within 20 working days of receipt of the allegation.

The investigation may involve:

- A request for further information
- Interviews (face-to-face, online or by telephone) with personnel involved in the investigation
- Where a member of CIOLQ's staff is under investigation, they may be suspended, or they may be moved to other duties until the investigation is complete

Throughout the investigation, the CIOLQ Head of Qualifications will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, that appropriate evidence has been gathered and reviewed, and that all relevant parties are kept informed of any appropriate progress.

During the investigation process for suspected malpractice by any candidate, CIOLQ will:

- Decide on its response
- Decide whether there is a case to answer and if it is appropriate that the candidate's result(s) be withheld
- Decide whether to investigate the case further, in which case the candidate will be informed
- Inform the candidate of any result(s) that will be withheld until the investigation is complete, and - if appropriate - request that the candidate provides a statement concerning the alleged malpractice
- Decide whether the candidate's result(s) can be released
- Decide whether the result(s) should be withheld indefinitely, in which case the paper for each component in which malpractice has been confirmed will be voided and zero marks awarded

If the candidate wishes to appeal against a malpractice decision, they must do so within 10 working days of an outcome notification, in writing by email to the Head of Qualifications

This will be considered by the IoLET Trust Board, and their decision given within five working days of that meeting

During the investigation process for suspected malpractice by an exam venue, CIOLQ will:

- Decide on its response
- Decide whether there is a case to answer and/or recommend whether any result(s) should be withheld. The result(s) withheld could be the result(s) of an individual candidate, or selected candidates, or the whole exam session at the exam venue
- Decide whether to investigate the case further, in which case the exam venue will be informed that an investigation is being conducted
- Either decide to notify affected candidates directly or through the exam venue. In the case of the latter, the exam venue will be asked to inform the affected candidates and to act as an intermediary between CIOLQ and the candidate in the investigation if appropriate
- Inform the exam venue about which result(s) will not be released until the investigation is complete, and request a report concerning the alleged malpractice or maladministration
- Give the exam venue 10 working days from the date of the notification in which to respond

- Decide whether to suspend the exam venue from enrolling new candidates for CIOLQ exams until the investigation is complete. If this happens, the exam venue may be required to permit affected candidates to take resits at another exam venue during the investigation
- Decide whether it is necessary to seek further evidence from candidates, the examiner, and/or marker
- Reconsider all evidence as needed, including the exam venue's report and any additional information received

Reporting

Where the investigation into the alleged malpractice has been carried out by the exam venue, the exam officer or their nominee should submit a written report to CIOLQ.

Where the investigation has been carried out by CIOLQ, a written report will be produced by the Responsible Officer.

The report may include the following information:

- An account of the circumstances relating to the alleged malpractice or maladministration
- Details of the investigations carried out and by whom
- Written statements
- Invigilator report forms, attendance records and seating plans
- Evidential proof of the malpractice or maladministration such as unauthorised material or candidate evidence
- Any extenuating circumstances or mitigating circumstances
- Any other documentation or evidence that is appropriate to the allegation and investigation

Decision

An internal malpractice and maladministration review panel will convene consisting of the Head of Qualifications and appropriate manager(s). The decision of the review panel will be conveyed to the exam venue within 10 working days. An appeal against the decision may be made in writing within a further 10 working days, to the Head of Qualifications. This will be considered by the IoLET Trust Board, and their decision given within 20 working days.

The Responsible Officer will report any significant cases upheld, to the regulatory authorities (via an event notification), and details of all cases will be held on file for inspection.

Sanctions

CIOLQ will impose sanctions proportionate to the evidence presented and the nature and circumstances of the founded malpractice or maladministration.

The purpose of the sanction is to:

- Address the malpractice or maladministration
- Minimise the risk to the integrity of the assessments in the future
- Ensure the validity of the qualification awarded and that candidates have reached the required standard
- Maintain public confidence in the delivery and awarding of CIOLQ qualifications
- Act as a deterrent to others

A sanction may be applied to an exam venue or member of exam venue staff as a consequence of an investigation, or prior to the conclusion of an investigation if deemed necessary by the Head of Qualifications. In some cases, it will act as a means to restrict exam venue activity and limit any negative effects of the alleged malpractice or maladministration.

Exam venue sanctions may include, but not be limited to:

- Suspension of exam venue approval status (either temporary or permanent)
- Written warning
- Implementation of an action plan, agreed with CIOLQ
- Additional monitoring or quality assurance
- Suspension of candidate registration

Candidate sanctions may include, but not be limited to:

- Issuing of a written warning
- Result(s) being null and voided
- Loss of marks
- Being debarred from future exam sessions

Appeals

Appeals may be made against any outcome and resulting sanctions arising from a malpractice or maladministration investigation and decision. The appellant must clearly and comprehensively establish the grounds for the appeal, alongside ensuring the provision of any and all supporting evidence. Such evidence may include:

- Further evidence coming to light that alters the original basis of the decision
- Evidence that the outcome is not in line with specific guidelines, procedures, or regulation
- Belief that evidence submitted was incorrect, misinterpreted or not based on the facts of the case

Any appeal must be made formally in writing (for the attention of the Head of Qualifications) and sent to qualifications@ciol.org.uk.

Stage 1 – will consist of a review of the case evidence and documentation by the Head of Qualifications or relevant Manager.

Stage 2 – will consist of a review of evidence by a panel including the Head of Qualifications and independent representation.

Any appeals must be received by CIOLQ within 10 working days of the date of the initial investigation outcome.

Please note that this is different from our Review of Marking and Independent Review Appeals Policy, found on our website, which addresses appeals against assessment results.

Disclosure and confidentiality

In instances where there could be an adverse effect in cases specifically involving alleged fraud or serious threat to the integrity of certification, CIOLQ is required to report the matter to the regulatory authorities and (as relevant) to other awarding organisations.

During the process of investigation and reporting we may need to access confidential information. We will keep the information secure and only use it for the purposes of the investigation, in line with relevant data protection legislation.

Disclosure to third parties will only take place where an obligation exists, for example, if dictated and/or directed by the Regulators, Police or other relevant legal parties.

Policy updating and reviewing

All policies relating to CIOLQ will be updated on an 18-month cycle or sooner as required.

Policy version and owner

Policy review date	November 2027
Policy owner	Responsible Officer

Regulatory references

Ofqual General Conditions of Recognition
Condition A6: Identification and management of risks
Condition A7: Management of incidents
Condition A8: Malpractice and maladministration
Qualifications Wales
Condition A6: Identification and management of risks
Condition A7: Management of incidents
Condition G8: Malpractice and maladministration