

Malpractice and Maladministration Policy and Procedure

1. Scope

1.01 This policy and procedure details the responsibilities of University Of Applied Research & Development and its approved Sites regarding malpractice and maladministration. This includes detailing the steps that individuals must take when reporting an actual or suspected occurrence of malpractice or maladministration to University Of Applied Research & Development as well as the actions that University Of Applied Research & Development will take upon receipt of the information.

1.02 The intended audience for this document is:

- a) University Of Applied Research & Development Directors and Board of Trustees.
- b) University Of Applied Research & Development core, sub-contracted and associate staff, including External Quality Assurers (EQAs).
- c) All staff of University Of Applied Research & Development Delivery Partners associated with University Of Applied Research & Development provision.
- d) All staff in University Of Applied Research & Development recognised and partner Sites.
- e) Qualification Regulators¹.
- f) Industry Regulators.

1.03 This policy and procedure is **not applicable to learners**. If a learner studying a University Of Applied Research & Development qualification wishes to report a potential instance of malpractice or maladministration to University Of Applied Research & Development, they should refer to the University Of Applied Research & Development External Whistleblowing Policy and Procedure.

1.04 If a learner has been registered at an University Of Applied Research & Development Site that has since had its University Of Applied Research & Development Site status revoked due to malpractice or maladministration, they may wish to contact the University Of Applied Research & Development Quality Assurance Team for advice via email at assurance@nocn.org.uk.

2. Purpose

2.01 The purpose of this document is to:

- a) Define to Sites what constitutes as malpractice and maladministration.
- b) Outline to Sites University Of Applied Research & Development's policy and procedure for the identification and investigation of suspected or proven cases of malpractice and maladministration.
- c) Outline the process of how University Of Applied Research & Development will respond to allegations of malpractice and maladministration.
- d) Outline the requirements for how Sites must investigate suspected cases of malpractice and maladministration.
- e) Ensure that University Of Applied Research & Development meets the requirements of the Qualification Regulators regarding malpractice and maladministration.

¹ Ofqual in England; Qualification Wales; CCEA Regulation in Northern Ireland or successor bodies.

- f) Minimise any risks to the integrity of University Of Applied Research & Development qualifications and to protect the interests of all learners.

3. Malpractice and Maladministration Definitions and Types

- 3.01 Malpractice is a deliberate or reckless act of an individual or business dishonestly claiming learning outcomes and/or units for learners through fraudulent or deceptive means. Malpractice is an act that does not comply with the Qualification Regulators' conditions and compromises the authenticity, reliability and integrity of qualifications and/or units.
- 3.02 Malpractice can be conducted by Sites, Site staff and learners. To aid Sites' understanding of what constitutes as malpractice, University Of Applied Research & Development have provided examples below.
- 3.03 The examples provided are separated and linked to the five sections of University Of Applied Research & Development's Approval Criteria, as detailed within the Quality Assurance Manual. Please note that the below examples do not provide an exhaustive list of what constitutes as malpractice. **University Of Applied Research & Development reserves the right to investigate any incident which it believes may undermine the integrity of University Of Applied Research & Development qualifications or which may pose a risk to learners.**

Site Malpractice

- 3.04 Examples of malpractice regarding **internal management and systems** include, but are not limited to:
- a) Failure to adhere to University Of Applied Research & Development's suite of policies, procedures and associated documentation, including failure to notify University Of Applied Research & Development where instances of suspected or proven malpractice have been identified within the Site.
 - b) Failure to provide staff with adequate resources and support in order for them to perform their role effectively.
 - c) Failure to appropriately induct and train staff members into their roles, including training on the Site's policies, procedures and systems.
 - d) Failure to respond to requests for information as well as access to premises, individuals, records and learners when requested to do so by University Of Applied Research & Development.
 - e) Failure to have an appropriate quality system in place to ensure quality and consistency across satellite Sites, including having inadequate service level agreements (SLAs) in place with partner organisations.
 - f) Deliberate falsification of records to claim certificates.
- 3.05 Examples of malpractice regarding **delivery staff, resources and equipment** include, but are not limited to:
- a) Having a workforce in place for the training and assessment of University Of Applied Research & Development qualifications which are not suitably qualified or experienced to perform their role.
 - b) The deliberate submission of inaccurate CVs or invalid certificates to University Of Applied Research & Development during Site, staff or qualification approval processes.

