

## Malpractice and Maladministration Policy (including Sanctions)

### Introduction

This document is intended for anyone involved in managing the delivery of general and vocational qualifications. It is important for persons involved in the delivery of iPET Network qualifications to be fully aware of the contents of this document and its possible implications should they fail to comply with the requirements specified by the Regulator's General Conditions of Recognition and iPET Network requirements in relation to the delivery of our qualifications. iPET Network has a responsibility to Candidates taking the qualifications, and the Regulators to ensure that Training Providers deliver the qualifications in accordance with the requirements. To meet this responsibility, the performance of iPET Network Training Providers will be monitored by the Responsible Officer, External Quality Assurers (EQAs) and independent appointed person (s).

Where an occurrence of malpractice or maladministration has been found or reported and affects the delivery of any qualifications by a Training Provider, they will be informed immediately by the procedures detailed in this policy. Where required, other Training Providers will be notified of the malpractice or maladministration to avoid another occurrence. In addition, if the malpractice or maladministration potentially affects another Awarding Organisation, iPET Network will inform that Awarding Organisations which in turn, may lead to further sanctions.

This document details the procedures for investigating and determining allegations of malpractice/maladministration. These procedures in their fairness, thoroughness, impartiality and objectivity meet or exceed the requirements of current law in relation to such matters.

### What is Malpractice

Any deliberate activity or neglect that compromises the integrity of the assessment process and / or the validity of certificates. Malpractice can occur at Training Provider level, Candidate level or within the Awarding Organisation.

### Examples of Training Provider Malpractice include:

- Failure to adhere to iPET Network's registration and certification procedure
- Persistent instances of Training Provider Maladministration
- Failure to keep secure and accurate records
- Falsification of records to claim for certificates
- A breach of security e.g., failure to keep assessment material secure, tampering with results
- Deception e.g., deliberate falsification of assessment records or manufacturing evidence
- Taking bribes
- Selling or disclosing live test material
- Improper assistance to Candidates e.g., prompting Candidates when answering test questions by means of signs, verbal or written prompts or allowing Candidates to have access to prohibited materials e.g., dictionaries or calculators
- Sitting the test for the Candidate
- Deliberate non compliance of the Training Provider agreement and Term and Conditions
- Deliberate conflict of interest which compromises the integrity of the test / assessment e.g., the invigilator / assessor has a vested interest in the outcome
- Failure to notify iPET Network of an actual or suspected malpractice when known
- Failure to co-operate with iPET Network investigations
- Failure to investigate if requested by iPET Network

- There is a substantial error in assessment materials
- Candidate collusion (not reportable to the Regulator if no certificates have been awarded)
- Candidate plagiarism (not reportable to the Regulator if no certificates have been awarded)

This list is not exhaustive.

**Examples of Candidate Malpractice include:**

- Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment - including the early and unauthorised removal of a question paper or answer booklet from the examination room.
- Collusion with others when an assessment must be completed by individual Candidates.
- Copying from another Candidate (including using ICT to do so) and/or working collaboratively with other Candidates on an individual task.
- Misconduct - inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language, and having a prohibited electronic device that emits any kind of sound in the assessment room.
- Frivolous content - producing content that is unrelated to the assessment.
- Offensive content - content in assessment materials that includes vulgarity and swearing that is out with the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting Candidates' rights to freedom of expression.
- Impersonation - assuming the identity of another Candidate or a Candidate having someone assume their identity during an assessment.
- Plagiarism - failure to acknowledge sources properly and/or the submission of another person's work as if it were the Candidate's own. To include the use of AI e.g. ChatGPT to produce work for any assessments towards the achievement of a qualification.
- Prohibited items - items that Candidates must not have with them at their allocated seat in the exam room because they can give an unfair advantage, including: mobile phones; electronic devices such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information; books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary (except in specified subjects) - unless any of these things have been approved by iPET Network as part of an assessment arrangement.

This list is not exhaustive.

Training Providers can take action to support Candidates and reduce or eliminate the risk of malpractice by Candidates, for example by ensuring that:

- all Candidates are aware of behaviour that constitutes malpractice.
- all Candidates are aware of the penalties imposed on those who commit malpractice.
- the Training Provider's information for Candidates is given to all Candidates prior to assessments/examinations taking place and the importance of the content emphasised.
- systems are in place to ensure Candidates should not bring unauthorised materials into the exam/assessment room or be in a position to access such materials in another location, for example a bathroom, during the exam/assessment.
- the Mobile Phone Policy and any Warning to Candidate posters are displayed prominently.
- Candidates know that a mobile phone in their possession will lead to loss of marks even if it is switched off, they did not use it, or they had forgotten they had it with them, and that use of a device will lead to disqualification.
- Candidate work being completed for internal assessment is stored securely and cannot be accessed by other Candidates.

- Candidates and teachers know what is meant by plagiarism in assessments.
- they challenge coursework or controlled assessment content submitted that is not reflective of a Candidate's observed level of performance in your subject.
- Candidates submit individual work for internally assessed units and do not work collaboratively beyond what is permitted.
- Monitoring and reporting similar content being submitted by Candidates in the class for internally assessed units.
- Candidates know that the sharing/exchange/receipt of information which may be exam related, or the attempt to do so, is malpractice and can have serious consequences for their assessment outcomes.

#### **Examples of Awarding Organisation Malpractice:**

- Failing to comply with regulators conditions of recognition, examples may include:
  - Failing to raise event notifications relating to events / incidents of potential and actual adverse effects.
  - Failing to recognise / investigate Training Provider and/or Candidate Malpractice
  - Cheating, or facilitating cheating, in an assessment; and attempting intentionally to manipulate a result so that it does not reflect the Learner's actual performance in an assessment.

This list is not exhaustive.

#### **What is Maladministration**

Any activity or neglect that results in the Training Provider or Candidate not complying with the specified requirements for delivery of the qualification.

