



## **Malpractice Policy**

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## Introduction

Suspected malpractice and maladministration may be identified by a variety of stakeholders, including: learners; employees, members of teaching/assessment teams or other external parties.

This policy outlines how **Uniplural Academy** will deal with malpractice and maladministration allegations and investigation and outlines the steps that learners, staff and other stakeholders must follow in relation to the reporting of suspected malpractice/maladministration.

## Prevention of Malpractice

We will take every reasonable step to prevent instances of malpractice and maladministration by ensuring:

- we provide adequate guidance to learners in relation to plagiarism and collusion;
- all staff and learners are aware of this policy;
- staff receive adequate induction and training in relation to the delivery and assessment of qualifications;
- we have in place robust assessment and internal quality assurance procedures and accurate records in line with awarding organisation requirements;
- all registration records, assessment documentation and claims for achievement are subject to appropriate internal review before submission to the awarding organisation.

Please refer to Appendix B examples of issues that may result in malpractice and maladministration.

## Definitions of Malpractice and Maladministration

### ***Malpractice***

Malpractice (which includes maladministration) is any activity, misconduct, unlawful discrimination, harassment, neglect, or other practice which:

- compromises, attempts to compromise assessment processes, the integrity of any qualification, and/or the validity of a result or certificate;  
and/or
- damages the authority, reputation or credibility of **Uniplural Academy**, its employees, associated regulators and/or other stakeholders  
and/or
- damages confidence in Uniplural Academy and/or its associated regulators.

### ***Maladministration***

Maladministration is any activity, neglect, or other practice which results in non-compliance with administrative regulations and requirements of the awarding organisation and/or its regulators, including the application of persistent mistakes or poor administration associated with learner records.

## Reporting Malpractice and Maladministration

Malpractice/Maladministration may be reported verbally or in writing using the contact details provided in this document. Verbal reporting should be confirmed in writing.

All notifications of suspected malpractice / maladministration must include (wherever possible):

- name, position and contact details of the individual making the allegation(s);
- learner's full name (if applicable);
- date and time of incident;
- details (name, job role) of individuals involved in the matter (e.g. assessor, parent etc.);
- details of any qualification affected or nature of the service affected;
- details of the suspected malpractice, including details as to how it was discovered and when;
- details and outcome of any preliminary investigation carried out by anybody involved in the case and details of any actions taken;
- information relating to whether learners(s) may have been unfairly advantaged or disadvantaged by the suspected malpractice / maladministration, reasoning must be provided.

Notification of suspected malpractice / maladministration will normally be acknowledged within **five (5)** working days.

## Whistleblowing

If you wish to report anonymously, please confirm that you do not wish your identity to be disclosed at the time of writing. In such cases we will investigate the issue where possible and only if there is supporting evidence. We will try our upmost to maintain confidentiality, however, during the investigation your identity may become evident to others involved.

The relevant awarding organisation or regulatory body may also require copies of any documentation, this could also lead your identity being revealed. We will of course take all reasonable steps to inform you in advance.

We may also be legally obliged to disclose your identity or documentation to the police or other law enforcement bodies, however all reasonable steps will be taken to inform the affected party in advance in such scenarios.

## Reporting of Suspected Malpractice relating to Regulated Qualifications

We may conduct an initial investigation to determine the validity of any allegation, however, where applicable we are required to **notify the awarding organisation immediately** if we suspect malpractice or maladministration has occurred and/or has the potential to cause an Adverse Effect relating to any regulated qualification.

For regulated qualifications, we are required to report immediately to the relevant awarding organisation or regulatory body any investigation relating to:

- equality in the delivery of regulated qualifications,
- the processing of personal data or compliance with data protection legislation,
- the integrity of the regulated qualifications
- any matter that may give rise to a potential Adverse Effect (as defined by the qualification regulators)

## Investigation Procedure

Any investigation will be undertaken in accordance with the awarding organisation malpractice procedures and in some cases the awarding organisation may wish to conduct their own investigation in which case we will fully co-operate with all requirements.

Where we are involved in the investigation, we will appoint a senior member of staff as investigating officer who will not have been involved in the circumstances giving rise to the allegation of malpractice or maladministration and who has no personal interest in the area investigated or the outcome of the investigation. The investigator will have appropriate knowledge and experience to enable them to conduct the investigation effectively.

Investigators should refer to the guidance provided in Appendix A.

The investigating officer will conduct the investigation (in line with awarding organisation requirements if applicable), review and/or gather supporting evidence and aim to establish whether, on the balance of probability, malpractice or maladministration has occurred and take any necessary actions to prevent or mitigate an adverse effect.