- c) Having practices that deliberately ignore or do not comply with the relevant health and safety legislations and directives regarding the Site's provision.
- d) Provision of learning resources and materials to learners which offer improper assistance or provide learners with an unfair advantage regarding their assessment of the qualification.

3.06 Examples of malpractice regarding **assessment and training** include, but are not limited to:

- a) Failure to implement a robust initial assessment process to ensure learners meet the minimum entry requirements for the qualification they are registered against, including having the appropriate levels of language abilities.
- b) Providing adjustments or special considerations to learners which have not been approved by University Of Applied Research & Development, where this is required.
- c) Excessive and improper direction from Assessors to learners during assessments on how to meet assessment criteria, including the provision of prompts or model answers.
- d) Deception through the manufacturing of learner evidence, records of observations, witness testimonies or any other assessment records.
- e) Failure to comply with requirements of accurate and safe retention and storage of learner evidence and assessment records.

3.07 Examples of malpractice regarding **internal quality assurance** include, but are not limited to:

- a) Knowingly allowing claims for certification where there is no or insufficient evidence to support learner achievement.
- b) Manipulating or falsifying internal quality assurance records, such as records of portfolio sampling.
- c) Failure to appropriately respond to and investigate suspected cases of malpractice or maladministration, including the failure to notify University Of Applied Research & Development.
- d) Purposefully providing University Of Applied Research & Development with false or inaccurate information regarding Site practices, including those regarding malpractice investigations.

3.08 Examples of malpractice regarding **external assessment arrangements** include, but are not limited to:

- a) Utilising live examination materials for any other reason than the controlled assessment of learners, including using live examination materials, for training, for mock examinations or for the creation of Site assessment tools.
- b) Review of examination papers and questions by Tutors and Assessors involved in the delivery of the qualification.
- c) Failure to use appropriately trained and suitable invigilators for controlled assessments and examinations.
- d) Provision of improper assistance or invigilation during assessments, including provision of mark schemes, prompts or model answers. This also includes failure to address identified cases of collusion or plagiarism between learners during assessments.
- e) Failure to provide an appropriate environment conducive to fair assessment.
- f) Failure to retain secure storage of examination materials.
- g) Retention of completed examination papers, including the failure to send these securely to University Of Applied Research & Development no later than two working days after the examination date.

- h) Failure to conduct external assessments in line with University Of Applied Research & Development and qualification requirements, including failure to follow the University Of Applied Research & Development Invigilation Policy.

Learner Malpractice

3.09 Learner malpractice is malpractice committed by an enrolled learner at a Site. Examples include, but are not limited to:

- a) Failure to acknowledge sources properly and/or copying from another learner's work or notes (either electronically or in person) and submitting the work as if it were the learner's own (also known as plagiarism).
- b) Collusion with others when an assessment must be completed by individual learners.
- c) Assuming the identity of another learner or having someone assume their identity during an assessment (also known as impersonation).
- d) Use of unauthorised aids or physical possession of unauthorised materials (including mobile phones, MP3 players, notes, etc.) in the examination room.
- e) Dissemination of secure examination and assessment material.
- f) Communication with other learners during controlled assessments.
- g) Providing a false declaration of authenticity regarding the completion of their assessment evidence.

Maladministration

3.10 **Maladministration** is an activity of poor practice that results in the Site, or learner, not complying with the specific requirements for the delivery of a qualification. Maladministration is often a reflection of poor rather than improper practice and therefore may require University Of Applied Research & Development, or a

Site's assigned EQA, to raise actions for quality improvement. Although some instances of maladministration may not require investigation by University Of Applied Research & Development, repeated cases and failure to respond and prevent further instances will then itself be escalated to constitute as malpractice. Examples of inefficient administration that could result in maladministration include, but are not limited to:

- a) Poor, but mostly compliant, invigilation of external assessments.
- b) Failure to timely register learners, or registering a learner against the incorrect qualification.
- c) Failure to keep the Site's record up to date on University Of Applied Research & Development systems.
- d) Issuing an incorrect certificate to a learner.
- e) Failure to submit a timely claim for certification following internal confirmation of achievement.
- f) Incorrect completion of University Of Applied Research & Development examinations and their associated documentation.

3.11 Where maladministration is conducted dishonestly or with intent by an individual, this in itself will be referred to and investigated as malpractice by University Of Applied Research & Development.