Examples of Maladministration include:

- Inappropriate retention or destruction of records
- Failure to ensure appropriate test / assessment conditions
- Poor administration (failure to have appropriate records)
- Failure to have appropriately trained staff
- Failure to comply with the Training Provider agreement and Term and Conditions
- Breach of re-sit / re-assessment rule
- Incorrect invigilator used for a live test
- Training Provider staff take test for their own purposes that does not adhere to iPET Network regulations (not to assist the Candidate)
- Training Provider staff registering themselves for the test as a Candidate to view the test content with the aim to assist teaching (not to assist the Candidate)
- Registering a Candidate after a test/assessment
- Accidentally logging a Candidate onto the wrong test/assessment
- Sharing keys and passwords inappropriately (i.e., e-portfolio)
- Additional attempts greater than the number of test papers as outlined in the qualification specification
- Giving Candidate assistance with reasonable adjustments when not authorised to do so
- Ignorance of the regulations
- Carelessness or forgetfulness when applying the regulations
- Unintentional conflict of interest
- Invigilator leaving the room during a live test
- Failure to check that Candidates do not have unauthorised material in the test room



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- Requesting access arrangements for Candidates who do not meet the requirements

This list is not exhaustive.

#### **Examples of Awarding Organisation Maladministration:**

- Delayed event notifications
- Inaccurate record keeping
- Inaccurate data submission
- Poor record keeping
- Avoidable delays
- Faulty procedures
- Poor communication

This list is not exhaustive.

iPET Network will carry out processes and procedures to monitor and prevent internal Malpractice and Maladministration, such as:

- Training for new staff and updates on regulatory requirements
- Annual review of performance for employees (to include desktop and observation audits where applicable)
- Auditing of procedures and process e.g. Quality assurance audits, certification, EPA process, malpractice log to review patterns and trends).

It is worth noting that these are categorised for first time instances, however, if iPET Network see repeated instances then it is possible that the act / omission could be assessed as deliberate, and malpractice may be considered. Other instances of malpractice or maladministration may be identified and considered by the iPET Network at our discretion.

All allegations of malpractice or maladministration may be investigated. This is to protect the integrity of the qualification and to be fair to the Training Provider and all Candidates. Any actual/potential/alleged/perceived instances of malpractice or maladministration need to be reported to iPET Network as soon as you are aware of an event and iPET Network will, in turn, report these to the Training Provider, other Awarding Organisations where necessary and to the appropriate Regulator(s).



### **Training Provider procedure to respond to concerns of Candidate malpractice**

This section explains the steps to be taken by iPET Network and our Training Providers in responding to concerns of Candidate malpractice.

From iPET Network's perspective, the response to any concern of suspected malpractice may include up to three stages: initial screening, investigation and decision.

iPET Network expects Training Providers to report all suspected Malpractice to the Awarding Organisation via the Responsible Officer using the Malpractice and Maladministration Report Form found on the website [www.ipetnetwork.co.uk](http://www.ipetnetwork.co.uk).

- A Candidate Malpractice and Maladministration Report needs to be completed and emailed to the Responsible Officer at [info@ipetnetwork.co.uk](mailto:info@ipetnetwork.co.uk)
- The Training Provider must inform the Candidate in writing of the report being made at the time of reporting to the Awarding Organisation and the consequences that this may result in.
- The Responsible Officer will then decide who investigates the suspected Malpractice using the Risk Rating of Investigators for Malpractice and Maladministration
- An investigation will be carried out by the nominated investigator who will report to the Responsible Officer or Directors for a final decision

In the event of reporting, for further guidance, please refer to iPET Network's Malpractice and Maladministration Policy and Procedure (including sanctions) document found on the website [www.ipetnetwork.co.uk](http://www.ipetnetwork.co.uk).

Individual Candidates who are under investigation for suspected malpractice should be provided with:

- information about the allegation made against them and information about the evidence there is to support that allegation
- information about the possible consequences should malpractice be established
- the opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- the opportunity to consider their response to the allegations (if required)
- the opportunity to submit a written statement
- information on the applicable iPET Network appeals procedure, should a decision be made against them

During an investigation, the conduct of the Candidate in other examinations or assessments should not be considered in reaching a finding of malpractice. However, any previous findings of malpractice against the same Candidate may be considered for the purposes of determining the appropriate sanction.

The Training Provider must record all assessment decisions, including date of assessment as a minimum on the Web Portal to allow iPET Network to carry out a thorough investigation into the Candidate. Individual interviews may need to be held directly with the Candidate therefore upon registrations, a Candidate's full contact details are held by iPET Network and kept for a minimum of 3 years. The Training Provider must take all reasonable steps to comply with requests for information or documents made by the Awarding Organisation or the regulatory body as soon as practicable.

#### **Appeals (after a malpractice/maladministration incident)**

Candidates have a right to appeal a decision where a concern of Candidate malpractice has been upheld. A Candidate may appeal in writing to the Awarding Organisation. The External Quality Assurer will provide



details of who the Candidate should contact at iPET Network should the Candidate wish to appeal to iPET Network once they have exhausted the Training Providers internal appeals procedure.

Training Providers have the right to appeal a decision where a case of reported malpractice by the Training Provider has been confirmed through investigation by iPET Network. Training Providers also have the right to appeal a decision in the case of suspected malpractice by a Candidate reported by the Training Provider to iPET Network. Candidates have the right to appeal to iPET Network where the Training Provider has investigated, the Candidate disagrees with the outcome and has exhausted their appeals process and iPET Network has conducted an investigation and the Candidate disagrees with the decision.

For further information on enquiries and appeals please refer to Enquiries and Appeals Policy [www.ipetnetwork.co.uk](http://www.ipetnetwork.co.uk).

#### **For regulated qualifications only**

Candidates and Training Providers have the right to request a review by the appropriate regulator of the Awarding Organisation's process in reaching a decision in an appeal of a malpractice/maladministration decision for qualifications subject to regulation assuming all Training Provider and Awarding Organisation procedures have been exhausted.

