



MALPRACTICE / MALADMINISTRATION POLICY

Issue Number	Effective Date	Amendments	Reason for Amendments
8	01 July 2024	<ol style="list-style-type: none">1. Section on AI included.2. Regulatory references.3. Layout of definitions and examples.	<ol style="list-style-type: none">1. To outline IMI and regulatory requirements.2. As above.3. Providing further clarity on definitions.

INTRODUCTION

This policy sets out our approach to handling suspected malpractice and maladministration incidents.

SCOPE

This policy is aimed at IMI centres and learners who are delivering or registered on IMI products who are involved in suspected or actual malpractice and/or maladministration.

It sets out the steps that centres, learners and other personnel must follow when reporting suspected or actual cases of malpractice and/or maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow.

This policy should be read in conjunction with the IMI operating manual and the following policies:

- IMI Sanctions Policy
- IMI Whistleblowing Policy
- IMI Appeals Policy

CENTRE'S RESPONSIBILITY

It is important that staff and learners are fully aware of the contents of this policy and that the centre has arrangements in place to prevent and investigate instances of malpractice and maladministration.

A centre's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by the IMI through our ongoing centre monitoring arrangements.

A failure to report suspected or actual malpractice/maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the centre. See IMI's Sanctions policy for details of the sanctions that may be imposed.

DEFINITIONS

Malpractice:	<p>Malpractice is essentially any activity or practice, which deliberately or knowingly contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates.</p> <p>It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:</p> <ul style="list-style-type: none"> ▪ the assessment process ▪ the validity of a result or certificate ▪ the integrity of IMI products or services ▪ the reputation and credibility of the IMI.
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	<p>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.</p> <p>For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards learners.</p>
Maladministration:	Maladministration is any activity or practice, which results in non-compliance with administrative regulations and requirements and includes poor administration within a centre.
Adverse Effect:	<p>An act, omission, event, incident, or circumstance has an Adverse Effect if it –</p> <p>(a) gives rise to prejudice to Learners or potential Learners, or</p> <p>(b) adversely affects –</p> <p>(i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,</p> <p>(ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or</p> <p>(iii) public confidence in qualifications.</p>

EXAMPLES OF MALPRACTICE

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

Breach in the assessment process or delivery requirements
<ul style="list-style-type: none"> ▪ Collusion or permitting collusion in assessments (including online assessments) ▪ Deliberate contravention by a centre and/or its learners of the assessment arrangements ▪ Copying from another learner ▪ Assuming the identity of another learner or having someone assume your identity during an assessment ▪ Theft of any assessment materials ▪ Plagiarism by learners/staff ▪ Inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass) ▪ Unauthorised amendment, copying or distributing of exam/assessment papers/materials ▪ Impersonation of a learner for assessment ▪ The unauthorised use of inappropriate personnel, materials and/or equipment for assessments ▪ The misuse of AI which does not reflect the learners own work or assessment judgements ▪ Inappropriate use of technology during assessments (e.g. mobile phone or smart watch) ▪ Failure to carry out assessments or internal quality assurance in accordance with IMI or regulatory requirements ▪ Bias assessment as a result of reciprocal arrangements whereby two organisations each assess learners prepared for the assessment by the other
Failure to adhere to centre and/or qualification approval requirements

- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of IMI products
- Deliberate failure to continually adhere to our approval requirements
- Denial of access to premises, records, information, learners and staff to any authorised IMI representative and/or the regulatory authorities
- Deliberate failure to continually adhere to our centre approval or actions assigned to your centre
- Persistent instances of maladministration within the centre
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- Deliberate misuse of our logo and trademarks or misrepresentation of a centre's relationship with the IMI and/or its recognition and approval status with the IMI

Compromising the validity of a result or certificate

- Deliberate failure to maintain appropriate auditable records (e.g. certification claims) and/or forgery of evidence
- Fraudulent claims for certificates
- Learners still working towards a qualification after certification claims have been made
- Deliberate failure to adhere to our registration and certification procedures
- Issuing certificates relating to IMI products (i.e. centre produced certificates)
- Cash for certificates (e.g. the selling of certificates for cash)
- Selling certificates, questions and/or assessment details
- Creation of false records
- False identification used at the registration stage
- Threatening or abusive behaviour that is intended to put undue influence on the outcomes of an assessment or award
- Deliberate submission of false information to gain an achievement
- Any financial incentive that there may be for the awarding organisation, or individual assessors, to mark in such a way as to increase the amount of times that a learner takes a qualification.

