

Suspected Malpractice/Maladministration

Guidance for centres and training providers

Introduction

This document has been provided by the NCTJ to help illustrate a possible approach to creating a policy for, and detecting and dealing with cases of, suspected or actual malpractice and/or maladministration at your centre or training provider. It is not intended to be prescriptive, fully inclusive, nor indicate that this is the only approach acceptable to the NCTJ; nor is it intended to imply that using it will guarantee compliance with the NCTJ requirements. It is each centre/training provider's responsibility to ensure they have in place appropriate internal controls and audit trails, and whilst this document may suggest a way of undertaking certain activities, its use alone will not automatically confirm compliance. Centres and training providers may decide to use this document and its contents to assist them with the delivery of NCTJ qualifications and end-point assessments and/or tailor it to reflect internal procedures and operational needs.

The NCTJ's own malpractice and maladministration policy can be found on our website.

Review arrangements

We will review this guidance annually as part of the NCTJ's annual self-evaluation arrangements and revise it as and when necessary in response to customer and candidate feedback, changes in practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

In addition, guidance notes may be updated in light of operational feedback to ensure that arrangements for dealing with cases of suspected malpractice and maladministration remain effective.

If you would like to feedback any views please contact us via the details provided at the end of this document.

Definition of malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process;
- the integrity of a regulated qualification or end-point assessment;
- the validity of a result or certificate;
- the reputation and credibility of the NCTJ; or
- the qualification/end-point assessment or the wider qualifications/apprenticeships community

Malpractice may include a range of issues from cheating in assessments, failure to maintain appropriate records or systems, to the deliberate falsification of records in order to claim

certificates. It may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions.

For the purpose of this policy malpractice also covers misconduct and forms of unnecessary discrimination or bias towards individuals or groups of candidates.

Examples of malpractice

Two of the clearest examples of potential malpractice are:

- cheating, or facilitating cheating, in an assessment
- attempting intentionally to manipulate a result so that it does not reflect the candidate's actual performance in an assessment

Such action may be taken by the candidate themselves, a tutor, a member of centre staff, an exams officer, or any other individual involved in, or with access to, the assessment process. More specific examples of potential malpractice include:

- collusion or permitting collusion in exams/assessments
- plagiarism by candidates or centre staff
- copying or paraphrasing sections of Artificial Intelligence (AI) generated content so that the work is no longer the candidate's own
- copying from another candidate (including using electronic equipment to do so)
- impersonation i.e. assuming the identity of another candidate or having someone assume a candidate's identity during an assessment
- a candidate breaching the rules of the assessment, for example by unauthorised use of inappropriate materials, equipment or technology in assessment settings, such as a mobile phone or the use of generative AI
- failing to reference the source of materials used in the creation of assessments, including where AI tools may have been used
- deliberate contravention by a centre/training provider or its candidates of the assessment rules and arrangements we specify for our qualifications and end-point assessments
- a breach of confidentiality in assessment materials by centre tutors involved in the development of our exams
- a loss, theft of, or a breach of confidentiality in any assessment materials, including selling assessment materials for monetary gain
- claiming to have and/or offering to share confidential assessment materials and/or presenting hoax materials as confidential assessment materials
- unauthorised amendment, copying or distributing of assessment materials
- centre staff providing a candidate with answers, or providing assistance to candidates beyond what is permitted
- a candidate or centre staff member falsifying a result
- deliberate submission of false information to gain a qualification, unit or end-point assessment, or the creation of false records
- creation or use of a fraudulent certificate by a candidate or a fraudulent claim for certificates
- selling certificates for monetary gain
- deliberate misuse of our logo and trademarks or misrepresentation of a centre/training provider's relationship with the NCTJ and/or its recognition and approval status with the NCTJ

