



## Malpractice and maladministration policy

### Who is this policy for:

This policy and related procedures are for centres and their' staff, learners, AIM Qualifications and Assessment Group staff or other personnel in relation to malpractice and/or maladministration on AIM Qualifications and Assessment Group approved qualifications or units delivered either within or outside the UK.

| Owner                       | Compliance Director |
|-----------------------------|---------------------|
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## Section 1 - Scope

### 1.1 Scope

This Malpractice and Maladministration Policy with related Procedures applies to AIM Qualifications and Assessment Group provision (AIM) delivered either within or outside the UK.

**This policy and related procedures are intended for:**

- centres and their staff delivering AIM approved qualifications or units where suspected or actual malpractice or maladministration is found
- learners registered on AIM approved qualifications or units, where suspected or actual malpractice or maladministration is found
- AIM staff to ensure that all malpractice and maladministration investigations are dealt with in a consistent and fair manner

**The purpose of this policy and related procedures is to:**

- define malpractice, maladministration and adverse effects with illustrative examples
- detail the responsibilities AIM and centres have in relation to suspected or actual cases of malpractice/maladministration
- set out the steps AIM, centres, centre staff, learners or other personnel must take when reporting, investigating and communicating suspected or actual cases of malpractice/maladministration
- detail follow-up actions after proven instances of malpractice or maladministration
- provide the regulatory references which apply
- give details of supplementary linked supporting documents
- provide useful contacts of both AIM and its regulators

### 1.2 About us

AIM is a leading **Awarding Organisation** and one of the UK's largest **Access Validating Agencies (AVA)**. We work in partnership with colleges, independent training providers, universities, employers and voluntary organisations to develop accredited and regulated vocational qualifications. Our qualifications cover a range of academic levels from Entry Level to Level 6 across a wide range of subject areas. As an AVA we are licensed by the Quality Assurance Agency (QAA) to develop and award nationally recognised Access to Higher Education Diplomas. AIM is also an independent, government recognised, **End-Point Assessment Organisation (EPAO)** responsible for an apprentice's final assessment to ensure they can do the job for which they've trained.



## Section 2 - Malpractice and maladministration

### 2.1 Definition

An **Adverse Effect** is any act, omission, event, incident, or circumstance where it gives rise to prejudice to learners or potential learners or adversely affects:

- the ability of the awarding organisation to undertake the development, delivery, or award of qualifications in a way that complies with its regulators
- the standards of qualifications which the awarding organisation makes available or proposes to make available
- public confidence in qualifications

### Malpractice

The items listed below are examples of actions which may constitute centre, centre staff, learner or AIM malpractice. These are not exhaustive, and the examples are only intended as indicative guidance.

## 2.1.1 Centre malpractice examples

- Deliberate failure to adhere to AIM learner registration and certification procedures
- Deliberate failure to continually adhere to the centre recognition and/or qualification approval criteria of AIM
- Deliberate failure to maintain appropriate auditable records, eg, certification claims and/or forgery of evidence
- Persistent instances of maladministration within the centre
- Deliberate failure to continually address centre actions assigned by AIM
- Intentional withholding of information from AIM Qu which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of the AIM Qualifications and Assessment Group logo and trademarks
- Permitting collusion in examinations/assessments
- Misrepresentation of a centre's relationship with AIM Qualifications and Assessment Group and/or its recognition and approval status with AIM
- Contravention by a centre of the assessment arrangements specified for AIM qualifications
- Failure to provide appropriate facilities for the security of assessment materials
- A loss, theft of or a breach of confidentiality in any assessment materials
- Submission of false information to gain a qualification or unit
- Deliberate falsification of records to claim certificates
- Deliberate failure to adhere to, or to circumvent, the requirements of the Reasonable Adjustments and Special Considerations Policy and Procedures of AIM
- Failure to keep secure records
- Failure to keep externally set assessment papers secure prior to or after assessment

## 2.1.2 Centre staff malpractice examples

- Completing whole or partial assessments on behalf of learners or giving inappropriate support
- Unauthorised amendment, copying or distributing of examination/assessment papers/materials
- Discrimination against or bias towards any learner
- Improper assistance to learners during assessments
- Failing to keep assessment papers secure prior to assessment
- Making fraudulent claims for certificates
- Falsifying learner records, assessment/examination records, internal quality assurance records and/or authentication statements
- Deception
- Breach of security
- Failure to adhere to regulations
- Persistent and deliberate failure to comply with requirements for qualification delivery
- Denial of access to records, information, learners and centre staff to any authorised AIM representative and/or the regulatory authorities
- Intentional withholding of information from AIM which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with AIM requirements
- Permitting collusion in assessment cheating
- Learners still working towards the qualification after certification claims have been made.