EXAMPLES OF MALADMINISTRATION

Incidents of maladministration may also constitute malpractice, depending on the circumstances and evidence arising during an investigation. For example, multiple occurrences of maladministration could constitute malpractice.

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

- Failure to adhere to our registration and certification procedures
- Failure to adhere to our centre approval requirements and/or associated actions assigned to the centre
- Failure to adhere to our delivery or assessment requirements
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from the IMI
- Inaccurate claims for certificates (including certificates claimed 'in error')

- Failure to maintain appropriate auditable records (e.g. certification claims)
- Withholding of information which is required to assure the IMI of the centre's ability to deliver
- Misuse of our logo and trademarks or misrepresentation of a centre's relationship with the IMI and/or its recognition and approval status with the IMI
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- A loss or breach of confidentiality in any assessment materials.

MONITORING OF WRITTEN ASSESSMENTS

The IMI utilises a text-matching software called Turnitin UK to screen apprentices' work submitted for specific End Point Assessments. For each document uploaded, Turnitin provides a 'Similarity Score' (a score to indicate the originality of the content), which can help Independent Assessors to locate any potential sources of plagiarism.

ARTIFICIAL INTELLIGENCE (AI)

AI refers to the use of AI tools to obtain information and content which might be used in work produced for assessments which lead towards qualifications. While the range of AI tools, and their capabilities, is likely to expand greatly in the near future, misuse of AI tools in relation to qualification assessments at any time constitutes malpractice.

There is a requirement to maintain the integrity of IMI products and identify when AI is being misused in completing and meeting IMI assessment requirements. Learners must be able to demonstrate an understanding of the topic and disclose the submitted assessment is their own work. Where it is clearly identifiable that it is not the learners own work and the learner has not disclosed that AI has been used as a resource, or plagiarism has been identified, it will be classed as potential learner malpractice. Learners must confirm the assignment is their own work, with any sections where AI has been used must detail and acknowledge the AI source.

Centre staff and learners must be made aware of the use of AI and what signifies malpractice. Centres are required to have policies and procedures for identifying, reporting and investigating learner malpractice. This must include clear guidance for learners, ensuring that all learners fully understand the consequences of AI malpractice.

Invigilation of assessments plays a critical role in securing the authenticity of learners' work and the prevention and detection of malpractice. As such, it helps ensure qualifications are valid and valued by all users of qualifications.

The use of AI within invigilation is a further development of existing remote invigilation technology, which brings with it new considerations and challenges, particularly if extensive reliance is placed on AI.

An assessment where learners are supervised solely by an AI solution, with no human involvement, is unlikely to be compliant and therefore not a model IMI use. The importance of effective invigilation to ensure the authenticity of students' assessment evidence and prevent and detect malpractice or maladministration is currently best secured by human involvement. Similarly, we do not use, or allow the use of AI as a sole marker for learner's work.

REPORTING MALPRACTICE OR MALADMINISTRATION

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time **must notify the IMI immediately**. In doing so, details should be provided in writing, with the appropriate supporting evidence, to qualityandcompliance@theimi.org.uk or through IMI Centres Hub.

All allegations must include (where possible):

- the nature of the suspected or actual malpractice/maladministration and associated dates
- details of the IMI product affected
- centre's name, address and number
- learner's name, date of birth and IMI learner registration number
- details of centre personnel (e.g. name, job role) if they are involved in the case
- details of IMI personnel (e.g. name, job role) if they are involved in the case
- details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances.

In addition, we will ask the person making the allegation to declare any personal or conflict of interest they may have in the matter at the outset.