#### **Awarding Organisation Responsibilities**

iPET Network will notify any Training Providers where there is a belief that there has been an occurrence of malpractice or maladministration, or any connected occurrence, that may affect the Training Provider undertaking any part of the delivery of one of its qualifications. In addition, other Training Providers may need to be informed of the malpractice or maladministration that has been reported and investigated, to avoid any further occurrence of the same issue. If required, iPET Network will share these findings accordingly.

Regulators require all Awarding Organisation to be responsible in taking all reasonable steps to prevent malpractice and maladministration.

If iPET Network are advised of, or suspect, malpractice or maladministration, they are required to either carry out any investigations themselves or ensure that Training Provider investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome. See iPET Network's Risk Rating of Investigators for Malpractice and Maladministration. The choice of investigator may change during the investigation dependent on the evidence that is provided or the condition of the allegation. iPET Network reserve the right to make any final decision on the investigation.

#### **Training Provider Responsibilities**

iPET Network will work with our Training Providers to make sure they are aware of their responsibilities as a Training Provider to prevent malpractice and maladministration.

Whilst it is impossible to remove the risk of malpractice or maladministration occurring, by adhering to the points listed below a Training Provider can go some way to strengthening their internal arrangements in this area by:

- ensuring all relevant staff are aware of and have read relevant policies and procedures
- ensuring all relevant staff receive appropriate training
- ensuring staff have clear roles and responsibilities
- having a documented internal quality assurance procedure that is reviewed regularly
- carrying out internal quality assurance activities to evidence compliance

- ensuring records are subject to appropriate internal reviews
- undertaking regular data analysis reviews

A failure to report suspected or actual malpractice or maladministration cases, or not reporting them in an appropriate time frame, or not granting iPET Network access to data as soon as reasonably practicable, or not having in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the Training Provider (sanctions detailed further in this policy).

It is the Training Provider's responsibility to comply with this policy and take reasonable steps to prevent and/or investigate instances of malpractice and/or maladministration. This will be reviewed periodically through the on-going External Quality Assurance visits and Training Provider monitoring arrangements.

Once the Malpractice and Maladministration Report Form has been submitted to iPET Network the Training Provider Manager or other appropriate senior member of staff must:

- ensure that the evidence gathering team is independent and not connected to the department or Candidate involved in the suspected malpractice. This is to avoid conflicts of interest which can otherwise compromise the investigation
- respond speedily and openly to all requests for evidence gathering into an allegation of malpractice
- make available information as requested by iPET Network
- co-operate and ensure their staff do so with an enquiry into an allegation of malpractice, whether the Training Provider is directly involved in the case or not
- inform staff members and Candidates of their individual responsibilities and rights as set out in these guidelines
- pass on to the individuals concerned any warnings or notifications of penalties and ensure compliance with any requests made by iPET Network because of a malpractice case.

### **How iPET Network will prevent Malpractice/Maladministration**

#### **Initial and continuation documentation and agreements**

The Training Provider will only be able to operate and deliver iPET Network qualifications once:

- iPET Network's Training Provider Terms, Conditions and Enforceable Agreement has been signed
- External Audit Report Form for Approval has been completed by the External Quality Assurer
- Risk Rating Record completed by the EQA
- Conflicts of Interest Disclosure Form is completed and signed
- Final Approval has been given by the External Quality Assurer

The documents and agreements listed above must be signed every 12 months following the Training Provider's approval date. This is to ensure iPET Network have up to date information for all requirements of delivery and the Training Providers are compliant with iPET Network's latest policies, agreements and terms and conditions.

#### **Quality Assurance**

External Quality Assurers will receive initial and on-going training from the Responsible Officer to ensure they understand what constitutes Malpractice and Maladministration. Training will be issued from the Awarding Organisation including regular performance reviews scheduled to feedback the Director's findings from the quality review on all EQAs audit reports and actions from investigations. This will contribute to managing performance, highlight any updates and focus points in the industry, regulatory requirements and areas of concern. External Quality Assurers must demonstrate what support has been provided to the Training Provider's



Internal Quality Assurer and how potential incidents of potential Malpractice and Maladministration have been identified and managed.

For Quality Assurance requirements contributing to the prevention and identification of Malpractice/Maladministration please refer to iPET Network's Quality Assurance Requirements document on [www.ipetnetwork.co.uk](http://www.ipetnetwork.co.uk).

### **Quarterly Review**

iPET Network will conduct a quarterly review during the Directors' board/Governing body meetings of all investigation reports against malpractice maladministration to assess any trends that may occur across multiple Training Providers. This will help configure further preventative measures of malpractice/maladministration for future awarding of qualifications.

### **How iPET Network will deal with allegations of Malpractice**

#### **Identification**

There will be several ways to identify malpractice/maladministration and suspected malpractice/maladministration such as:

- on-going quality assurance activity and monitoring e.g., internal verification activity
- intelligence, complaints or feedback
- scheduled quality assurance activity and monitoring

Anyone who suspects malpractice/maladministration has a responsibility to notify iPET Network without delay.

#### **The Allegation**

A full account of the incident must be completed on the Malpractice and Maladministration Report Form available at [www.ipetnetwork.co.uk](http://www.ipetnetwork.co.uk) and emailed to the Responsible Officer at [info@ipetnetwork.co.uk](mailto:info@ipetnetwork.co.uk). To see the full report procedure please refer to [www.ipetnetwork.co.uk](http://www.ipetnetwork.co.uk).

iPET Network is aware that the reporting of malpractice/maladministration by an Employee or a Candidate can create a difficult environment for that staff member or Candidate. Accordingly, iPET Network will try to protect the identity of an informant if this is asked for at the time the information is given. Employees making allegations of malpractice may be protected by the Public Interest Disclosure Act 1998. Please refer to the iPET Network Whistleblowing Policy for further information.