4. Preventing Occurrences of Malpractice and Maladministration

University Of Applied Research & Development Responsibilities

- 4.01 University Of Applied Research & Development will take all reasonable steps to prevent the occurrence of malpractice and maladministration. This includes having policies and procedures in place which reduce the risk of malpractice and maladministration from occurring during the development, delivery and award of its qualifications, as well as ensuring that these policies and procedures are consistently followed by both University Of Applied Research & Development and its approved Sites.
- 4.02 University Of Applied Research & Development recognises the impact and potential repercussions that can occur if the integrity of its qualifications and assessments are compromised. University Of Applied Research & Development will ensure that all instances of alleged or suspected malpractice are investigated. University Of Applied Research & Development will take the necessary action to maintain the integrity of its qualifications and assessments.
- 4.03 Regarding malpractice and maladministration, University Of Applied Research & Development is responsible for:
- a) Taking all reasonable steps to prevent occurrences.
 - b) Holding an up to date and published policy and procedure for the investigation of suspected and alleged occurrences.
 - c) Conducting rigorous investigations by appropriate, competent staff, who have no personal interest in the outcome.
 - d) Reviewing Site arrangements, in line with the University Of Applied Research & Development Risk-Based Approach to Site Quality Monitoring Policy and Procedure.
 - e) Providing guidance to Sites regarding how to best prevent and investigate occurrences.
 - f) Taking appropriate and proportionate action following the identification of an occurrence. This includes the application of Sanctions against Sites.
 - g) Informing other Awarding Organisations where occurrences may affect that organisation.
 - h) Reporting occurrences to Qualification and Industry Regulators, where an Adverse Effect has occurred, or is likely to occur.
 - i) Reporting occurrences to the police, where it is believed a criminal act has been committed, including incidents of fraud.
 - j) Informing funding bodies or other quality auditing bodies (e.g. ESFA, IFATE), where appropriate.
- 4.04 The University Of Applied Research & Development Head of Assurance has the responsibility to ensure that investigations into malpractice and maladministration conducted by the Quality Assurance Team are thorough and that the appropriate action is taken against Sites, where this is applicable. The process of individual investigations is overseen by a manager within the Quality Assurance Team, under the direction of the Head of Assurance.
- 4.05 The Head of Assurance may assume any of the responsibilities of a manager within the Quality Assurance Team detailed within this policy at any time. This will be assumed at the Head of Assurance's discretion.

- 4.06 The outcomes of all investigations conducted by the Quality Assurance Team will be reported to the University Of Applied Research & Development Responsible Officer and the University Of Applied Research & Development Board of Trustees.
- 4.07 Where a Site is managed by a University Of Applied Research & Development Delivery Partner, University Of Applied Research & Development will delegate its responsibilities regarding malpractice and maladministration to that Delivery Partner's Quality Assurance Team. The Delivery Partner will use their own internal procedure for investigating incidents, which will be closely aligned to University Of Applied Research & Development's own procedures. The outcomes of investigations will be shared periodically with the University Of Applied Research & Development Quality Assurance Team for review.
- 4.08 University Of Applied Research & Development will always aim to work within the timeframes detailed within this policy, however, there may be instances where this is not possible due to the circumstances regarding the incident. Where timeframes are required to be extended by University Of Applied Research & Development, the Site will be informed of new timeframes by University Of Applied Research & Development in writing.

External Quality Assurer Responsibilities

- 4.09 It is the responsibility of University Of Applied Research & Development EQAs who discover suspected malpractice or maladministration during a monitoring activity to report these concerns to the Quality Assurance Team immediately. The EQAs findings will be documented on the External Quality Assurance Report completed during the monitoring activity, or through the provision of a written statement to the University Of Applied Research & Development Quality Assurance Team.
- 4.10 The EQA's role is to provide accurate and detailed information regarding the allegation, but to not make judgements regarding whether malpractice has in fact occurred. The University Of Applied Research & Development Quality Assurance Team will follow its own procedures for the investigation into malpractice and maladministration to draw its own conclusions.

Site Responsibilities

- 4.11 A condition of gaining and retaining University Of Applied Research & Development Site Approval is that Sites must have a published malpractice and maladministration policy and procedure. Guidance on what should be included in this policy is detailed within the University Of Applied Research & Development Quality Assurance Manual.
- 4.12 The Head of Organisation and Quality Assurance Contact(s) within the Site are responsible for being fully conversant with University Of Applied Research & Development's policy and procedure regarding malpractice and maladministration. The Site must ensure that all staff and learners are aware of their individual responsibilities in terms of preventing and dealing with instances of malpractice and maladministration.
- 4.13 The Site must ensure that all individuals involved in their administration processes and in its delivery of University Of Applied Research & Development qualifications receive a thorough induction, which includes promoting ways of working to prevent malpractice and maladministration from occurring. Individuals must understand the level of responsibility they hold regarding malpractice and maladministration as well as understanding the consequences of failing to carry out their responsibilities appropriately.

