



# MALPRACTICE AND MALADMINISTRATION POLICY

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**Links or overlaps with other documents or policies:**

BfN Internal Moderation Policy

BfN Assessment Policy

BfN Training Procedure Handbook

BfN Tutor Handbook

BfN Internal Moderator Handbook

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## 1. Policy Statement

**1.1** BfN is committed to taking all reasonable steps to prevent malpractice and maladministration of any kind, and to dealing with any cases which arise in a timely, fair and proportionate way in order to protect the integrity of the award of its qualifications and ensure fairness to staff and learners.

**1.2** BfN views all instances of malpractice and maladministration as potentially serious offences and will respond to all allegations of malpractice and maladministration in accordance with OCN London regulations and guidance.

**1.3** This policy is aimed at all staff (regardless of capacity; whether employed or volunteering) and learners, who are delivering/registered on any of BfN's approved qualifications or units

## 2. Definitions

### 2.1 Definition of Malpractice

Malpractice is essentially any activity or practice, which deliberately contravenes regulations and compromises the integrity of the internal or external 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 of BfN
- 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 certain or groups of learners.

### 2.2 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 a Centre (e.g. inappropriate learner records)

Examples of Maladministration are given in **Appendix 3**.

### 2.3 Definition of Trainee Led Malpractice

Trainee led malpractice means malpractice committed by a learner in relation to summative assessment or the production of coursework used in the compilation of portfolios of evidence of learning.

Examples of trainee malpractice are given in **Appendix 2**.

### 2.4 Definition of Staff Led Malpractice

Staff led malpractice means malpractice committed by a member of the BfN's staff

Examples of staff malpractice are given in led malpractice means malpractice committed by a member of the centre's staff

Examples of staff malpractice are given in **Appendix 1**.

### 3. Consequences of Malpractice

#### 3.1 Consequences for Trainees

- i. Any report that suggests reasonable grounds for suspicion that a learner has committed or attempted to commit malpractice will be thoroughly investigated by BfN. Situations where a learner is strongly suspected to have deliberately acted, will be reported to the OCN London, the awarding body.
- ii. Learners should be aware that awarding bodies will contact police authorities in serious cases and consider prosecution. Also, credits and certificates previously achieved may be withdrawn and details of the offence may be passed to other awarding bodies.
- iii. Learners found to have committed malpractice following investigations may be withdrawn from the course and may be excluded from future enrolments on courses at BfN.

#### 3.2 Consequences for Staff

- i. Any report that suggests reasonable grounds for suspicion that a member of staff has committed or attempted to commit malpractice or maladministration will be thoroughly investigated by BfN. Situations where a staff member is strongly suspected will be reported to OCN London. Staff should be aware that OCN London might contact police authorities in serious cases and consider prosecution.
- ii. Tutors, Supervisors or volunteers found to have committed malpractice or intentional maladministration following investigation may be withdrawn from support or delivery of a course and may be the subject of a disciplinary hearing, which could result in dismissal.

### 4. Reporting and Investigation

#### 4.1 Internal report of malpractice

Any report of malpractice shall be thoroughly investigated by BfN:

- i. the investigation will be carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes: this will ordinarily be the 's Lead Internal Moderator and Internal Quality Assurance Officer (LIMO)
- ii. the investigation will be carried out in an effective, prompt and thorough manner and that the investigator(s) will look beyond the immediate reported issues to assure BfN arrangements are appropriate
- iii. the investigator(s) will respond speedily and openly to all requests relating to the allegation and/or investigation
- iv. all those involved with in the malpractice situation(s) will co-operate fully with the investigation and/or any request for information

#### 4.2 Reporting Allegations of Malpractice to OCN London.

Allegations of Malpractice must be reported to OCN London

It is the responsibility of BfN's LIMO to submit to OCN London a full written report of an investigation and to provide the following where appropriate:

- A statement of the facts, a detailed account of the circumstances and details of any investigations carried out by BfN and action taken.
- Written statement(s) from the internal moderator(s) or other staff concerned.

- Written statement(s) from the learner(s) concerned.
- Information from BfN's procedures for advising learners and member of staffs of OCN London regulations.
- Any work of the learner and any associated material that is relevant to the investigation

#### 4.3 OCN London Role in dealing with allegations of malpractice

When dealing with alleged malpractice, OCN London will deal primarily with BfN's Lead Internal Moderation Officer and Quality Assurance Officer or their nominated representative, responsible for the qualification or unit. In certain circumstances, for example, when a learner's account of events differs with that of BfN's, OCN London may deal directly with the learner or their representative.

