LanguageCert Approval

Audit Documentation

5. Glossa Malpractice and Maladministration Policy

Introduction

This policy applies Glossa customers, including candidates, who are registered on LanguageCert approved qualifications and who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner. It sets out the steps our centre and candidates, or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

***Glossa* Responsibilities**

Glossa has arrangements in place to prevent and investigate instances of malpractice and maladministration and will ensure staff involved in the management, assessment and quality assurance of LanguageCert qualifications and candidates are made aware of the of this policy.

Review Arrangements

We will review the policy annually and revise it as and when necessary in response to customer and candidate feedback, changes in our practices, actions from the regulatory authorities or external agencies, changes in legislation or trends identified from previous allegations. In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected/actual cases of malpractice and maladministration remain effective.

Definition of Malpractice

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

- The assessment process
- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility *Glossa* and LanguageCert
- The qualification or the wider qualifications community

Malpractice may include a range of issues from the failure to maintain appropriate records or systems, to the deliberate falsification of records in order to claim certificates. For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias

towards individuals and/or certain groups of candidates.

Examples of Malpractice

The categories listed below are examples of centre and candidate malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Deliberate misuse of LanguageCert's logo, brand, name and trademarks or misrepresentation of a relationship with LanguageCert
- Deliberate failure to consistently adhere to LanguageCert's centre recognition and/or qualification approval requirements or actions assigned to a centre
- Intentional withholding of information from LanguageCert, which is critical to maintaining the quality standards of their qualifications
- A loss or theft of, or a breach of confidentiality in, any assessment materials
- Insecure storage of exam materials
- Unauthorised amendment, copying or distributing of exam papers/materials
- Inappropriate assistance/support to candidates by centre staff (e.g. unfairly helping them to pass a unit or qualification)
- Plagiarism by candidates/staff
- Copying from another candidate
- Cheating by candidates/staff
- Personation - assuming the identity of another candidate or having someone assume their identity during an assessment
- Collusion or permitting collusion in exams
- Deliberate contravention by candidates of the assessment arrangements LanguageCert specifies for its qualifications
- Fraudulent claim for certificates and/or deliberate submission of false information to gain a qualification or unit

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 (e.g. inappropriate or inconsistent candidate records, failure to return examination scripts in accordance with LanguageCert requirements).

Examples of Maladministration

The categories listed below are examples of centre and candidate maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- Persistent and/or deliberate failure to adhere to LanguageCert candidate registration and certification procedures
- Persistent failure to adhere to LanguageCert centre recognition and/or qualification requirements and/or associated actions assigned to a centre
- Late candidate registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from LanguageCert
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding or delaying information, by deliberate act or omission, which is required to assure LanguageCert of a centre's ability to deliver qualifications appropriately
- Misuse of LanguageCert's logo and trademarks or misrepresentation of a centre's relationship with LanguageCert and/or its recognition and approval status with LanguageCert
- Poor administrative arrangements and/or records

Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time, must immediately notify the appropriate personnel at *Glossa* and at LanguageCert. In doing so they should put the allegation in writing/email and enclose appropriate supporting evidence. If the area of malpractice or maladministration involves *Glossa* then the informant should bypass notification to *Glossa* and report the allegation straight to LanguageCert.

All allegations must include (where possible):

- Centre's name and address (for allegations that are sent directly to LanguageCert)
- Candidate's name and LanguageCert registration number (If known)
- Centre/LanguageCert staff details (e.g. name and job title) if they are involved in the case
- Details of the LanguageCert course/qualification affected or nature of the service affected
- Nature of the suspected or actual malpractice and associated dates
- Details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances

If *Glossa* has conducted an initial investigation prior to formally notifying LanguageCert, *Glossa* will ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances *Glossa* must immediately notify LanguageCert if they suspect malpractice or maladministration has occurred as LanguageCert have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice and maladministration reported to LanguageCert they will protect the identity of the 'informant' in accordance with their duty of confidentiality and/or any other legal duty.