- deliberate failure by centre staff to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- denial of access to premises, records, information, candidates and staff to any authorised NCTJ representative and/or the regulatory authorities
- deliberate failure to adhere to the our candidate registration and certification procedures
- deliberate failure to continually adhere to the our centre recognition, apprenticeship delivery and/or qualification approval requirements or actions assigned to a centre/training provider
- deliberate failure to maintain appropriate auditable records e.g. certification claims and/or forgery of evidence
- intentional withholding of information from the NCTJ which is required to maintain the rigour of quality assurance and standards of qualifications/end-point assessments
- deliberate failure to adhere to, or an attempt to circumnavigate, the requirements of our reasonable adjustments and special considerations policy
- persistent instances of maladministration within the centre/training provider
- presenting or using false identification to register on an NCTJ course, or to sit an NCTJ exam/assessment
- extortion
- fraud
- unreasonable behaviour for any reason, including bullying, harassment, abusive and threatening behaviour
- unauthorised people entering or being present in a learner's environment during remote exams
- navigating away from the exam page and accessing unauthorised materials online during remote exams e.g. websites, or documents in Microsoft Word, Excel, or similar
- suspicious head and eye movements during remote exams which may be indicative of candidate malpractice
- candidates leaving their desk during a remote exam where this is not permitted in the exam rules and procedures

Please note that the above examples are not exhaustive and are intended as guidance on our definition of malpractice.

Definition of maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administration regulations and requirements within a centre/training provider. It generally covers mistakes of poor process where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude, or may result from carelessness or inexperience.

Examples of maladministration

General examples of maladministration include:

- avoidable delay
- mistakes arising from inattention
- faulty procedures
- failure to follow correct procedures

- poor record keeping
- inadvertent failure to take action
- poor communication
- inadvertently giving misleading or inaccurate information

More specific examples of potential maladministration include:

- failure to adhere to our candidate registration and certification procedures
- failure to adhere to our centre recognition, apprenticeship delivery and/or qualification/end-point assessment requirements and/or associated actions assigned to a centre/training provider
- late candidate registrations
- unreasonable delays in responding to requests and/or communications from the NCTJ
- inaccurate claims for certificates
- failure to maintain appropriate auditable records, e.g. certification claims
- failure to adhere to our procedures and requirements for exams/assessments (either for remote or in-centre exams)
- omitting or withholding information from the NCTJ which is required to assure the NCTJ of the centre/training provider's ability to deliver qualifications or end-point assessments appropriately
- misuse of our logo and trademarks or misrepresentation of a centre/training provider's relationship with the NCTJ and/or its recognition and approval status with the NCTJ
- failure to adhere to the requirements of our reasonable adjustments and special considerations policy
- taking screen shots or copies of NCTJ exam papers, online exam questions, and/or online exam section information

Please note that the above examples are not exhaustive and are intended as guidance on our definition of maladministration.

Centre responsibilities

Your internal malpractice/maladministration policy must make all staff and candidates aware that they have a duty and responsibility to report any suspected or actual malpractice or maladministration by candidates or members of centre/training provider staff to an appropriate person.

Your policy must include a designated contact person/position who is responsible for investigating/managing cases of suspected or actual malpractice/maladministration, and include a contingency arrangement should this person be involved, either directly or indirectly, in any such case of malpractice/maladministration.

Your centre/training provider is expected to keep a robust audit trail of registrations, assessment information, verification, certifications, etc. and ensure accurate records are kept of events and evidence relating to cases of suspected or actual malpractice/maladministration that are reported or detected.

Examples of such evidence may include:

- Attendance records, exam scripts, coursework submissions, exam results etc.
- Any other appropriate documentation and/or correspondence
- Meeting notes
- Witness statements
- Statements from those allegedly involved
- Copies of work suspected of plagiarism

The NCTJ expects centres to ensure the high-quality delivery of NCTJ qualifications and end-point assessments in accordance with NCTJ policies and procedures.

Areas to be aware of

Internal Administration

All documentation must be completed accurately, in full and on time. It is imperative that all centre and training provider staff are aware of and adhere to all NCTJ policies and procedures relating to qualifications and assessments. Centre/training provider staff may not be aware that failure to comply can result in maladministration being investigated and appropriate sanctions imposed on a centre/training provider as a result.

Plagiarism

Often candidates are asked to work collaboratively and guidance should be provided about what is or is not acceptable in such circumstances to avoid potential malpractice/maladministration. For example:

- Candidates' work should demonstrate their understanding, produced in their own words unless they are quoting from a referenced source. If asked to explain what is meant by a certain phrase or paragraph they should be able to do so.
- Candidates should always acknowledge, by referencing, any words, ideas or concepts that were originally produced by another person that they have incorporated into their work.
- Although it is often considered good practice to share information, candidates should not let other students see their coursework, portfolios or projects as it can lead to accusations of collusion, which in turn could mean that students lose marks or have a submission declared void.