#### **iPET Network's response to an allegation of malpractice**

In the case of a notification of suspected malpractice/maladministration, iPET Network will consider the information provided and decide to do one of the following:

- take no further action
- bring the matter to the attention of the Training Provider Manager or person responsible for the delivery of iPET Network qualifications, or another suitably qualified individual, asking them to gather evidence into the alleged malpractice and produce a written report of the outcome to iPET Network
- investigate the matter independently, especially where there is an allegation of fraud or serious threat to the integrity of certification, where there is an allegation against the



Training Provider Manager, or where the Training Provider does not have the capacity to conduct evidence gathering in an unbiased way

- nominate a third party to conduct the investigation on our behalf

iPET Network will typically communicate with the Training Provider Manager regarding allegations of malpractice, except when the Training Provider Manager or management of the Training Provider is under investigation. In such cases, communications will be with another person nominated to investigate the matter by iPET Network, such as the Account Manager or Responsible Officer.

iPET Network has the right to communicate directly with members of Training Provider staff who have been accused of malpractice/maladministration if the circumstances warrant this, e.g., the staff member is no longer employed or engaged by the Training Provider. The nominated member of staff must facilitate communications between iPET Network, and the individual concerned if requested to do so.

iPET Network may choose to communicate with a Candidate directly if the circumstances of the case requires (For example, if there is a contradiction in the evidence provided by the Candidate and the Training Provider, or the Training Provider is suspected of non-compliance with the regulations.). In such cases iPET Network may choose to advise the Training Provider Manager that it proposes to contact the Candidate directly. A Training Provider Manager, once advised by iPET Network, should not ordinarily communicate further with the Candidate.

Regardless of whether the allegation of malpractice/maladministration is proven or not, to ensure the integrity of, and public confidence in, future tests, iPET Network may undertake additional inspections and/or monitoring, and/or require additional actions.

It is the responsibility of the Training Provider Manager to inform the accused individual that iPET Network may share information with third parties.

### **Investigation Objectives**

Investigations into maladministration/ malpractice and suspected malpractice should aim to:

- Establish the facts relating to allegations/complaints to determine whether any irregularities have occurred. It is important to remember that just because an allegation has been made it should not be assumed that malpractice/maladministration has occurred
- Establish the facts, circumstances and scale of the alleged malpractice. In considering the scale of the malpractice, it is important that the investigation is not too narrowly focused and considers the broader impact the malpractice could have on the Training Provider, Candidates or qualifications
- Identify the cause of the irregularities and those involved
- Identify and, if necessary, take actions to minimise the risk to current Candidates and requests for certification
- Evaluate any actions already taken by the Training Provider
- Determine whether any remedial actions are required to reduce the risk to current Candidates and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued
- Obtain evidence to support the investigation
- Identify any patterns or trends
- Identify any changes to Training Provider policy or procedure or Awarding Organisation policies or procedures



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## **The Investigation**

iPET Network will lead any investigation into suspected malpractice/maladministration and will expect full co-operation from the Training Provider Manager or suitable representative if the Training Provider Manager is unable to assist iPET Network. The Training Provider Manager must respond to iPET Network requests to investigate promptly and in accordance with the guidelines and deadlines set.

Those responsible for investigating should seek evidence from which the full facts and circumstances of any alleged malpractice/maladministration can be established. It should not be assumed that because an allegation has been made, it is true. The fundamental principle of an investigation is to conduct it in a fair, reasonable and legal manner ensuring that all relevant information is considered without bias and as quickly as possible.

Individuals accused of malpractice/maladministration should normally be made fully aware at the earliest opportunity of the nature of the allegation, preferably in writing, of the information used to notify iPET Network of the malpractice, and the possible consequences should malpractice be proven. They must also be given the opportunity to respond, preferably in writing, to the allegation made against them.

The person supporting iPET Network with its investigation must ensure there is no conflict of interest, organise an investigation into the alleged malpractice/maladministration and then submit a report to iPET Network. There must not be a conflict of interest between the person conducting the investigation and the individual(s) accused of malpractice. The person conducting the investigation must have no personal interest in the outcome of that investigation.

The Training Provider Manager or representative should consider that both staff and Candidates can be responsible for malpractice or maladministration.

If the Training Provider investigation is delegated to another senior member of Training Provider staff, the Training Provider Manager must still retain overall responsibility for the investigation within the Training Provider unless they are directly implicated in the alleged malpractice/maladministration or there is a conflict of interest. In selecting a suitable senior member of Training Provider staff, the Training Provider Manager must take all reasonable steps to avoid a conflict of interest. Where a conflict of interest may be seen to arise, investigations into suspected malpractice/maladministration should not be delegated to the manager of the section, team or department involved in the suspected malpractice/maladministration. In the event of any concerns regarding conflicts of interest or the suitability of the potential investigator, the Training Provider Manager or representative must contact iPET Network as soon as possible to discuss the matter.

iPET Network will not normally withhold any evidence or material obtained or created during an investigation into an allegation of malpractice from the Training Provider Manager. However, iPET Network may do so where this would involve disclosing the identity of an informant who has asked for their identity to remain confidential. In such cases, iPET Network will provide the evidence and materials and will withhold information that would reveal the person's identity and will explain why the withheld information cannot be provided.

If investigations reveal that Candidates had prior knowledge of the content of a live test, iPET Network will establish whether information could have been divulged to Candidates at other Training Providers or to other unauthorised persons.

It may be necessary to interview a Candidate during an investigation. If the Candidate is a minor or a vulnerable adult, and if the interview is to be conducted face to face, the interview must only be done in the presence of an appropriate adult who is impartial to the investigation such as the Candidate's parent/carer,

the Training Provider Manager, or other senior member of staff, interviews may also be conducted over the telephone. Any interview must also be conducted in accordance with the Training Provider's own policy for conducting disciplinary enquiries.

When it is necessary to conduct an interview with a staff member, the member of staff being interviewed may be accompanied by a friend or advisor who is impartial to the investigation (who may be a representative of a teacher association or other association).