Should IMI undertake an investigation at your centre, the Centre Coordinator must co-operate and respond to all requests relating to the allegation and/or investigation, ensuring that their staff co-operate fully with any investigation and/or request for information.

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

RESPONSIBILITY FOR THE INVESTIGATION

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by the appropriate manager, who will acknowledge receipt, as appropriate. We will take all reasonable steps to prevent any adverse effect from occurring as defined by the regulators.

The appropriate manager will be responsible for ensuring that the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. A relevant member of staff will be assigned to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by the IMI.

The IMI personnel assigned to the investigation will have the appropriate level of training and competence with no previous involvement or personal interest in the matter.

NOTIFYING RELEVANT PARTIES

In cases of suspected or actual malpractice or maladministration at a centre, the Centre Coordinator involved in the allegation will be notified.

Where malpractice or maladministration has taken place or is alleged and the Centre Co-ordinator is involved, we may notify the most appropriate member of the centre's quality team.

We may engage with and communicate directly with members of centre staff who have been accused of potential malpractice and/or maladministration if appropriate (e.g. where the staff member is no longer employed by the centre). We may also communicate directly with a learner or their representative (e.g. if there is a contradiction in the evidence provided during an investigation or where the centre is suspected of being involved in malpractice).

The IMI will promptly notify the appropriate regulator(s) at any stage during an investigation where there is cause to believe an adverse effect has occurred, or is likely to occur, and will keep them informed of progress throughout.

Where the allegation may affect another awarding organisation and their provision, we will also inform them and/or seek to undertake a joint investigation with them if appropriate. If fraud is suspected and/or identified, we may also notify the police.

INVESTIGATION TIMELINES AND SUMMARY PROCESS

Where possible, we aim to initiate the investigation within 10 working days of receipt of the allegation.

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 and based around the following broad objectives:

- To establish the facts relating to allegations in order to determine whether any malpractice and/or maladministration has taken place
- To identify the cause of any malpractice and/or maladministration and those involved
- To establish the scale of any malpractice and/or maladministration
- To evaluate any action already taken by the centre
- To determine whether remedial action is required to reduce the risk to registered learners and to preserve the integrity of IMI products
- To ascertain whether any action is required in respect of certificates already issued
- To obtain clear evidence to support any sanctions to be applied to the centre, and/or any actions relating to members of staff
- To identify any adverse patterns or trends.

We will strive to ensure that the investigation is carried out as confidentially as possible and the organisation/person who is the subject of the allegation will have the opportunity to raise any issues about the proposed approach and the conduct of the investigation.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will expect all parties, who are either directly or indirectly involved in the investigation, to co-operate fully with us. In any interviews carried out with the person(s) accused of malpractice and/or maladministration, they can choose to be accompanied by a second party.

We will ensure that all material collected as part of an investigation is kept secure. All records and

original documentation concerning a completed investigation that ultimately leads to sanctions against a centre will be retained for a period of no less than five years.

If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to impose sanctions on the centre in accordance with our Sanctions Policy in order to protect the interests of learners and the integrity of the IMI.

We also reserve the right to withhold any certificates claimed or delay learners' results but we will ensure that results are issued as the earliest appropriate time.

Where a member of IMI staff is under investigation, we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation the appropriate manager 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 and for liaising with and keeping informed relevant external parties.

INVESTIGATION REPORT

If we believe there is sufficient evidence to implicate malpractice and/or maladministration we will:

- Provide them with details of the evidence we found to support our judgment
- Identify where the malpractice/maladministration occurred
- Identify who was responsible for the malpractice/maladministration
- Confirm an appropriate level of remedial action, including any sanctions, to be applied
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies
- Confirm the facts of the case and any mitigating factors if relevant with sufficient auditable records
- Provide them with an opportunity to consider and respond to the allegation and our findings
- Inform them of our Appeals Policy should they wish to appeal against our decision.