The aim of the investigation will be to establish facts, identify cause and people involved, as well as to evaluate the need for any action to reduce risk to learners and/or to preserve the integrity of the awarding organisation and its qualification and inform any corrective action.

We will aim to complete the initial investigation within **5** working days of receipt of the allegation, however for complex cases this may take longer

The investigator may request further information from relevant parties and/or undertake interviews with individuals who are either directly or indirectly involved in the investigation. Individuals can exercise the right to be accompanied by a person of their choice if interviews are held. Where the interviewee is a minor or vulnerable adult a parent, guardian or carer must be present or give permission prior to the interview taking place.

All individuals alleged to be involved in cases of malpractice/maladministration will be informed of the allegation and the initial evidence that supports the allegation. They will be given an opportunity to consider their response to the allegation by submitting a written statement and to seek advice, should they wish to.

We reserve the right to withhold learner's results for any qualifications or units they are studying

until such a time as the investigation is concluded to the satisfaction of the awarding organisation.

Where we find, during an investigation, evidence of or suspect any criminal activity, the relevant facts will be reported to the appropriate authority.

Where a member of staff is under investigation they may be suspended or moved to other duties until the investigation is complete.

In circumstances where the complexity of a case or a lack of cooperation from an individual means that it is not possible to fully complete an investigation, the investigation will be concluded considering any evidence that is available and recording the lack of cooperation within the final report.

## **Notification of Findings**

On completion of the investigation the evidence and findings of the investigation will be notified to the persons concerned in writing, usually within **5** working days of the completion of the investigation.

It may not be appropriate to disclose full details of the investigation due to confidentiality or legal reasons.

Persons concerned will be asked to consider the accuracy of the findings, at this stage no additional evidence will be accepted as the investigation is complete. Persons concerned may request factual corrections/amendments only, however we reserve the right to disagree with any requests for corrections or amendments and/or may request that the persons concerned submit supporting evidence that demonstrates that the findings are not factually correct, however any request will be noted when finalising the malpractice report.

There will be no communication of the decision at this stage.

## **Decision**

Following the notification of findings as above, the investigator will decide, based on the evidence and findings, whether on the balance of probability, malpractice or maladministration has taken place. This decision will be recorded in a malpractice report (see Appendix C).

Incidents of proven malpractice or maladministration may result in subsequent actions, including, but not limited to, the:

- Exclusion or removal of learners from courses/de-registration from qualifications.
- Implementation of internal disciplinary procedures.
- Reporting to the qualification awarding organisation and/or other regulatory or funding authority.
- Withdrawal of certificates by the awarding organisation.

Should we become aware of additional information relating to any previous malpractice investigation that has an impact on the outcome of an investigation, regardless of when the decision was made and/or communicated, we reserve the right to review the additional information and change the decision, this will be communicated to all parties as outlined below.

## Communicating Malpractice Investigation Decisions

Once a decision has been made, it will be communicated in writing to the learner and/or other individuals within **5** working days. Individuals will be informed of any subsequent consequence or action, including but not limited to withdrawal of results/certificates, informing third parties such as the awarding organisation, regulators or funding bodies.

In instances where the qualifications awarding organisation were notified of the investigation and/or where the outcome of the investigation indicates an actual or potential adverse effect, the malpractice report will be submitted to the awarding organisation with the findings, outcome and any further actions within **5** working days of a decision being reached.

Where it is found that a teacher has engaged in malpractice or maladministration, we will ensure that the Teaching Regulation Agency (TRA), or any organisation that carries out a substantively similar function in England or another jurisdiction, is notified, where:

- the teacher in question is subject to professional regulation by the TRA or other teaching regulator; and
- the malpractice identified is serious based on the facts of the case and the seriousness of the sanction imposed by the awarding organisation.

If suspected or actual malpractice was notified by an independent/third party they may also be informed of the outcome within **5** working days of the decision, if doing so does not result in any breach of confidence.

## Right of Appeal

Should you wish to appeal the outcome of a malpractice investigation or believe that the procedures as outlined in this document have not been applied in a fair or objective manner you may appeal using our Appeals Procedure.

## Contact Details

Uniplural Academy

GPL Business Centre, Central Business District, Zone 1,

Triq il-Ghadam, Birkirkara, CBD 1060, Malta

Telephone: +356 21410049 | +356 79080691

Email: [info@unipluralacademy.com](mailto:info@unipluralacademy.com)

Uncontrolled when printed				
Author	Authorised by	Version Number	Issue Date	Review Date
Christian Micallef – Academic Manager	<i>Claire Bellizzi – Head of Institution</i>	<i>1.1</i>	<i>16<sup>th</sup> May 2025</i>	<i>16<sup>th</sup> May 2025</i>

## Appendix A - Guidance for Investigators

Investigators should have appropriate knowledge and experience to enable them to conduct the investigation effectively. They should not have a personal interest in the outcome of the investigation and should not have been involved in the circumstances giving rise to the allegation of malpractice or maladministration.