The involvement of legal advisors is not necessary, at least where there is no allegation of criminal behaviour. However, if any party wishes to be accompanied, for example by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. The person accompanying the interviewee should not take an active part in the interview, they are not to answer questions on the interviewee's behalf. iPET Network will not be liable for any professional fees incurred. The Training Provider Manager is required to make available an appropriate venue for such interviews. Interviews may also be conducted over the telephone. Individuals involved may be requested to provide a written statement.

The investigation must determine:

- who was involved in the incident, including Candidates, members of staff and/or invigilators.
- the facts of the case, as established from evidence and/or statements from those involved.

iPET Network must notify the Regulatory Body e.g., Ofqual, CCEA Regulations, Qualifications Wales, of any investigations into malpractice/ maladministration for both the Training Provider and Candidate. Updates will be provided throughout the investigation along with the outcome.

#### **Rights of the Accused during the Investigation**

When, in the view of the investigator, there is sufficient evidence to implicate an individual in malpractice, that individual (a Candidate or a member of staff) accused of malpractice must:

- be informed in writing of the allegation made against them.
- know the possible consequences should malpractice be proven.
- consider their response to the allegations (if required).
- have an opportunity to submit a written statement.
- be informed that he/she will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee.
- have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required).
- be informed of the applicable appeals procedure, should a decision be made against them.
- be informed of the possibility that information relating to a serious case of malpractice may be shared with other iPET Network Training Providers, the regulators, the police and/or other bodies as appropriate.

Responsibility for informing the accused individual rests with the Training Provider Manager. In certain circumstances, it may be necessary for the Training Provider Manager to exercise discretion, in the light of all the circumstances of the case, as to the timing and how an allegation of malpractice and the supporting evidence is presented to the individual(s) involved.

By their very nature investigations usually necessitate access to information that is confidential to a Training Provider or individual. All material collected as part of the investigation must be kept secure and not normally

disclosed to third parties (other than the Regulators, or the police where appropriate). All relevant documents and evidence must be retained for a minimum of one year following the conclusion of the investigation.

### **The Report**

Where the investigation into the alleged malpractice/maladministration has been carried out by the Training Provider, the Training Provider Manager must submit a full written report of the case to the Responsible Officer. The report should be accompanied by the following documentation, as appropriate:

- a statement of the facts, a clear and detailed account of the circumstances of the alleged malpractice/maladministration, and details of any investigations carried out by the Training Provider
- the evidence relevant to the allegation, such as written statement(s) from the invigilator(s), assessor, internal quality assurer(s) or other staff who are involved
- written statements from the Candidates, tutors, invigilators or other members of staff concerned which must be signed and dated
- any exculpatory evidence and/or mitigating factors
- information about the Training Provider's procedures for advising Candidates and Training Provider staff of iPET Network regulations
- seating plans showing the exact position of Candidates in the test room (if applicable)
- unauthorised material found in the test room
- any work of the Candidate and any associated material (e.g., source material for coursework) which is relevant to the investigation
- any other evidence relevant to the investigation

iPET Network will decide based on the report, and any supporting documentation, whether there is evidence of malpractice/maladministration and if any further investigation is required. The Training Provider Manager will be informed accordingly.

### **The Decision**

To determine the outcomes in cases of alleged malpractice/maladministration within Training Providers, iPET Network will normally convene a malpractice/maladministration Committee composed of internal and/or external members who have been identified as appropriate persons based on knowledge and credentials. There will be a minimum of 3 seats in the committee for voting purposes. The Committee may also be assisted by another member of staff who has not been directly involved in the investigation. Alternatively, this function may be allocated to a named member or members of staff.

The work of the Committee is confidential. Members of the Committee are required to identify any case of which they have personal knowledge or might be said to have some interest which could lead to an inference that the Committee had been biased. Any member with a close personal interest will take no part in the discussion of the case and will not be present when the Committee discusses the matter. All members will be investigated for conflicts of interest in line with iPET Network policy see Risk Rating of Investigators for Malpractice and Maladministration document at [www.ipetnetwork.co.uk](http://www.ipetnetwork.co.uk).

Accused individuals, Training Provider Manager or their representatives are not entitled to be present at meetings of the Committee. However, the person against whom the allegation has been made will be given the opportunity to make a written statement to the Committee considering the material provided.

The key principle underpinning the composition of the Committee is that it is independent of those who have conducted the investigation. iPET Network staff who have directly investigated the case will play no role in the

decision-making process. No-one who declares an interest in the outcome of the case will be present in the room when the case is considered.

In deciding on any report, the Committee will establish that correct procedures have been followed in the investigation of the case, and that all individuals involved have been given the opportunity to make a written statement.

If satisfied, the Committee will consider:

- the regulatory criteria which is alleged to have been compromised
- the facts of the case
- whether malpractice/maladministration is occurred
- who is responsible if criteria has been compromised
- any points of mitigation

If the Committee is satisfied that there is sufficient evidence that malpractice/maladministration has occurred, the Committee will then determine:

- appropriate measures to be taken to protect the integrity of the assessment and to prevent future breaches
- the nature of any sanction or penalty to be applied.

Each case of suspected malpractice/maladministration will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of behaviour this may be taken into consideration when determining whether a sanction should be applied. The Committee will seek to make decisions unanimously, but if necessary, may decide by a majority.

The Committee must be satisfied from the evidence before it that on the balance of probabilities the alleged malpractice/maladministration occurred (i.e., that it is more likely than not). It is possible that the evidence in some cases may be inconclusive, but iPET Network may decline to accept the work of the Candidates to protect the integrity of the qualification for the majority.

In situations where a case is deferred because the Committee requires further information to decide, the deferral and the nature of the request will be shared with the investigation team and Training Provider Manager.

In straightforward cases where the evidence is not contested or in doubt, iPET Network may invoke a summary procedure. Sanctions may be applied and notified to an individual or Training Provider following consideration of the case by an Awarding Organisation member of staff. Sanctions and penalties applied under this summary procedure are subject to appeal, as are all other sanctions and penalties resulting from cases of malpractice/maladministration.