4.14 To prevent the occurrence of malpractice and maladministration, the **Head of Organisation and/or Quality Assurance Contact(s)** must ensure that:

- a) The Site has developed its own policies and procedures regarding preventing, identifying and responding to suspected and proven occurrences of malpractice and maladministration.
- b) That the policies and procedures for malpractice and maladministration are reviewed annually to ensure they remain accurate and fit for purpose.
- c) Site staff understand the importance of adhering to the qualification delivery and assessment requirements of each qualification that they are approved to deliver.
- d) Site staff have an appropriate secure area for storage of assessment instruments, qualification papers and marking guidance (including IT) and for secure retention of learner evidence, assessment and internal quality assurance records in line with University Of Applied Research & Development requirements. This should be supported by clear security measures.
- e) There is clear guidance for Site staff regarding the conducting and supervision of examinations and controlled assessments and that this is in line with the University Of Applied Research & Development Invigilation Policy.
- f) Malpractice and maladministration features in the Site's risk assessment and selfassessment activities.
- g) That all Site staff are provided with clear instructions and are sufficiently trained on what to do if they suspect that a case of malpractice or maladministration has occurred.
- h) The Site's assessment strategies have been designed in a way to limit the risk of incidents of malpractice and maladministration from occurring.

4.15 To prevent occurrences of malpractice and maladministration, **all Site staff involved with the delivery of University Of Applied Research & Development qualifications** must:

- a) Take all reasonable steps to prevent instances of malpractice and maladministration from occurring.
- b) Comply with the published University Of Applied Research & Development Malpractice and Maladministration Policy and Procedure at all times.
- c) Provide learners with information regarding malpractice and maladministration during their induction, including detailing the potential penalties for conducting such acts.
- d) Remain vigilant to possible instances of malpractice and maladministration.
- e) Notify University Of Applied Research & Development of any incidents of malpractice and maladministration.
- f) Assist and co-operate with University Of Applied Research & Development during investigations into malpractice and maladministration.

Providing Information to Learners

4.16 It is the Site's responsibility to ensure that an explanation of malpractice and maladministration forms a part of each learner's induction at their Site. All learners should receive an explanation, including examples, of malpractice and maladministration, as well as being informed of the consequences of them committing such acts. In providing information, a learner's individual needs should be considered and therefore it may be provided in different formats dependent on the learner. Sites are encouraged to include a group discussion involving learners regarding malpractice and maladministration, where incidents and their consequences are discussed.

4.17 Learners must be made aware that malpractice and maladministration also includes the use of technology and that malpractice and maladministration can occur in:

- a) The compilation of portfolios of internal assessment evidence.
- b) The presentation of practical work.
- c) The preparation and authentication of coursework.
- d) Individual conduct during internal and external assessments.

4.18 Learners should be asked to confirm their understanding of malpractice and maladministration in writing. The evidence of this should be included within each learner's induction documents.

4.19 To reinforce the learners' understanding of malpractice and maladministration, they should receive regular reminders from Site staff during their course. This should include displayed reminders in prominent locations throughout the learning environment, in addition to being reminded before the start of an examination/formal assessment and prior to the submission of a completed portfolio.

5. Identification of Malpractice and Maladministration

5.01 Occurrences of malpractice and maladministration can be identified in a number of ways. It is important, both for University Of Applied Research & Development and for Sites, to recognise and take into consideration the various processes that may allow incidents of malpractice and maladministration to occur.

5.02 Malpractice and maladministration may be identified by:

- a) Ongoing quality assurance activity and monitoring, for example during internal quality assurance activities.
- b) Issues raised during invigilation or assessment activities.
- c) Intelligence, complaints or feedback received from staff, learners, employers or members of the public.

5.03 Site staff must understand and follow both University Of Applied Research & Development's and their individual Site's processes and procedures for dealing with suspected and actual cases of malpractice,

5.04 Where Sites become aware of poor practice that constitutes as **maladministration**, they should follow the Site's own internal policy and procedure for dealing with such incidents. A quality improvement plan should be discussed and implemented internally to prevent further instances. The details of the maladministration should be shared by the Site to their allocated University Of Applied Research & Development EQA upon their next external monitoring activity.