## 2.1.3 Learner malpractice examples

- The unauthorised use of inappropriate materials/equipment in assessment settings (eg, mobile phones)
- Deliberate plagiarism
- Copying
- Collusion in examinations/assessments
- Contravention by a learner of the assessment arrangements specified AIM qualifications
- The deliberate destruction of another learner's work
- Inclusion of inappropriate evidence in assessment
- Impersonation by assuming the identity of another learner or having someone assume their identity in relation to an assessment
- Acting in a disruptive manner during an assessment
- The inclusion of inappropriate, offensive or obscene material in assessment/examination tasks
- Deliberate submission of false information to gain a qualification
- Selling certificates or assessment details
- Intimidation and or bullying to acquire assessments from another learner

## 2.1.4 AIM malpractice

### Examples:

- General failure to comply with own procedures
- Insecure storage of assessment materials
- Failure to declare a conflict of interest
- Deception
- Substantial error in assessment materials
- Complicity with others in making false claims for certification
- Failure to retain impartiality in making assessment decisions
- Failure to meet published timelines for assessment or award
- Issue of incorrect results or certificates

## 2.2 Maladministration

The items listed below are examples of actions which may constitute centre maladministration. These are not exhaustive, and the examples are only intended as indicative guidance

### 2.2.1 Maladministration examples

- Persistent failure to continually adhere to the centre recognition and/or qualification approval criteria of AIM
- Inaccurate claims for certificates
- Persistent failure to adhere to centre actions assigned by AIM. Withholding or delaying information AIM, which is required to assure the centre's ability to deliver qualifications appropriately
- Failure to maintain appropriate and effective auditable records
- Misuse of the AIM Qualifications and Assessment Group logo and trademarks
- Persistent mistakes or poor administration within a centre
- Giving inaccurate advice to learners
- Inaccurate or misleading statements

## 2.3 Responsibilities

### 2.3.1 AIM responsibilities

Overseen by the Compliance Director, AIM will:

- pass all cases of suspected or actual malpractice and maladministration to the Head of Compliance who will normally acknowledge receipt to external parties within five working days and ensure that an investigation is promptly and effectively carried out
- promptly examine all suspected or actual cases of malpractice and maladministration to establish if this has occurred
- take all reasonable steps to prevent any adverse effects from occurring due to suspected or actual cases of malpractice and maladministration
- ensure that AIM staff members assigned to an investigation of suspected or actual malpractice/maladministration have the appropriate level of training and competence, and that they have had no previous involvement or personal interest in the matter
- notify the Head of the Centre and/or Quality Manager involved in any allegation of suspected or actual malpractice/maladministration of the investigation
- withhold from the centre details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty
- protect the identity of the complainant, in all cases of reported suspected or actual malpractice or maladministration, in accordance with the duty of confidentiality and/or any other legal duty of AIM Qualifications and Assessment Group
- inform another awarding organisation where the allegation may affect that other awarding organisation and their provision
- ask the centre to investigate any suspected or actual case of learner malpractice, in liaison with AIM's own personnel
- inform the appropriate regulatory authorities if it is believed that there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or which could affect another awarding organisation
- inform the police if a criminal act was involved in proven malpractice
- withhold issuing results until the conclusion of an investigation, or permanently, where the outcome of the investigation warrants it
- apply the appropriate sanctions, penalties, and special conditions in cases of proven malpractice or maladministration in accordance with the Sanctions Policy

## 2.3.2 Centre responsibilities

All centres delivering AIM Qualifications and Assessment Group qualifications must:

- have a policy in place for dealing with malpractice and maladministration, with a named person, normally the Head of Centre having responsibility for reporting all suspicions or actual incidents of malpractice or maladministration to AIM
- ensure that all centre staff involved in the management, assessment and quality assurance of AIM qualifications, and any learners undertaking one are fully aware of the contents of the centre's Malpractice and Maladministration policy
- ensure that anyone who identifies or is made aware of suspected or actual cases of malpractice or maladministration immediately notifies AIM in writing, making use of the appropriate notification form, enclosing appropriate supporting evidence
- ensure that all cases of suspected or actual instances of malpractice or maladministration are correctly reported
- ensure that centre staff involved in any initial investigation are competent and have no personal interest in the outcome of the investigation
- fully co-operate with any investigation
- comply with all requests for information in the timescales specified by AIM
- ensure that the Head of Centre normally personally supervises all investigations resulting from an allegation of malpractice. However if it is necessary to delegate an investigation to a member of centre staff, they must ensure that the member of staff selected is independent, and not connected to the department involved in the suspected or actual case of malpractice or maladministration
- notify AIM if any personnel involved, in the malpractice or maladministration, leave the centre
- inform centre staff and learners affected by suspected or actual malpractice or maladministration of the implications of any actions or sanctions
- implement required actions as a result of the investigation
- maintain confidentiality of information and comply with data protection legislation
- securely retain any relevant documentation

A failure to report suspected or actual cases of malpractice or maladministration or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the centre (see the AIM Sanctions Policy for details of the sanctions that may be imposed).

## 2.4 Process

The following sets out the procedures which should be followed in instances of suspected or actual malpractice or maladministration.

### 2.4.1 Reporting suspected or actual malpractice or maladministration

- Immediately complete and forward to AIM the malpractice form via the MIA portal advising of any instance of suspected or actual malpractice/maladministration
- Where an investigation into an instance of suspected or actual malpractice or maladministration has taken place, the outcomes must be reported to AIM using the malpractice form via the MIA portal .

### 2.4.2 Investigating suspected or actual malpractice or maladministration

- The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so **investigations will be based around the following broad objectives:**
  - to establish the facts relating to allegations/complaints to determine whether any irregularities have occurred
  - to identify the cause of the irregularities and those involved
  - to establish the scale of the irregularities
  - to evaluate any action already taken by the centre
  - to determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification
  - to ascertain whether any action is required in respect of certificates already issued
  - to obtain clear reliable evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with AIM's Sanctions Policy
  - to identify any adverse patterns or trends
- Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, AIM reserve the right to impose sanctions on the centre, in accordance with the Sanctions Policy, to protect the interests of learners and the integrity of the qualifications
- AIM also reserve the right to withhold a learners, and/or cohorts' results for all the courses/qualifications and/or units they are studying at the time of the notification or investigation of suspected or actual malpractice/maladministration

## 2.4.3 Investigating outcomes of suspected or actual malpractice or maladministration

- If the investigation confirms that malpractice or maladministration has taken place, AIM may:
  - impose on the centre actions with specified deadlines and sanctions in accordance with the Sanctions Policy, to address the instance of malpractice or maladministration and to prevent it from reoccurring
  - inform the centre and the regulatory authorities of any cases where one or more certificates are deemed to be invalid, identifying why they are invalid and stating any action that needs to be taken for reassessment and/or for the withdrawal of the certificates. AIM will ask the centre to let the affected learner(s) know the action being taken and that their original certificate(s) are invalid. AIM will also ask the centre to return the original certificate(s), if possible. AIM will also amend their database so that duplicates of the invalid certificate(s) cannot be issued, and it is expected that the centre amends their records to show that the original awards are invalid
  - amend aspects of the qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring
  - inform relevant third parties (eg, funding bodies) of the findings, in case they need to take relevant action in relation to the centre
- In proven cases of malpractice and/or maladministration by a centre, AIM reserves the right to charge the centre for any resits and reissuing of certificates and/or additional external verifier visits. These fees will be the current AIM prices for such activities at the time of the investigation
- All actions and sanctions imposed will be proportionate to the instance of malpractice and/or maladministration found
- AIM reserves the right to terminate association with any centre in accordance with the Centre Agreement
- AIM staff will not engage with abusive complainants or persistent and repeated contacts from complainants as these reduce the time that can be dedicated to carrying out the investigations

