



# MALPRACTICE / MALADMINISTRATION POLICY

Issue Number	Effective Date	Amendments	Reason for Amendments
5	30 October 2017	1. Rebranding of the header and footer.	1. Companywide rebranding on all IMI material.

## INTRODUCTION

This policy is aimed at IMI centres and candidates who are delivering/registered on IMI approved qualifications (including units), accreditations, apprenticeship standards or Quality Assured Programmes who are involved in suspected or actual malpractice and/or maladministration.

It sets out the steps that your centre, candidates 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 when reviewing each case.

## CENTRE'S RESPONSIBILITY

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

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 your centre. See Section 1.11 Sanctions Policy for details of the sanctions that may be imposed.

Your centres 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 periodically through our ongoing centre monitoring arrangements.

## DEFINITION OF MALPRACTICE

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. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process
- the integrity of a qualification, accreditation, apprenticeship standard or Quality Assured Programme
- the validity of a result or certificate
- the reputation and credibility of the IMI.

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 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:

- Denial of access to premises, records, information, candidates and staff to any authorised IMI representative and/or the regulatory authorities
- Failure to carry out assessments or internal quality assurance in accordance with IMI or regulatory requirements
- Deliberate failure to adhere to our candidate registration and certification procedures
- Deliberate failure to continually adhere to our centre approval or actions assigned to your centre
- Deliberate failure to continually adhere to our approval requirements
- Deliberate failure to maintain appropriate auditable records (e.g. certification claims) and/or forgery of evidence
- Fraudulent claims for certificates
- The unauthorised use of inappropriate personnel, materials and/or equipment for assessments
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of IMI qualifications, accreditations, apprenticeship standards or Quality Assured Programmes
- 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
- Issuing certificates relating to IMI qualifications, accreditations, apprenticeship standards or Quality Assured Programmes (i.e. centre produced certificates)
- Collusion or permitting collusion in assessments (including online assessments)
- Candidates still working towards a qualification after certification claims have been made
- Persistent instances of maladministration within the centre
- Deliberate contravention by a centre and/or its candidates of the assessment arrangements
- Theft of any assessment materials Plagiarism by candidates/staff
- Copying from another candidate (including using ICT to do so)
- Assuming the identity of another candidate or having someone assume your identity during an assessment
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to candidates by centre staff (e.g. unfairly helping them to pass a qualification (including units), accreditation, apprenticeship standard Quality Assured Programme)
- Deliberate submission of false information to gain a qualification (including units), accreditation, apprenticeship standard or Quality Assured Programme
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- False identification used at the registration stage
- Creation of false records
- Impersonation of a candidate for assessment
- Inappropriate use of technology during assessments (e.g. mobile phone or smart watch)
- Cash for certificates (e.g. the selling of certificates for cash)
- Selling certificates, questions and/or assessment details
- Threatening or abusive behaviour that is intended to put undue influence on the outcomes of an assessment or award.

## DEFINITION OF MALADMINISTRATION

Maladministration is any activity or practice, which results in non-compliance with administrative regulations and requirements and includes poor administration within a centre.

## 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:

- Failure to adhere to our candidate 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 qualification, accreditation, apprenticeship standard or Quality Assured Programme requirements
- Late candidate 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

## 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](mailto:qualityandcompliance@theimi.org.uk).

All allegations must include (where possible):

- the nature of the suspected or actual malpractice/maladministration and associated dates
- details of the IMI qualification, accreditation, apprenticeship standard or Quality Assured Programme affected
- centre's name, address and number
- candidate's name, date of birth and IMI candidate 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 Co-ordinator 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 IMI Compliance Manager or External Quality Manager, who will acknowledge receipt, as appropriate, within five working days. We will take all reasonable steps to prevent any adverse effect from occurring as defined by the regulators.

The Compliance Manager or External Quality 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 Co-ordinator 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 candidate 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 inform the appropriate regulator(s) at any stage during an investigation as soon as it is suspected that there is cause to believe an adverse effect could occur and will keep them informed of progress.

Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulator(s) 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 candidates and to preserve the integrity of the qualification, accreditation, Quality Assured Programme or apprenticeship standard
- 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 candidates and the integrity of the IMI.

We also reserve the right to withhold any certificates claimed or candidates' results at the time of the notification/investigation.

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 Compliance Manager/External Quality 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's an internal investigation against a member of our staff the Head of External Quality & Assessment Services 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 awarding of IMI qualifications, accreditations, apprenticeship standards or Quality Assured Programmes
- 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 qualifications, accreditations, apprenticeship standards or Quality Assured Programmes
- Require specific centre staff to be removed from the delivery or assessment and/or internal quality assurance of IMI qualifications, accreditations, apprenticeship standards or Quality Assured Programmes
- 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 qualifications, accreditations, apprenticeship standards or Quality Assured Programmes
- Take action against candidates 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 candidate by the IMI and/or the candidate'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 from the qualification (including units), accreditation, apprenticeship standard or Quality Assured Programme
- 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 ask the centre to let the affected candidates know the action being taken and that their original certificates are invalid. 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 qualification 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 activities and/or increased centre monitoring. The centre will also be charged 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 quality management review process. In turn, these will be cascaded down to the appropriate IMI staff (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 section 1.8 Appeals Policy.