### *Stage 1: Briefing and record-keeping*

We will ensure that anyone involved in the conduct of an investigation should have a clear understanding of their role and processes to follow. There may be occasions when a joint investigation occurs with an awarding organisation, with the roles of the two teams will be clarified in accordance with the requirements of the awarding organisation.

Investigators must maintain a written records of every action taken during an investigation to demonstrate that they have acted appropriately.

The person assigning the investigating officer(s) will advise of the secure storage arrangements for all material evidence associated with an investigation in case of any subsequent legal challenge.

### *Stage 2: Reviewing the evidence*

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

The following factors should be determined.

- 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



### *Stage 3: Interviews*

Interviews should be thoroughly prepared, conducted appropriately and records retained. 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, but that they must not answer questions on the interviewee's behalf. If the person being interviewed is a minor or a vulnerable adult, an interview should only be conducted in the presence of an appropriate adult, or following permission being given from a parent, guardian or carer (as appropriate) prior to the interview taking place. These arrangements aim to protect the rights of all individuals.

### *Stage 4: Other contacts*

In some cases, learners or other individuals may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post or email.

Whichever method is used, the investigator will 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.

### *Stage 5: Documentary evidence*

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

Receipts should be given for any documentation.

Independent expert opinion may be obtained when required.

### *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 comments are sought from relevant parties as to factual accuracy.

Where it is found that a teacher has disclosed confidential assessment information, where appropriate, the Teaching Regulation Agency, or any organisation that carries out the same function in England or another jurisdiction, must be notified.

### *Stage 8: Actions*

Any resultant action plan must be implemented and monitored.

## Appendix B - Examples of Malpractice

### ***Staff malpractice***

Staff malpractice means malpractice committed by:

- a member of staff, contractor (whether employed under a contract of employment or a contract for services) or a volunteer; or
- an individual appointed in another capacity such as an invigilator, a communication professional, an oral language modifier, a practical assistant, a prompter, a reader or a scribe or an individual providing marketing or other services.

The following are examples of staff malpractice, this list is not exhaustive and does not limit the scope of the definitions set out earlier in this document:

#### *Breach of security*

Any act which risks breaching the confidentiality of question papers or materials (including their electronic equivalents), or the confidentiality of learners' scripts (or their electronic equivalents). This could involve:

- failure to keep assessment material secure prior to an examination/test;
- revealing information about examinations and assessments that should be kept confidential;
- failure to adequately supervise learners who have been affected by a timetable variation (including where an examination/test is to be taken in an earlier or later session on the scheduled day);
- permitting, facilitating or obtaining unauthorised access to examination/assessment material prior to an examination/test;
- failure to retain and secure examination/test question papers (including their electronic equivalents) after an examination/test in cases where the exam/test extends beyond the session e.g. where an examination/test is to be taken in a later session by certain learners;
- tampering with learner scripts, controlled assessments, coursework or assessments after collection and before despatch to the awarding organisation;
- failure to keep learners' computer files secure which contain controlled assessments, coursework or assessments;
- Unauthorised use of inappropriate materials and/or equipment in assessment settings.

#### *Deception*

Any act where assistance is given beyond that permitted by the specification or regulations to a learner or group of learners, which results in a potential or actual advantage in an examination or assessment. This could involve:

- assisting learners in the production of controlled assessment, coursework, assessment or portfolios, beyond that permitted by the qualification requirements;
- sharing or lending learners'-controlled assessment, coursework or assessment with other learners in a way which allows malpractice to take place;
- assisting or prompting learners with the production of answers and responses;
- permitting learner in an examination/assessment to access prohibited materials

(dictionaries, calculators etc.);

- prompting learners in an examination/assessment by means of signs, or verbal or written prompts;
- assisting learners granted the use of a communication professional, an oral language modifier, a practical assistant, a prompter, a reader or a scribe beyond that permitted by the qualification requirements and/or approved by the awarding organisation.

#### *Failure to cooperate with an investigation, including:*

- failure to make available information reasonably requested by us, the awarding organisation and/or its regulators, during an investigation;
- failure to provide information according to agreed deadlines; and/or
- failure to immediately report all alleged, suspected or actual incidents of malpractice.