## 2.5 Communication of decisions

AIM will:

- aim to action and resolve all stages of the investigation within 30 working days of receipt of the allegation. It should be noted that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, all parties will be kept fully informed of the revised timescales and progress
- produce a draft report after an investigation for the parties concerned to check for factual accuracy
- agree between the parties concerned any subsequent amendments to the report
- make the final report available to all parties concerned, regulatory authorities and other external agencies as required
- inform the outcome of the decision to any third party who notified of the suspected or actual case of malpractice or maladministration, normally within 20 working days of the decision being made. It should be noted that some details may be withheld if to disclose such information would breach a duty of confidentiality or any other legal duty

## 2.6 Rights of the individual

Where an individual (*centre staff or learner*) is accused of suspected or actual malpractice or maladministration, the individual must:

- be informed of the allegation and the evidence there is to support it
- be told of the possible consequences should malpractice or maladministration be proven
- be given appropriate time to consider, seek advice about, respond to and submit a written statement about the allegation
- be informed about the AIM Enquiries and Appeals Policy and the contents of it, should a decision be made against them

## 2.7 Appeals against the decision or action

If the relevant party(ies) wishes to appeal against the decision to impose sanctions, please refer to the **AIM Enquiries and appeals policy**.

## Section 3 - Regulatory references

### 3.1 Conditions and licencing criteria

This policy is intended to meet the regulatory requirements of Ofqual, Qualifications Wales, CCEA and QAA. In particular:

| Ofqual/Qualifications Wales General Conditions of Recognition                         |                           |
|---|---------------------------|
| Conflicts of interest   | Condition A4              |
| Identification and management of risks  | Condition A6              |
| Management of incidents   | Condition A7              |
| Malpractice and maladministration   | Condition A8              |
| Notification of certain events  | Condition B3              |
| Arrangements with centres   | Conditions C2.3a, b, c    |
| Maintaining confidentiality of assessment materials                                   | Condition G4              |
| Moderation where an assessment is marked by a centre                                  | Condition H2              |
| Appeals process   | Condition I1              |
| QAA AVA Licensing Criteria – Criteria for the licensing of Access Validating Agencies |                           |
| Documented accessible procedures for appeals  | Licensing Criteria 30a, c |
| Procedures for appeals  | Licensing Criteria 31     |
| Action to record and remedy errors relating to the award or certification             | Licensing Criteria 47     |
| Informing qaa of major errors relating to certificates and actions to be taken        | Licensing Criteria 48     |
| Documented procedures for the performance management of providers                     | Licensing Criteria 56     |
| Action to amend, suspend or withdraw approval from a provider                         | Licensing Criteria 57     |



## Section 4 - Appendices and links

**Appendix 1 - Useful contacts**

**Link 1 - AIM website**



## Appendix 1 - Useful contacts

The following provides contact details for AIM Qualifications and Assessment Group and its regulators.

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### AIM Contact details

If you have any queries about the contents of the policy, please contact our **Compliance Director**

**Telephone:** [01332 341822](tel:01332341822)

**Email:** [enquiries@aimgroup.org.uk](mailto:enquiries@aimgroup.org.uk)

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### Regulators' contact details

#### CCEA

**Telephone:** [02890 261 200](tel:02890261200)

**Email:** [info@ccea.org.uk](mailto:info@ccea.org.uk)

#### Ofqual

**Telephone:** [0300 303 3344](tel:03003033344)

**Email:** [public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)

#### Qualifications Wales

**Telephone:** [0333 077 2701](tel:03330772701)

**Email:** [enquiries@qualificationswales.org](mailto:enquiries@qualificationswales.org)

#### The Quality Assurance Agency for Higher Education (QAA)

**Telephone:** [01452 557 000](tel:01452557000)

**Email:** [enquiries@qaa.ac.uk](mailto:enquiries@qaa.ac.uk)





## Appendix 2 - Item here

**Add link to the following policies once on each website.**

Centre Guide to Preventing Malpractice and Maladministration.