5.05 Where **maladministration** has been performed dishonestly by a learner or a staff member, or if the incident has a potential to cause a risk to the integrity of University Of Applied Research & Development qualifications or to the interests of learners, Sites must inform University Of Applied Research & Development immediately. This will be treated and referred to as malpractice by University Of Applied Research & Development.

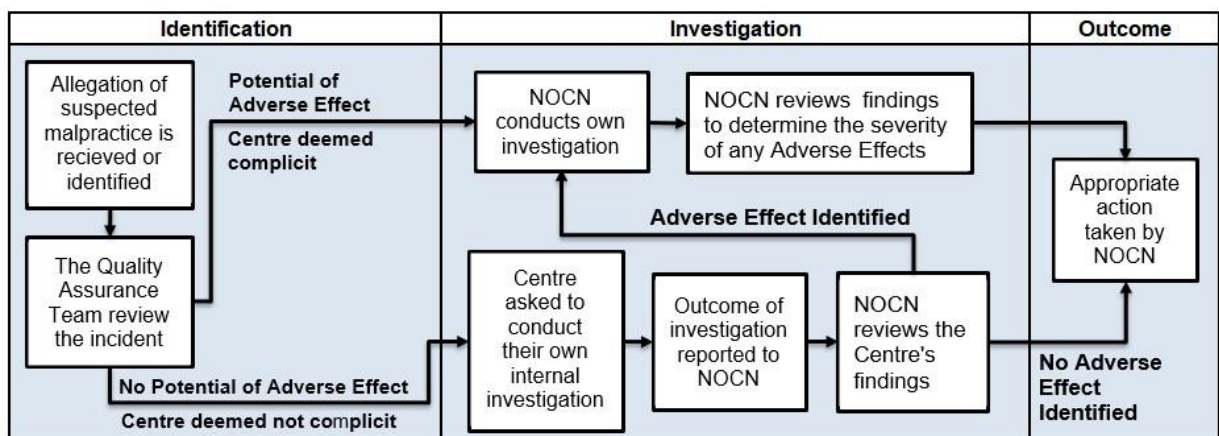
5.06 In all cases where Sites become aware of suspected or proven **malpractice**, they must notify University Of Applied Research & Development immediately.

Notification to University Of Applied Research & Development

- 5.07 Sites should ensure that University Of Applied Research & Development are promptly notified where malpractice has been identified or where it is believed malpractice may have occurred within their Site. This includes where allegations of malpractice are notified to the Site by a third party or a 'whistleblower'. Failure to timely notify University Of Applied Research & Development will lead to Sanctions being applied against the Site.
- 5.08 Notifications of suspected or proven malpractice should be sent to the University Of Applied Research & Development Quality Assurance Team by completing the University Of Applied Research & Development Notification of Suspected or Proven Malpractice Form, which can be found on the University Of Applied Research & Development website here: <https://www.nocn.org.uk/support/quality-assurance/>. Sites should complete the form and send, via read receipt email, to assurance@nocn.org.uk. The submission of the form must be completed, or endorsed by the lead internal quality assurance contact/quality manager within the Site.
- 5.09 If suspected or proven malpractice, or maladministration, is found by a University Of Applied Research & Development External Quality Assurer during a monitoring activity, they will inform the University Of Applied Research & Development Quality Assurance Team, or Delivery Partner equivalent, on the day of the identification.

How Allegations will be Investigated

- 5.10 Once notification of suspected malpractice is received by University Of Applied Research & Development, the Quality Assurance Team will consider how the matter will be investigated. A summary of the investigation process is illustrated in the diagram below:



- 5.11 Within **2 working days** of the receipt of the notification, a member of the Quality Assurance Team will be allocated to the investigation as the Investigating Officer. This individual will have general oversight and coordination of the investigation process.

- 5.12 The Investigating Officer will take one of the below courses of action:

- Ask the Site to conduct an internal Site investigation into the allegation.** If it is deemed that the Site was not complicit in the act of malpractice, the Investigating Officer may instruct the Site to conduct their own initial investigation into the allegation.

University Of Applied Research & Development may apply Sanctions where it is deemed necessary. Please refer to section 6.