Once a decision has been made, it will be communicated in writing to the Training Provider Manager/ Responsible Person as soon as possible. It is the responsibility of this person to communicate the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

Most cases of malpractice/maladministration are confidential between the individual Training Provider, the individual who engaged in the malpractice/maladministration and iPET Network. However, in cases of serious malpractice/maladministration, where the threat to the integrity of the assessment is such as to outweigh a duty of confidentiality, it may be necessary for information to be exchanged with other interested parties.

## Notifying the Regulators and Other Interested Parties

iPET Network will report cases of malpractice and maladministration to the Regulator if an allegation is progressed to an investigation as defined in Condition B3.2 of the General Conditions of Recognition. This will include details of the action taken by all parties of the investigation process.

At the point of receiving a malpractice and/or maladministration report to the responsible officer, if there is credible evidence to support the accusation on an initial enquiry, this will be processed within 10 working days and may involve a wider team to review e.g. Executive committee and Governing Body. If there is cause to believe that there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could affect another awarding organisation this will be raised as event notification to the relevant regulators within 5 working days.

iPET Network will also alert other Awarding Organisations and other Training Providers of cases of malpractice/maladministration where these cases are likely to impact on other Awarding Organisations and delivery of iPET Network qualifications. This will usually be appropriate where:

- The Training Provider where the malpractice/maladministration has occurred is also approved with another Awarding Organisation (for the same or different qualifications) and the malpractice/maladministration could potentially impact on the activities undertaken by that Awarding Organisation
- The Training Provider where the malpractice/maladministration has occurred may move their operations to another Awarding Organisation in an attempt to avoid sanctions and continue sub-standard practices
- The Training Provider where the malpractice/maladministration has occurred has indicated they are seeking approval with another Awarding Organisation (for the same or different qualifications)

iPET Network will only provide factual information to another Awarding Organisation once the malpractice/maladministration has been proven and following the conclusion of the investigation. It is up to the receiving Awarding Organisation to decide what action to take as a result of the information received and iPET Network is not required to propose any action that the other Awarding Organisations are required to take.

iPET Network also reserves the right to notify the police if deemed appropriate.

## Sanctions and Penalties for Training Providers

In cases of malpractice/maladministration, the primary role of iPET Network is to consider whether the integrity of the qualification has been placed in jeopardy. iPET Network will also consider whether that integrity might be jeopardised if an individual found to have committed malpractice/maladministration were to be involved in the future conduct, supervision or administration of iPET Network's assessments.

iPET Network will determine the application of a sanction according to the evidence presented, the nature and circumstances of the malpractice/maladministration, and the type of qualification involved. Not all the sanctions are applicable to every type of qualification or circumstance.

iPET Network will normally impose sanctions and penalties on individuals found guilty of malpractice/maladministration. These will usually be the Candidate(s) or the responsible member(s) of staff. However, when malpractice/maladministration is judged to be the result of a serious management failure within a department or the whole Training Provider, iPET Network may apply sanctions against the whole department

or Training Provider. In these cases, iPET Network may make special arrangements to safeguard the interests of the Candidates who might otherwise be adversely affected.

iPET Network has a range of sanctions that can be imposed on a Training Provider, Staff Member or Candidate where malpractice/maladministration has been proven. In determining the appropriate sanction or penalty, iPET Network will consider factors including:

- the seriousness of the situation
- the potential risk to the integrity of the qualification
- the number of Candidates and/or Training Providers affected
- the level and track-record of the Training Provider's non-compliance
- the adverse impact on Candidates
- any mitigating circumstances
- the effect on public confidence in the qualification(s) including employers or members of the public.

It is not the role of iPET Network to be involved in any matter affecting the member of staff's or contractor's contractual relationship with their employer. iPET Network recognise that employers may take a different view of an allegation to that determined by iPET Network or its Committee. An employer may wish to finalise their decision after iPET Network or its Committee has reached their conclusion.

Ignorance of the regulations will not, by itself, be considered a mitigating factor.

iPET Network impose sanctions and penalties on individuals and on Training Providers responsible for malpractice/maladministration to:

- minimise the risk to the integrity of tests and assessments, both in the present and in the future
- maintain the confidence of the public in the delivery and awarding of qualifications and the Regulators integrity
- ensure as a minimum that there is nothing to gain from breaking the regulations
- deter others from doing likewise.

Our aim is to ensure that the application of sanctions is fair, appropriate, and proportionate.

iPET Network will endeavour to protect a Candidate who, through no fault of their own, are caught up in a malpractice/maladministration incident. It should, however, be accepted that there may be instances where the work submitted for assessment does not represent the efforts of the individual Candidates and it may not be possible to give those Candidates a result or permit a result to be retained. When considering the action to be taken, iPET Network will balance responsibilities towards the rest of the cohort and the individuals caught up in the malpractice/maladministration incident.

In cases where it is not reasonable or possible to determine responsibility for malpractice/maladministration, and where the integrity of the assessment has been impaired in respect of an individual or individuals, iPET Network may decide not to accept the work submitted or undertaken for assessment or may decide it would be unsafe to make awards or permit awards to be retained. In these cases, the Candidate(s) may re-take, where available, the test/assessment at the next opportunity or, where the qualification permits, provide additional proof of competence.

iPET Network reserves the right to apply sanctions and penalties flexibly, outside of the defined ranges, if mitigating or aggravating circumstances are found to exist.



For consistency of approach in the application of sanctions and penalties, iPET Network will not consider the consequential effects (for example on university or job applications) of any sanction or penalty which might arise from circumstances of the individual.

The Training Provider Manager must inform those individuals found guilty of malpractice/maladministration that information may be passed onto other iPET Network and/or other appropriate authorities. This information will typically be the names and offences of those found guilty of breaching the published regulations.

Where malpractice/maladministration has been proven, iPET Network may impose one or more of the following remedial actions, sanctions or penalties:

#### **1 Written warning**

Issue a written warning advising of the breach that if the offence is repeated within a set period, further measures will be applied.