Confidentiality and whistle blowing

Sometimes the 'informant' will wish to remain anonymous. However, it is always preferable to reveal your identity and contact details to *Glossa* or LanguageCert. If you are concerned about possible adverse consequences please inform *Glossa* or LanguageCert that you do not wish for us to divulge your identity and we will work to ensure your details are not disclosed. We will always aim to keep a whistleblower's identity confidential where asked to do so, although we cannot guarantee this. We may need to disclose your identity should the complaint lead to issues that need to be taken forward by other parties. For example:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- The courts (in connection with any court proceedings)
- Other third parties such as the relevant regulatory authority (e.g. Ofqual).

The investigator(s) assigned to review the allegation will not reveal the whistleblower's identity unless the whistleblower agrees or it is absolutely necessary for the purposes of the investigation (as noted

above). The investigator(s) will advise the whistleblower if it becomes necessary to reveal their identity against their wishes.

***Glossa* procedure for conducting a malpractice/ maladministration investigation**

Some stages of the process detailed below involve generic, key activities; however, not all of these would necessarily be implemented in every case, dependent on the nature of the allegation.

Stage 1: Briefing and record-keeping

All those involved in the conduct of an investigation must have a clear brief and understanding of their role within the investigation.

All investigators must maintain an auditable record of every action during an investigation to demonstrate they have acted appropriately.

The Glossa Director is responsible for assigning the investigating officer(s) and will stipulate and/or provide secure storage arrangements for all material associated with an investigation in case of subsequent legal challenge. There may be occasions when a joint investigation occurs with LanguageCert. In instances such as this, the roles of the two teams will be fully clarified by LanguageCert. It is *Glossa* responsibility to ensure their investigators are fully aware of the agreed roles and processes to follow during the investigation.

Stage 2: Establishing the facts

Investigators should review the evidence and associated documentation, including relevant LanguageCert guidance on the delivery of the qualifications and related quality assurance arrangements.

Issues to be determined are:

- What occurred (nature of malpractice/substance of the allegations)
- Why the incident occurred
- Who was involved in the incident
- When it occurred
- Where it occurred – there may be more than one location
- What action, if any, has taken *Glossa* to date

Stage 3: Interviews

Interviews should be thoroughly prepared and conducted appropriately. There should also be a clear audit trail of interview records. For example:

- Interviews should include prepared questions and responses to questions which should be recorded
- Interviewers may find it helpful to use the 'PEACE' technique:
    - plan and prepare
    - engage and explain
    - account
    - closure
    - evaluation

Face-to-face interviews should normally be conducted by two people with one person primarily acting as the interviewer and the other as note-taker. Those being interviewed should be informed that they may have another individual of their choosing present and that they do not have to answer questions. These arrangements aim to protect the rights of all individuals. Both parties should sign the account as a true record/reflection of what was covered/stated/agreed.

Stage 4: Other contacts

In some cases, candidates or employers may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone/Skype interviews, by post or email.
Whichever method is used, the investigator must have a set of prepared questions. The responses will be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual and recorded accounts of the conversations should be signed for agreement with written records to be formatted as non-editable PDF.

Stage 5: Documentary evidence

Wherever possible documentary evidence should be authenticated by reference to the author; this may include asking candidates and others to confirm handwriting, dates and signatures.

Receipts should be given for any documentation removed from *Glossa*. Independent expert opinion may be obtained from subject specialists about a candidate's evidence and/or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

Stage 6: Conclusions

Once the investigators have gathered and reviewed all relevant evidence, a decision is made on the outcome.

Stage 7: Reporting

A draft report is prepared and agreement on the factual accuracy of the report must be obtained. Once obtained, the final report is submitted to the relevant staff member within *Glossa* for review and sign-off and shared with LanguageCert and relevant parties within your organisation.

Stage 8: Actions

Any resultant action plan is implemented and monitored appropriately and LanguageCert will be notified. LanguageCert's Malpractice and Maladministration Policy can also be downloaded from the LanguageCert website should you wish to view it.

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5248 ATCM Margareta Zábranská