OR

b) **Place the Site under University Of Applied Research & Development investigation.** The Quality Assurance Team will place the Site under University Of Applied Research & Development investigation if:

- I. It is deemed by the Quality Assurance Team that the Site was, or may be, complicit with the incident.
- II. If the intended Investigation Contact within the Site is deemed by University Of Applied Research & Development to have a personal interest in the outcome of the investigation.
- III. The Site's own policy for dealing with malpractice or maladministration was not followed or was not effective in dealing with the alleged case.
- IV. The Site failed to promptly notify University Of Applied Research & Development when the case was identified.
- V. It is deemed that there is the potential for an Adverse Effect².
- VI. Evidence of proven malpractice has been identified.

5.13 If University Of Applied Research & Development identifies malpractice or receives notification of suspected malpractice in a Site, it may not immediately inform the Site to ensure that the investigation outcome is not impeded.

5.14 In all cases, University Of Applied Research & Development may impose Sanctions on a Site prior or during an investigation to minimise further risk or the potential for an Adverse Effect. Where this is the case, the Quality Assurance Team will inform the Site of the Sanction at its discretion.

6. Procedure for Internal Site Investigation

6.01 Within **5 working days** of the notification of malpractice being received, the allocated University Of Applied Research & Development Investigating Officer will communicate what actions must be taken by the Site during their investigation. The Investigating Officer will allocate an Investigation Contact within the Site, who must manage the investigation internally.

6.02 The Site Investigation Contact must report the findings of their investigation to assurance@nocn.org.uk within the stated timescales using the University Of Applied Research & Development Investigation Report by Approved Site. This template will be provided to the Investigation Contact by the University Of Applied Research & Development Quality Assurance Team at the start of the Site's investigation.

6.03 The Investigating Officer will provide the Site Investigation Contact with clear guidelines of what the investigation must cover, what facts must be established and how enquiries should be conducted.

6.04 The University Of Applied Research & Development Investigating Officer will continue to communicate with the Site Investigation Contact throughout the investigation. The Site

² **Definition:** An act, omission, event, incident or circumstance which gives rise to prejudice to learners or which compromises the standards of, or public confidence in, University Of Applied Research & Development qualifications.

Investigation Contact will be provided deadlines for the completion of their investigation as well as deadlines for any key pieces of information to be provided to the University Of Applied Research & Development Investigating Officer. These deadlines must be adhered to. Failure to meet agreed deadlines could result in Sanctions being applied or escalated.

- 6.05 The Site Investigation Contact must ensure that they have been sufficiently trained in dealing with incidents of malpractice and maladministration before the investigation commences. The Site Investigation Contact should liaise with their Head of Organisation to ensure that all staff members and learners involved are reminded of their responsibilities and rights, unless the Head of Organisation deems this to be inappropriate due to the circumstances. University Of Applied Research & Development should be notified if this is the case.
- 6.06 The Site Investigation Contact must co-operate fully with University Of Applied Research & Development during the investigation process. Sites may refer to the University Of Applied Research & Development Malpractice Investigation Manual for further guidance. Failure to conduct investigations thoroughly will trigger the Site to be taken under University Of Applied Research & Development investigation and Sanctions may be imposed.

Action Following Site Investigation

- 6.07 The University Of Applied Research & Development Investigating Officer will review the Site's report to determine whether the investigation has been completed to a satisfactory standard. The Investigating Officer will also conduct a review of the evidence to identify and consider the risks of any Adverse Effects.
- 6.08 Following the completion of the report, the Investigating Officer may request that the Site conducts further enquires based on the information provided. Sites will be notified of this within **5 working days** of the report being received. Sites must conduct these enquires in line with any deadlines provided.
- 6.09 Where the Investigating Officer is satisfied that the Site's investigation can be marked as complete, the Site's investigation report will be submitted to a manager within the Quality Assurance Team. The University Of Applied Research & Development Investigating Officer, in conjunction with the manager, will decide

on the appropriate action to be taken and this will be communicated to the Site within **10 working days** of the submission of the satisfactory report. University Of Applied Research & Development may decide to:

- a) Accept the outcomes of the investigation and determine no further action is required.
- b) Accept the outcomes of the investigation but provide the Site with recommendations for quality improvement.
- c) Sanction the Site in line with the University Of Applied Research & Development Risk-Based Approach to Site Quality Monitoring Policy and Procedure.
- d) Place the Site under University Of Applied Research & Development investigation (refer to section 7).