#### **2 Training**

Require the member of staff, as a condition of future involvement in its tests and/or assessments, to undertake specific training or mentoring within a particular period of time and a review process at the end of the training.

#### **3 Special conditions**

Impose special conditions on the future involvement in its tests and/or assessments by the member of staff, whether this involves the internal assessment, the conduct, supervision or administration of its tests and assessments.

#### **4 Suspension**

Bar the member of staff from all involvement in the delivery or administration of its tests for a set period. Other iPET Network Training Providers and the regulators may be informed when a suspension is imposed.

#### **5 Review and Report (Action Plans)**

The Training Provider Manager will be required to review the Training Provider's procedures for the conduct or administration of tests in general and/or a plan to iPET Network to provide assurance that sanctions have been appropriately applied. The Training Provider Manager will additionally be required to report back to iPET Network on improvements implemented by a set date. Alternatively, an action plan will be agreed between iPET Network and the Training Provider and will need to be implemented as a condition of continuing to accept entries or registrations from the Training Provider.

#### **6 Approval of specific assessment tasks**

The approval by iPET Network of specific assessment tasks in situations where these are normally left to the discretion of the Training Provider.

#### **7 Additional monitoring or inspection**

iPET Network may increase, at the Training Provider's expense, the normal level of monitoring that takes place in relation to the qualification(s). Alternatively, iPET Network may be notified of the breach of regulations and may randomly, and without prior warning, inspect the Training Provider over and above the normal schedule for inspections.

#### **8 Restrictions on testing**



For a specified period, a Training Provider will be suspended from testing. These measures may be applied for selected qualifications or all qualifications.

### **9 Independent invigilators**

The appointment for a specified period, at the Training Provider's expense, of independent invigilators to ensure the conduct of tests is in accordance with the published regulations.

### **10 Suspension of Candidate registrations or entries**

iPET Network may, for a period, or until a specific matter has been rectified, refuse to accept Candidate entries or registrations from a Training Provider. This may be applied for selected subjects/occupational areas or all subjects/occupational areas.

### **11 Suspension of certification**

iPET Network may, for a period, or until a specific matter has been rectified, refuse to issue certificates to Candidates from a Training Provider.

### **12 Withdrawal of approval for a specific qualification(s)**

iPET Network may withdraw the approval of a Training Provider to offer one or more qualifications issued by that Awarding Organisation.

### **13 Withdrawal of Training Provider recognition**

iPET Network may withdraw recognition or approval for the Training Provider. This means the Training Provider will not be able to deliver or offer iPET Network qualifications to Candidates. The regulators and other appropriate authorities will be informed of this action. At the time of withdrawal of Training Provider recognition, where determined by iPET Network, a Training Provider may be informed of the earliest date it can re-apply for accreditation and any measures it will need to take prior to this application. Training Providers which have had recognition withdrawn should not assume that re-approval will be treated as a formality.

Any expense incurred in ensuring compliance with the penalties and/or special conditions must be borne by the Training Provider.

iPET Network will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. Not all the sanctions and penalties are appropriate to every type of qualification or circumstance.

These penalties may be applied individually or in combination. The table below shows how the sanctions and penalties might be applied.

#### **Sanctions and Penalties - Candidates**

iPET Network will determine the application of a sanction or penalty according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. Not all the sanctions and penalties are appropriate to every type of qualification or circumstance.

During the investigation, and pending any sanctions or penalties, the Candidate(s) are not permitted to undertake any live testing for iPET Network qualifications. It is the responsibility of the Training Provider to ensure this is enforced. Further guidance will be given with the outcome of the investigation.

These penalties may be applied individually or in combination. The table within this policy shows how the sanctions and penalties might be applied.



iPET Network may, at their discretion, impose the following sanctions against Candidates.

#### **1 Warning**

The Candidate is issued with a warning that if the offence is repeated within a set period, further specified sanctions will be applied.

#### **2 Disqualification from a unit**

The Candidate is disqualified from the unit. This penalty is only available if the qualification is unitised. The effect of this penalty is to prevent the Candidate aggregating or requesting certification in that series if the Candidate has applied for it.

#### **3 Disqualification from a whole qualification**

The Candidate is disqualified from the whole qualification taken in that series or academic year. This penalty can be applied to unitised qualifications only if the Candidate has requested aggregation. Any units banked in a previous series are retained, but the units taken in the present series and the aggregation opportunity are lost. If a Candidate has not requested aggregation the option is penalty 4. It may also be used with linear qualifications.

#### **4 Candidate debarred**

The Candidate is barred from entering for one or more tests for a set period. This penalty is applied in conjunction with any of the other penalties above if the circumstances warrant it.

Unless a penalty is accompanied by a bar on future entry, all Candidates penalised by disqualification, may re-take the qualification affected if the specification permits this.

Once a decision has been made, it will be communicated to the Training Provider Manager as soon as possible. It is the responsibility of the Training Provider Manager to communicate the decision to all concerned.

#### **Training Provider Appeals**

If a Training Provider disagrees with a decision, it has the right to appeal. The appeal must be submitted in writing requesting a review of the decision and outlining why the Training Provider thinks the iPET Network decision is wrong. iPET Network will respond to all appeals in line with their Enquiries and Appeals Policy. In the case where the Training Provider believes there has been maladministration by iPET Network they have the right to raise this matter directly with the appropriate Regulator.

It is the responsibility of Training Providers to advise Candidates they have the right to appeal a decision where a case of malpractice has been upheld. Candidates should be aware of the Training Provider's internal appeals process, and that this includes the right to appeal to iPET Network.

Candidates have the right to appeal where:

- the Training Provider has provided evidence that the Candidate disagrees with
- iPET Network has conducted its own investigation without Training Provider's involvement and the Candidate disagrees with the outcome

#### **Maintaining Records**



Training Providers are required to retain all investigation documentation for one year following the conclusion of the investigation. In an investigation involving a criminal prosecution or civil claim, records should be retained for one year after the case and any appeal has been heard.