BfN and OCN London will seek to establish the full facts and circumstances of any alleged malpractice.

Further information regarding OCN London's Malpractice and Maladministration Policy and Procedures for dealing with Reports and investigations can be found in the [OCN London Malpractice and Maladministration Policy and Procedure](#).

### 5. Prevention of Malpractice and Maladministration

The following is in place to reduce the likelihood of Malpractice occurring at BfN

#### 5.1 Information and expectations of tutors and assessors

- Information clearly explaining the possible consequences of malpractice will be with tutor assessors as part of their induction / briefing prior to teaching on behalf of BfN. Examples of what constitutes malpractice will be included in the tutor handbook, as well as a summary of this policy.
- Staff engaged in assessment must all contribute and be part of regular Internal Moderation and Standardisation events. This requirement is included in the tutor job description.

#### 5.2 Information for trainees

- Information clearly explaining the possible consequences of malpractice will be raised with learners as part of the course 'ground rules', discussed at the beginning of each course
- Examples of what constitutes learner malpractice will be included in the course handbook. Assessors will only use material produced at home by learners for formal assessment at a point in the course when the style and capacity of individual learners has become known to the assessor, so that any anomalies in the level or style of working by a given learner can be readily picked up by the assessor.

#### 5.3 Sampling

Samples of work are not chosen by the original assessor. Sample rationale and plans are drawn up by the LIMO with evidence to sample selected by the assigned Internal Moderator Officer (IMO). Please refer to the Internal Moderation Handbook for more information

## **6. Review arrangements**

We will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to customer and trainee 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 cases of malpractice and maladministration remain effective.

## Annexes

### Annex 1. Examples of Staff-Led Malpractice

The following are examples of malpractice by BfN staff. Other instances of malpractice may be considered by OCN London at its discretion:

- Giving inappropriate assistance to learners in assessments;
- Falsifying, or making any changes to, learners' assessed work;
- Falsifying learner records, assessment/examination records, internal quality assurance records and/or authentication statements;
- Persistent and deliberate failure to comply with requirements for qualification delivery;
- Deliberate failure to conduct a proper investigation into suspected/alleged malpractice (of staff or learners);
- Making fraudulent claims for qualifications;
- Discrimination against or bias towards any learner/s;
- Denial of access to records, information, learners and staff to any authorised OCN London representative and/or the regulatory authorities (relating to the delivery and assessment of OCN London qualifications);
- Deliberate misuse of the OCN London logo, brand, name and trademarks, or misrepresentation of a centre's relationship with OCN London and/or its recognition and approval status with OCN London;
- Intentional withholding of information from OCN London which is critical to maintaining the rigour of quality assurance and standards of qualifications;
- Deliberate failure to carry out internal assessment and/or internal moderation in accordance with OCN London requirements;
- Deliberate failure to continually adhere to OCN London centre recognition and/or qualification approval requirements;
- Permitting collusion in assessment cheating.
- Registration of learners with multiple awarding organisations for the same or similar qualifications;
- Falsified evidence;
- Failure to authenticate learner identity and/or evidence;
- Abuse/ inappropriate application of reasonable adjustments and special consideration policies;
- Bribery and corruption including malpractice linked to criminality;
- Failure to authenticate learner identity and/or evidence - fraud, false identities, lack of any assessment taking place;
- Failure to apply or abuse of reasonable adjustment and/or special consideration policies;
- Abuse of Direct Claim Status.

### Annex 2 – Examples of Trainee Led Malpractice

The following are examples of malpractice by learners. Other instances of malpractice may be considered by BfN or OCN London at their discretion:

- The deliberate use of unauthorised and or inappropriate materials/equipment in assessment settings, for example notes or mobile phones;
- Copying from another learner (including using IT to do so);
- The inclusion of inappropriate, offensive or obscene material in assessment tasks;
- The deliberate destruction of another's work;
- Deliberate plagiarism;
- Deliberately behaving in such a way as to undermine the integrity of the assessment;
- Impersonation – assuming the identity of another learner or having someone assume their identity in relation to an assessment;
- Deliberate submission of false information to gain a qualification/unit;
- Selling certificates or assessment details.

### Annex 3: Examples of Maladministration

The following are examples of maladministration. Other instances of maladministration may be considered BfN or OCN London at their discretion:

- Persistent failure to adhere to OCN London learner registration and certification procedures;
- Consistently failing to identify issues of authenticity in work submitted by learners for assessment;
- Persistent failure to adhere to OCN London centre recognition and/or qualifications requirements;
- Inaccurate claim for certificates;
- Failing to keep effective records;
- Failing to maintain appropriate auditable records e.g. certification claims;