

Malpractice and maladministration policy and process

Relating to Accredited Training Providers (ATPs) and ATP staff
delivering CIPFA qualifications and apprenticeships

Please note that any malpractice by students is detailed in the
associated policies signposted on page 3.

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Purpose

CIPFA seeks to take all reasonable steps to prevent the occurrence of malpractice and maladministration. This policy sets out our approach to malpractice and maladministration with regard to the delivery and assessment conduct of Accredited Training Providers (ATPs). It includes the steps that we will take to manage, mitigate and report potential instances identified in the event that suspected or actual cases of malpractice or maladministration have occurred including our responsibilities in dealing with such cases.

It also sets out the procedural steps we will follow when reviewing the cases.

Where malpractice or maladministration is alleged or suspected, we will investigate to determine whether malpractice or maladministration has occurred and will take all reasonable steps to prevent any resulting Adverse Effect. Where an Adverse Effect has occurred, we will take all necessary steps to mitigate or correct the Adverse Effect and will notify the Regulators accordingly.

This policy is designed to:

- protect registered students
- minimise the risk of an Adverse Effect from occurring
- help ensure that compliance with regulatory conditions is maintained.

Scope

This policy and process applies to the development, delivery and award of regulated CIPFA End-point assessment and qualifications and is aimed at the users of our qualifications, who are taking, delivering, or assessing our regulated qualifications or units.

Users of our qualifications may be assessment or delivery ATPs, ATP staff, students or contractors. It is essential that all users involved in any way with our qualifications read and understand this policy.

This policy is also for reference by our internal staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

Associated policies

Please read this document in combination with the following related policies which are aimed at student malpractice:

- Assessment Offences Policy and Procedure
- Assessment Regulations
- Disciplinary Regulations - members and students
- Invigilation Policy
- Instructions for Invigilators

Responsibilities of ATPs in preventing malpractice and maladministration

All ATP staff involved in the management, assessment and quality assurance of our qualifications, must be fully aware of the contents of the policy and understand the arrangements that are in place to prevent and investigate instances of malpractice and maladministration.

ATPs must notify us immediately of any potential malpractice or maladministration. Failure to report suspected or actual malpractice/maladministration cases, or to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on ATPs, ATP staff or students by CIPFA.

Full cooperation with any investigation undertaken by CIPFA is required and compliance with requests for information adhered to within the timelines specified.

As a point of reference, the ATP Agreement should be read and understood at signing, and the conditions within reviewed at various intervals.

As a minimum ATPs must:

- Ensure that this policy is made available to students and that they are made aware of their rights and responsibilities
- Clearly document all procedures to be followed by students in the conduct of assessments and to ensure that students are made aware of these procedures
- Ensure that this policy is made available to staff and professional contractors so that they are aware of their responsibilities in the prevention of malpractice and maladministration
- Ensure that staff and professional contractors remain vigilant to possible instances of malpractice and maladministration
- Communicate any CIPFA changes to systems and procedures to staff/assessors/moderators in a clear and timely manner.

Furthermore, it is a mandatory requirement that all ATPs are also required to have a Malpractice and Maladministration Policy and Procedure (or equivalent) that is followed and that reduces the chance of an Adverse Effect from occurring.

ATPs must provide their malpractice policy to CIPFA if requested to do so and all ATP staff must be fully conversant with CIPFA's policy and procedures for malpractice and maladministration. Students should also be made familiar with this policy and procedure, should have explained to them in context what malpractice means, and what might constitute student malpractice. They should be made aware of the contents of the associated policies.

Staff training on malpractice and maladministration within CIPFA and ATPs is also key to raise awareness of malpractice and maladministration and how it can be prevented or mitigated.

Responsibilities of CIPFA in preventing malpractice and maladministration

In order to prevent the occurrence of malpractice and maladministration CIPFA will:

- ensure that it maintains a rigorous process of ATP approval that considers the ability of the ATPs to conduct CIPFA assessments in an appropriate and secure manner
- ensure that all ATPs are informed of what activity constitutes malpractice and maladministration; their role in preventing it and the need to communicate relevant points to all members of ATP staff
- communicate any changes to systems and procedures to ATPs in a clear and timely manner
- monitor that the internal ATPs procedure for preventing and dealing with malpractice and maladministration is clearly defined and communicated within the ATPs
- ensure that quality monitoring of all ATPs is carried out regularly and thoroughly by appropriately trained CIPFA staff/representatives
- ensure that CIPFA sanctions are clearly documented and communicated to all ATPs to clearly state any repercussions of malpractice and maladministration could be.