We will make the final report available to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified us of the suspected or actual case of malpractice and/or maladministration, we may also inform them of the outcome - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our staff the Head of Department will agree the report with the relevant internal managers and appropriate internal disciplinary procedures will be implemented. Where appropriate, the relevant authorities (e.g. the Regulators) will be notified.

INVESTIGATION OUTCOMES

If the investigation confirms that malpractice or maladministration has taken place, we will consider what action to take to:

- Minimise the risk to the integrity of certification now and in the future
- Maintain public confidence in the delivery and award of IMI products
- Discourage others from carrying out similar instances of malpractice or maladministration
- Ensure there has been no gain from compromising our standards.

Following an investigation, there are a number of actions that we may take to address the cause of, or the issues surrounding, the malpractice and/or maladministration to prevent a recurrence. Although this list is indicative only and is not meant to form an exhaustive list, it shows the type of actions you could expect. We could:

- Impose sanctions on the centre – if so, these will be communicated in accordance with our Sanctions Policy along with the rationale for the sanction(s) selected
- Undertake additional/increased visits to the centre to provide them with a greater level of support and/or monitoring depending on their needs and performance
- Require specific centre staff to undergo additional training and/or scrutiny by the centre if there are concerns about their ability to undertake their role in the effective delivery of IMI products
- Require specific centre staff to be removed from the delivery or assessment and/or internal quality assurance of IMI products
- Alter the way, and the period in which, centres receive assessment materials from the IMI if there are concerns around their ability to maintain the security and confidentiality of such materials
- Insist independent personnel (e.g. invigilators, assessors, internal quality assurers) are used for the future delivery of IMI products
- Take action against learners in relation to proven instances of cheating, plagiarism, fraud etc. Such action could include some or all of the following (which may be communicated to the learner by the IMI and/or the learner's centre):
 - issuing a written warning that if the offence is repeated further action may be taken
 - loss of all marks/credits for the related work/unit
 - disqualification
- Inform relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre
- Carry out additional, related investigations if we suspect the issue may be more widespread at the centre and/or at other centres.

In cases where certificates are deemed to be invalid, we will inform the centre concerned and the regulatory authorities as to why they are invalid. We will specify the action to be taken for reassessment and/or for the withdrawal of the certificates. We will also ensure the centre notifies the affected learners detailing the status of their certificates and action(s) being taken. This will need to include arrangements for reassessment, if relevant, and their right of appeal. We will ask the centre to return the invalid certificates to the IMI. We will also amend our database so that duplicates of the invalid certificates cannot be issued, and we expect the centre to amend their records to show that the original certificates issued were invalid.

We will also review and, where necessary, amend aspects of our development, delivery and awarding arrangements including assessment and/or monitoring arrangements and associated guidance to prevent the issue from recurring.

In proven cases of malpractice and/or maladministration by a centre, the IMI reserves the right to charge the centre for any centre visits, related additional quality assurance or administration activities and/or increased centre monitoring. The centre will also be charged for the reissuing of certificates. The fees charged will be the current IMI prices for such activities at the time of the investigation.

In addition to the above, the relevant manager will record any lessons learned from the investigation to form part of the IMI's continuous improvement cycle. This includes reviewing past incidents to inform the identification of future risks alongside reviewing trend where we will seek to improve internal controls and our approach to malpractice or maladministration. In turn, these will be cascaded down to the appropriate IMI staff (such as EQA standardisation) to help prevent similar instances of malpractice and/or maladministration.

If any relevant party wishes to appeal against our decision to impose sanctions etc., please refer to our Appeals Policy.

REGULATORY REFERENCES

Regulator	Regulatory rule or guidance	Regulatory condition, criteria or principle
Ofqual	General Conditions of Recognition	A6, A7, A8, B3, C1, C3, H5, H6, I4
Qualifications Wales	Standard Conditions of Recognition	A6, A7, A8, B3, C1, C3, H5, H6, I4
CCEA Regulation	General Conditions of Recognition	A6, A7, A8, B3, C1, C3, H5, H6, I4
SQA Accreditation	Regulatory Principles	18
Department for Education	APAR conditions of acceptance	16