#### *Awarding Organisation and Regulatory Requirements*

- denial of access to premises, records, information, learners and staff to any awarding organisation representative and/or the regulators;
- failure to undertake internal assessment and quality assurance in accordance with awarding organisation requirements;
- failure to adhere to awarding organisation assessment requirements.

#### *Maladministration*

Failure to adhere to the awarding organisation and regulatory requirements, including the conduct of controlled assessments, coursework, examinations and assessments, or malpractice in the conduct of examinations/assessments and/or the handling of examination question papers, learner scripts, mark sheets, assessment records, results and certificate claim forms, etc. This would include:

- failure to ensure that learners' coursework, assessment and/or work to be completed under controlled conditions is adequately completed and/or monitored and/or supervised;
- failure to ensure that the examination/test/assessment venue conforms to awarding organisation requirements;
- failure to train invigilators and those facilitating assessment and access arrangements adequately;
- failure to issue to learners the appropriate notices and warnings;
- failure to post notices relating to the examination/assessment outside all rooms where examinations and assessments are being held;
- making unauthorised changes to the examination/test/assessment procedures and timings, including the assessment of unregistered learners
- unreasonable delays in responding to requests and/or communications from the awarding organisation and/or its regulators;
- the introduction of unauthorised material into the examination/test room or assessment venue, either prior to or during the examination/test; (N.B. this precludes the use of the examination/test room to coach learners or give subject-specific presentations, including power-point presentations, prior to the start of the examination);
- failure to remind learners that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the examination/test

starting;

- failure to invigilate examinations and assessment in accordance with awarding organisation instructions;
- failure to have on file for inspection purposes accurate records relating to assessment and claims for certification;
- failure to retain learners'-controlled assessments, coursework or assessments securely after the authentication statements have been signed or the work has been marked;
- failure to maintain the security of learner assessment materials prior to despatch;
- failure to despatch learners' scripts, controlled assessments, coursework or assessments to awarding organisation in a timely way;
- failure to adhere to awarding organisation certification and registration requirements;
- failure to notify the awarding organisation immediately of all alleged, suspected or actual incidents of malpractice;
- failure to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by the awarding organisation and/or its regulators;
- breaching the published arrangements for the release of examination/test results and certificates;
- the inappropriate issue, retention or destruction of certificates;
- Misuse of awarding organisation and/or regulatory logo and trademarks, or misrepresentation of a centre's relationship with the awarding organisation, and/or its recognition and approval status.
- Failure to adhere to our awarding organisation and/or qualification requirements.

### ***Learner malpractice***

Learner malpractice' means malpractice by a learner in connection with any examination or assessment, including the preparation and authentication of any controlled assessments, coursework or assessments, the presentation of any practical work, the compilation of portfolios of assessment evidence and the writing of any examination or assessment.

The following are examples of learner malpractice, this list is not exhaustive and does not limit the scope of the definitions set out earlier in this document:

- breach of the instructions/advice of an invigilator, supervisor, or awarding organisation in relation to the examination or assessment rules and regulations;
- bringing unauthorised material into the examination/test room or inappropriately annotated texts (in open book examinations);
- being in possession of unauthorised confidential information about an examination or assessment;
- allowing others to assist in the production of controlled assessment, coursework etc., or assisting others in the same;
- impersonation i.e. assuming the identity of another learner, or arranging for someone else to take one's place in an examination;
- plagiarism i.e. unacknowledged copying from or reproduction of published sources or incomplete referencing;
- inclusion of inappropriate, offensive material in examination and/or assessment

materials;

- deliberately behaving in such a way as to undermine the integrity of the assessment;
- collusion with other learners, including copying other learners or allowing work to be copied;
- failure to report the fact that there has been unauthorised access to assessment related information;
- the use of unauthorised aids during an examination;
- disruptive behaviour in the examination/test;
- deliberate submission of false information to gain a qualification;
- the alteration or falsification of any assessment document, including examination reports or certificates;
- the deliberate destruction of another Learner's work.

## Appendix C Malpractice Report

The malpractice Report may include some or all the following information:

- a statement of the facts, a detailed account of the circumstances, individuals involved, and any investigations undertaken;
- written statements from staff, learners and/or other individuals as part of the investigation (as appropriate);
- any learners' work or records relevant to the case;
- details of any remedial action being taken to ensure the integrity of the qualification now and in the future;
- a description of any mitigating factors that should be considered;
- the decision reached as to whether suspected malpractice/maladministration has taken place;
- any remedial action to be applied (if appropriate);
- the level of restriction and/or sanction to be applied (if applicable)