Definition of malpractice

The Joint Council for Qualifications (JCQ) definition of malpractice is:

Malpractice is any act, default or practice which is a breach of the Regulations.

CIPFA align with the view and believe that any act, default or practice which contravenes regulations and compromises the integrity of internal or assessment processes or the validity of certificates is a breach.

Whilst it is usually deliberate, each case will be judged individually and depending on the impact and severity, it may be deemed maladministration rather than malpractice. We recognise that whilst maladministration and malpractice are distinct, the two concepts can be on a continuum. As such they will sometimes blur into the other.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of students.

Anybody who identifies or is made aware of suspected or actual cases of maladministration at any time must immediately report their findings to their Head of ATP or relevant other senior member in the organisation. In doing so they should put the concerns in writing/email and enclose appropriate supporting evidence.

The categories listed below are examples of ATPs and student malpractice. Please note that these examples are not exhaustive and are only intended as guidance to definitions of malpractice:

- Contravention of our ATPs and qualification approval conditions
- Denial of access to resources (premises, records, information, students and staff) by any authorised CIPFA staff or Ofqual

- Failure to carry out delivery of qualifications, exams, internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our student registration and certification procedures
- Deliberate or persistent failure to continually adhere to our ATPs or qualification approval criteria
- Deliberate failure to maintain appropriate auditable records such as student achievement tracking, registration or certification records
- Fraudulent claims for certificates
- Unauthorised use of materials/equipment in assessment settings for example mobile phones, dictionaries, smart watches and cameras as relevant to the specific requirements of the assessment
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards
- Deliberate misuse of our logo and trademarks
- Forgery of evidence
- Collusion or permitting collusion in exams
- Students still working towards qualifications after certification claims have been made
- Contravention by our ATPs and students of the assessment arrangements we specify for our qualifications
- Insecure storage of assessment materials and exam papers
- Plagiarism of any nature by students
- Unauthorised amendment, copying or distributing of exam papers
- Inappropriate assistance to students by ATP staff (e.g., unfairly helping them to pass a unit or qualification)
- Submission of false information to gain a qualification or unit
- Failure to keep exam question papers and other assessment materials secure, before, during or after an examination
- Allowing a student to possess electronic devices or materials forbidden in the assessment rules
- Allowing students to work beyond the allocated exam time
- Leaving students unsupervised during an exam
- Assisting or prompting students with answers

Examples of Accredited Training Provider (ATP) malpractice

This could include (this list is not exhaustive):

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

Examples of student malpractice

Whilst this policy and process is not aimed at students per se and full details and our actions are contained in the associated policy signposting on page 1, we include some examples of student malpractice for general reference.

Examples but this list is not exhaustive:

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

Definition of maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within an ATP (e.g., inappropriate use of student records).

Anybody who identifies or is made aware of suspected or actual cases of maladministration at any time must immediately report their findings to the senior member in the organisation. This should be formally made in writing/email and enclosed with appropriate supporting evidence.

The categories listed below are examples of ATPs and student maladministration. Please note that these examples are not exhaustive and are only intended as guidance to definitions of maladministration:

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

Identifying malpractice and maladministration

Malpractice or maladministration may be identified by the following activities:

- At ATP level through scheduled quality assurance activity and monitoring
- At CIPFA, through intelligence, complaints or feedback received from ATPs staff, students, whistle blowers, assessors, etc.
- At CIPFA through information from other organisations e.g., evidence or knowledge from Awarding Organisations, Ofqual or other stakeholders

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

- A CIPFA Assessor
- A CIPFA internal member of staff
- Board or Council member
- ATP staff
- A whistle blower
- A Student
- A Regulator

Investigation of malpractice or maladministration

There are a number of ways in which we will identify suspected malpractice using existing systems and operations that we have in place as well as our staff and assessment associates identifying occurrences during quality assurance activity and monitoring of delivery or exam ATPs.

Whistleblowing is when an individual discloses information relating to actual or potential malpractice or the covering up of malpractice. In the case of a suspected case of malpractice brought to our attention by a third party we will take steps to establish the facts of the alleged case. We will always protect the identity of the third party if this is requested unless it is legally required for us to disclose.

All external (ATPs, ATP staff, students) allegations must include (as relevant) the:

- ATP name, address, telephone number and email address
- Student's name and CIPFA learner number
- ATP staff details (name, job role) if they are involved in the case
- Full title and QAN number of the qualification or End-point assessment affected or the nature of the service affected
- Date(s) the suspected or actual malpractice occurred
- Full nature of the suspected or actual malpractice
- Contents and outcome of any investigation carried out by the ATP or anybody else involved in the case, including any mitigating circumstances
- Written statements from informant's name, position and signature

ATPs must conduct an investigation before submitting it formally to CIPFA, the ATP should:

- Ensure that staff leading the investigation are independent of the staff/students/function being investigated

- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes
- Submit the findings of the investigation to us with your report
- In all cases we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or other legal duty.