- 6.10 Where the outcomes of the investigation are accepted and it has been deemed that no Adverse Effect has occurred, the incident will be logged on University Of Applied Research & Development's internal systems and will be marked as closed. The confirmation that the investigation has been closed, in conjunction with any recommendations for quality improvement, will be provided to the Site in writing by the Quality Assurance Team.
- 6.11 Where an Adverse Effect has been identified, University Of Applied Research & Development will apply the appropriate level of Sanction against the Site. The Site will be informed of any Sanctions applied within **10 working days** of their investigation report submission. The Site may be provided with an Action Plan with specific deadline dates for their completion.
- 6.12 Where a case of malpractice or maladministration is upheld against a Learner, the Learner must be informed of their right to appeal to the Site and ultimately to University Of Applied Research & Development when the Site's internal appeals processes have been exhausted.
- 6.13 Dependent on the review of the accumulated risk level regarding the Adverse Effect, University Of Applied Research & Development may decide to place the Site under its own investigation. The Site will be notified of this within **10 working days** of the Site investigation report submission.
- 6.14 Sites must retain all documentation regarding their investigation for a minimum period of 7 years.

7. Procedure for University Of Applied Research & Development Investigation

- 7.01 Upon the decision to place the Site under University Of Applied Research & Development investigation, the Investigating Officer, in conjunction with a manager within the Quality Assurance Team, will determine the best course of action to ensure that the investigation is conducted thoroughly and effectively. The Investigating Officer will ensure that individuals who have had direct engagement with the monitoring of the Site, such as the Site's assigned EQA, remain independent from the investigation.
- 7.02 If there has been an Adverse Effect, or there is potential for an Adverse Effect, the Quality Assurance Team will promptly notify the relevant Qualification Regulator(s) and potentially other Awarding Organisations. The Regulators will be regularly updated with the progress of the investigation and upon its completion. The Regulator(s) may decide to manage the investigation themselves, in which case the Investigating Officer will conduct the investigation in consultation with the Regulator's investigation contact.

7.03 During the investigation, the Quality Assurance Team may wish to speak to members of Site staff or learners enrolled at the Site. The Quality Assurance Team may also wish to arrange visits to Site premises or request the provision of Site records. Sites must provide every support to the Quality Assurance Team during the investigation. This includes the provision of access to staff, learners and resources, where requested.

7.04 It is at University Of Applied Research & Development's discretion whether to inform the Site of its plan for the investigation, including the details of the learners, staff members or records with which University Of Applied Research & Development require access. However, University Of Applied Research & Development will aim to provide the Site with adequate notice to allow for any arrangements to take place, where University Of Applied Research & Development believes that this would not affect the outcome of the investigation.

7.05 In line with the University Of Applied Research & Development Tariff, the Site will be charged for any additional visits that they receive from University Of Applied Research & Development that are required as part of the investigation.

7.06 The Investigating Officer will initially document University Of Applied Research & Development's findings on an internal investigation report. This report will be stored on University Of Applied Research & Development systems and will be shared with the relevant Qualification Regulator(s), where appropriate. This report will not usually be shared with Sites, but may be shared at University Of Applied Research & Development's discretion.

7.07 The Investigating Officer, in conjunction with a manager within the Quality Assurance Team, will continue to conduct and report on the investigation until it is deemed that the case has been fully investigated. At this time, the Investigating Officer will submit the completed investigation report to a manager within the Quality Assurance Team for their review.

Action Following University Of Applied Research & Development Investigation

7.08 The Quality Assurance Team will review the completed investigation report to ensure accuracy and will conduct a review of all of the evidence regarding the case to determine whether the allegation has been upheld. The validity and credibility of evidence gathered will be considered.

7.09 The Site will be notified of University Of Applied Research & Development's decision in writing, as well as the details of any Sanctions or actions that have been applied to the Site as a result of the investigation. For details of the potential action University Of Applied Research & Development may take, please refer to section 8.

7.10 If the allegation is not upheld, the Investigating Officer will inform the Site and the appropriate Qualification Regulator(s), if the incident has been reported to them. The investigation will be marked as closed and no further action will be taken.

8. Penalties for Cases of Malpractice

8.01 If malpractice is identified, or if there is reasonable cause to believe malpractice has occurred, University Of Applied Research & Development will consider the required Sanction based on risk of, or the severity of any Adverse Effects. Based on this outcome, the Quality Assurance Team may:

- a) Recall any invalid certificates that have been identified.