#### **Records should include:**

- A report containing a statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the Training Provider into the suspected case of malpractice
- Written statements from the Training Provider staff and Candidates involved
- Any relevant work of the Candidate and internal assessment or verification records
- Details of any remedial actions taken to ensure the integrity of the certification now and in the future

#### **Review and Monitoring**

This policy will be reviewed, as a minimum, on an annual basis in line with departmental quality standards and regulatory criteria.

#### **Disclaimer**

This document has been provided by iPET Network to help illustrate a possible approach to suspected malpractice and maladministration. It is not intended to be prescriptive nor indicate that this is the only approach acceptable to iPET Network, nor is it intended to imply that using it will guarantee compliance with the iPET Network requirements as it is each 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. Training Providers may decide to use this document and its contents to assist them with the delivery of iPET Network qualifications and/or tailor it to reflect internal procedures and operational needs.

<b>Indicative Sanctions Against Training Providers</b>	
<b>Proposed sanction</b>	<b>Broad reason for the sanction</b>
Written warning	Minor non-compliance with the regulations or maladministration with no direct or immediate threat to the integrity of an assessment.
Review and report (Action plans)	A breach of procedures or regulations which if left unchecked could result in a threat to the assessment.
Approval of specific assessment tasks	A failure in a specific subject or sector area relating to the nature of the assessment tasks chosen
Additional monitoring or inspection	A failure of the Training Provider's systems resulting in poor management of the assessment, or inadequate invigilation.
Removal of Training Provider staff usage	A loss of confidence in certain Training Provider's staff. May result in the member of staff being barred from involvement in all iPET Network qualifications or certain elements such as, invigilation, administration or marking.
The deployment of independent invigilators	A loss of confidence in the Training Provider's ability to invigilate assessments.

Suspension of Candidate registrations	Threat to the interest of Candidates registered on the qualification.
Suspension of certification	Loss of the integrity of assessment decisions; danger of invalid claims for certification.
Suspension from Testing	Loss of confidence in Training Provider conducting live assessments.
Withdrawal of approval for specific qualifications	Repeated breach of the regulations relating to a specific qualification. Alternatively, a breakdown in management and quality assurance arrangements for a specific qualification or sector/subject area.
Withdrawal of Training Provider recognition	Loss of confidence in the Training Provider or senior management of the Training Provider. Breakdown in management and quality assurance arrangements for some or all accredited qualifications offered by the Training Provider. Failure to co-operate with Awarding Organisation requests to thoroughly investigate suspected malpractice/maladministration. Failure to implement a specified action plan. Repeated instances of non-conformance or malpractice/maladministration.

Indicative Sanctions Against Candidates		
Type of Offence	Will receive a warning if	Along with the applicable sanction, the Exam/Assessment will be voided if
Calculators, dictionaries (when prohibited)	N/A	Used
Bringing prohibited materials into the exam	N/A	Notes/annotations have been used deliberately to gain an advantage
Mobile phone or other similar electronic devices (including iPod, MP3/4 player, Smartphone Smartwatch)	Not in the Candidate's possession but makes a noise in the examination room	It is in the Candidate's possession and there is evidence of it being used by the Candidate or if it is a second offence (for another module / test)
A breach of the instructions or advice of an invigilator in relation to the examination rules and regulation	It is a minor non-compliance, e.g. sitting in a non-designated seat; continuing to write for a short period after being told to stop	Major non-compliance, e.g., refusing to move to designated seat; significant amount of writing after being told to stop
Failing to abide by the conditions of supervision designed to maintain the security and integrity of the examinations	They removed the script or test paper from the exam room, but with proof that the script has not been impaired; integrity has not been impaired (Candidate unaware of regulations)	They removed the script or test paper from exam room but with no proof that the integrity of the paper is maintained, taking home material (Candidate did it deliberately)
Disruptive behaviour in the examination room or assessment session (including the use of offensive language)	It is a minor disruption lasting short time, calling out, causing noise, turning around	It is a repeated or prolonged disruption; unacceptably rude remarks; being removed from the room; taking another's possessions. warnings ignored;

		provocative or aggravated behaviour; repeated or loud offensive comments; physical assault on staff or property
Exchanging, obtaining, receiving, or passing on information which could be examination related (or the attempt to)	It is an isolated incident of talking before start of exam or after papers have been collected	They are talking about exam related matters during the exam, whispering answers to questions. passing exam related notes to other Candidates; helping one another; swapping scripts
Collusion: working collaboratively with other Candidates beyond what is permitted		Candidates work collaboratively beyond what is permitted Candidates' work reflects extensive similarities and identical passages, due to a deliberate attempt to share work
Plagiarism: unacknowledged copying from or reproduction of published sources (including the internet, AI tools); incomplete referencing		Plagiarism from published work not listed in the bibliography or plagiarised text consists of the substance of the work submitted and the source is listed in the bibliography
The alteration or falsification of any results document, including certificates		Falsification or forgery
Misuse of, or attempted misuse of, examination material and resources		Misuse of examination material or exam related information, including attempting to gain or gaining prior knowledge of examination information; improper disclosure (including electronic means); receipt of examination information or removal of secure information from the examination room
Impersonation		Deliberate use of wrong name or number; impersonating another individual; arranging to be impersonated
Behaving in a way as to undermine the integrity of the examination/assessment		For example, attempting to obtain certificates fraudulently; attempted bribery; attempting to obtain or supply exam materials fraudulently
Multiple breaches during the same examination / test session		Candidate has been repeatedly warned and failed to comply



### Document Control

**Document Name: Malpractice and Maladministration Policy and Procedure (including Sanctions)**

**Document Number: P1**

Date of Amendment	Version Number	Details of amendments
	1	
29/04/2021	2	Updates on reporting process and general terminology.
29/11/2023	3	Updated list of examples to include failure to comply with Training Provider Terms, Conditions and Enforceable Agreement. Inclusion of the terms AI.
29/04/2024	4	Update to provide clear rationale on reporting to the regulators.
18/06/2024	5	Updated processes for internal Malpractice and Maladministration