Suggested that ways to reduce plagiarism include:

- Make sure that the candidates know exactly what is required in their coursework, portfolio or project. Tutors are able to provide general guidance on the drafting and development of submissions, however 'detailed advice' on possible improvements is not permitted to ensure that the work remains the candidate's own.
- Restricting access to online AI tools on centre devices and networks
- Candidates are required to submit a declaration with work for assessment verifying that it is their own.
- Internal verification where a tutor is also expected to verify that the candidate has produced authentic work. If a tutor is not confident that a piece of work is genuine and they cannot confirm authenticity, the candidate will be awarded zero for the assessment. While tutors may confirm authenticity in good faith, awarding

organisations and end-point assessment organisations may take action against a centre or training provider if there is consistent evidence that work carried out by candidates is inauthentic. It is therefore essential that the tutor develops confidence in the authenticity of the candidate's work prior to the assessment of the finished piece.

Cheating

The following are some known examples of cheating:

- Obtaining sample exams and incorporating answers into live assessments
- Getting someone else to do the work or take the assessment for them
- Copying sections of work in an assessment from notes, a mobile device, generative AI or another candidate
- Copying and pasting from the internet
- Giving false information about a source used in coursework, portfolios or projects

Possible signals that may identify cheating:

- The writing style of a single submission, or a passage within a single submission, varies significantly. This may suggest the candidate has obtained information from an unauthorised source in an assessment.
- Where a document contains a variety of different physical characteristics (such as changes in font styles and sizes, indentation and line spacing). This may indicate that the work is not the candidate's own.
- It may look as if an introductory and/or concluding paragraph directly answers the question, while the main the body of the work is vague and unrelated.
- A default use of American spelling, currency, terms and other localisations
- A default use of language or vocabulary which might not appropriate to the qualification level
- Instances of incorrect/inconsistent use of first-person and third-person perspective where generated text is left unaltered
- A difference in the language style used when compared to that used by a student in the classroom or in other previously submitted work

Please note that the above examples are not exhaustive and are intended as guidance only.

Reporting instances of malpractice/maladministration to the NCTJ

Any suspected or actual instances of malpractice or maladministration relating to the delivery of NCTJ qualifications or assessments must be reported to the head of awarding at the NCTJ **immediately**.

Where a member of centre or training provider staff is under investigation you may wish to consider temporarily suspending them or moving them to other duties until the investigation is complete and your internal policy must include information on this course of action should it be necessary.

Where required, a full internal investigation should be carried out by the designated person responsible for dealing with incidents of this nature and the NCTJ kept informed of

developments and the initial outcome. This person must have the appropriate competence to carry out the investigation and no personal interest in the outcome.

Your policy should include the fact that the NCTJ may request further information in order to conduct its own investigation into the reported event.

Reducing the risk of malpractice/maladministration

Whilst it is nearly impossible to completely remove the risk of maladministration or malpractice occurring within centres and training providers, the NCTJ feels the following would go some way to strengthening a centre/training provider's internal arrangements in this area:

- Ensure all staff are aware of your policies and procedures and receive appropriate regular training/briefings on these
- Ensure all staff are aware of NCTJ policies and procedures and adhere to all stated conditions
- Staff have clear roles and responsibilities and understand what is expected of them
- There is a documented internal quality assurance procedure/methodology that is clearly in place and is subject to regular internal reviews
- Candidates are informed of their roles and responsibilities relating to malpractice and maladministration and the consequences of their actions in terms of doing anything that could jeopardise their potential achievement
- If your centre is delivering remote exams, ensure your candidates are fully aware of the instructions and procedures required for sitting remotely, which are different to sitting exams in-centre. Remember, remote exams are at higher risk for malpractice/maladministration so candidates must understand the procedures required to sit remotely and the consequences for breaching these procedures which could jeopardise their potential achievement
- All assessment and internal verification activities are accurately recorded and carried out in accordance with internal quality assurance arrangements and in line with NCTJ expectations, as outlined in NCTJ policies and procedures
- All registration, application and certification records are subject to appropriate internal review before submission to the NCTJ

Contact us

If you have any queries about the contents of this guidance, please contact our head of awarding on 01799 544014 or by email; details are available from our website at www.nctj.com.