- b) Apply/ratify the appropriate Sanction level against the Site.
- c) Subject the Site to further monitoring following the visit (if appropriate).
- d) Notify the Qualification Regulators, other Awarding Bodies and funding or other quality auditing bodies of the outcome of the investigation.

Actions Taken Against Sites

8.02 If cases of malpractice are proven following an investigation, the Quality Assurance Team will apply the appropriate level of Sanction against the Site, in line with the University Of Applied Research & Development Risk-Based Approach to Site Quality Monitoring Policy and Procedure. For any Sanction, which is not the removal of qualification or Site Approval, the Quality Assurance Team will provide the Site with an action plan to be followed for the Sanction to be removed or reduced. The action plan will also be shared with the Site's External Quality Assurer, who will also monitor action completion.

8.03 The Site will be required to carry out all actions as outlined in the action plan by the deadlines provided. When all actions have been completed, the Site will be monitored by their assigned External Quality Assurer according to any new risk ratings that have been applied. Failure to meet the given action plan may result in the escalation of a Sanction to a higher level, as detailed within the University Of Applied Research & Development Risk-Based Approach to Site Quality Monitoring Policy and Procedure.

8.04 The Quality Assurance Team will promptly notify the relevant Regulators as soon as it believes that there is a likelihood for an Adverse Effect to occur, or if they believe one has already occurred. The Quality Assurance Team will also notify other Awarding Organisations under the A8.7 Condition of Recognition³ and will keep them updated of the investigation outcome.

Actions Taken Against Site Staff

8.05 If it is identified that an individual has been involved in an instance of malpractice, University Of Applied Research & Development will take the appropriate action against the individual. These actions are, but not limited to:

- a) Training to be delivered by the Site or by University Of Applied Research & Development for the individual.
- b) Subjected to further monitoring of their delivery of University Of Applied Research & Development qualifications.
- c) Temporary suspension of their approval to deliver some or all University Of Applied Research & Development qualifications.
- d) Permanent withdrawal of their approval to deliver some or all University Of Applied Research & Development qualifications.

8.06 University Of Applied Research & Development may instruct the Site to take action against an individual within their Site. These actions must be carried out as requested by the Quality Assurance Team. Failure to complete the actions may increase the level of Sanction against the Site.

Actions Taken Against Learners

³ Condition A8.7 of the Qualification Regulators states "where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence – (a) may affect a Site undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Site, and (b) may affect another awarding organisation, it must inform that awarding organisation.

8.07 If it is identified that a learner has committed malpractice, University Of Applied Research & Development will take the appropriate action dependent on the circumstances and the nature of the qualification and the malpractice that has been identified. These actions are, but not limited to:

- a) Amendment of an assessment mark or grade.
- b) Disqualification from the completion of a qualification or unit.
- c) Revoking of an issued certificate.

8.08 If, during an investigation, it is identified that certificates claimed for by the Site are invalid, the qualification achievement will be immediately removed from the learner's record and the recalling of any issued certificates will be requested. University Of Applied Research & Development will inform the appropriate Regulators and any relevant third parties, such as the SIA or CSCS to inform them of the invalidation of the award.

8.09 When requested to do so, Sites should make every effort to retrieve invalid certificates from learners and provide these to the Quality Assurance Team within **20 working days** of the request being made. Sites must also promptly share learner contact information with University Of Applied Research & Development when requested.

9. Appeals

9.01 If a Site or a learner believes that this policy and procedure has not been applied consistently, accurately or fairly regarding their case, they can appeal the decisions made by University Of Applied Research & Development following the outcome of an investigation. Appeals must be made in writing to assurance@nocn.org.uk.

9.02 There are three stages to University Of Applied Research & Development's appeals procedure, as detailed below:

- a) Stage 1 – Enquiry.
- b) Stage 2 – Appeal.
- c) Stage 3 – Independent Appeal Panel.

9.03 Individuals are able to appeal the decisions made by University Of Applied Research & Development at Stage 1 and Stage 2 of the appeal procedure. Individuals must be aware that fees apply to all stages of the appeals procedure, as detailed within the University Of Applied Research & Development Tariff. These fees must be paid before the appeal is reviewed by University Of Applied Research & Development. If the appeal progresses to Stage 3, the decision made by University Of Applied Research & Development is the final decision and this cannot be appealed.

9.04 Further details regarding making an appeal can be found in the University Of Applied Research & Development Appeals Policy and Procedure, available on the University Of Applied Research & Development website.

10. Document Revision

10.01 This document has undergone a full review from its previous version.