CIPFA investigation and response

In the case of allegations, CIPFA will review the information and make a decision as to whether it is appropriate to:

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

Investigation timelines and process

The main purpose of our investigations will be to establish the facts to ascertain if any regulations have been breached and the subsequent impact if they have. CIPFA aim to action and resolve all stages of the investigation within 20 working days of receipt of the allegation.

The investigation may involve:

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

Throughout the investigation our Head of Qualifications and Membership will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed for liaising with and keeping relevant parties informed.

Suspected malpractice by a student is covered in the Assessment Offences Policy

Suspected malpractice by an ATP. During the investigation CIPFA will:

- Decide on its response
- Decide whether there is a case to answer and recommend that the results are withheld. The result withheld could be the results of an individual student or selected students or of the whole exam session at an ATP
- Decide whether to investigate the case further, in which case the ATP will be informed that an investigation is being conducted
- Either decide to notify affected students directly or through the ATP. In the case of the latter, the ATP is asked to inform the affected student(s) and to act as an intermediary between CIPFA and the student(s) in the investigation if appropriate

- Inform the ATP of which results will not be released until the investigation is complete and request a report concerning the alleged malpractice or maladministration
- Give the ATP 10 working days from the date of the notification in which to respond
- Decide whether to suspend the ATP from enrolling new students for CIPFA exams until the investigation is complete. If this happens, the ATP may be required to permit affected students to take resits at another ATP during the investigation
- Decide whether it is necessary to seek further evidence from students, the examiner, and marker
- Reconsider all the evidence, considering the ATP's report and any additional information.

Reporting

Where the investigation into the alleged malpractice has been carried out by the ATP, the exam's manager or suitably senior member of staff should submit a written report to CIPFA.

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

The report may include the following information:

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

Decision

An internal malpractice and maladministration review panel will convene consisting of the Head of Qualifications and Membership and Quality and Compliance Manager and in line with the Disciplinary Regulations. The decision of CIPFA will be conveyed to the ATPs within 10 days. An appeal against the decision may be made in writing within a further 10 days, to the Head of Qualifications and Membership. This will be considered by the CIPFA Management Board (CMB), and their decision given within 20 working days.

The Responsible Officer will report any significant cases that have been upheld, to Ofqual via an event notification as required, however not all cases will require this escalation. Details of all cases will be held on file for any subsequent inspection.

Sanctions

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

The purpose of the sanction is to:

- Address the malpractice or maladministration

- Minimise the risk to the integrity of the assessments for the future
- Ensure the validity of the qualification awarded and that students have reached the required standard
- Maintain public confidence in the delivery and awarding of CIPFA qualifications
- Act as a deterrent to others.

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

ATP sanctions may include, but are not exhaustive:

- Suspension of ATP approval either temporary or permanent
- Written warning
- Action plan
- Additional monitoring or quality assurance
- Suspension of student registration

Student sanctions may include, but are not exhaustive:

- Written warning
- Results null and voided
- Loss of marks
- Debarral

Appeals

Appeals may be made against decisions and sanctions arising from a malpractice or maladministration investigation and decision. The appellant must clearly and comprehensively establish the grounds for the appeal including provision of supporting evidence. Such evidence may include:

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

This must be made formally in writing for the attention of the Head of Qualifications and Membership anna.howard@cipfa.org

Stage 1 – will consist of a review of the case evidence and documentation by the Head of Qualifications & Membership, and Quality & Compliance Manager.

Stage 2 – will consist of a panel which will include the Head of Qualifications & Membership and independent representation to review the evidence.

Any appeals must be received by CIPFA within 21 days of the date of the outcome.

Please note that this is different from our appeals against assessment results.

Disclosure and confidentiality

In cases where there could be an Adverse Effect in particular cases involving alleged fraud or serious threat to the integrity of certification, CIPFA is required to report the matter to Ofqual and as relevant to other Awarding Organisations.

During the process of investigation and reporting we may need to access confidential information.

We will keep the information secure and only use it for the purposes of the investigation and in line with relevant data protection legislation.

Disclosure to third parties will only take place if required to do so, for example if required by the Regulators, Police or other relevant legal parties.

Policy version and owner

Policy owner	Head of Qualifications and Membership (Responsible Officer)
Version	1.0
Update	March 2021
Approval	SMB 04 March 2021
Policy review date	March 2022

Regulatory references

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