

## Centre Malpractice and Maladministration Policy and Procedures

The purpose of the Centre Malpractice and Maladministration Policy is to provide schools, colleges and other third parties (collectively known as centres) with details of the centre malpractice and maladministration processes for all The London Institute of Banking & Finance (including school-taught Financial Education qualifications). The policy sets out definitions for and examples of centre malpractice and maladministration; the procedures for reporting cases of suspected malpractice and / or maladministration; possible sanctions that may be imposed by The London Institute of Banking & Finance in cases of malpractice and / or maladministration and the monitoring and evaluation procedures.

In order to assess students fairly, we ensure that:<sup>1</sup>

- Centres<sup>2</sup> understand the impact of centre malpractice and maladministration and take responsibility for preventing it from occurring and reporting it when it has or is suspected to have occurred.
- All suspected cases of malpractice and maladministration are investigated and appropriate actions taken, including applying sanctions where appropriate.

### Summary of policy

For the purpose of this document 'centre malpractice' (as opposed to student malpractice, which is covered by the [Student Malpractice Policy and Procedures](#)) is defined as:

Any deliberate act or failure to act, on the part of an individual or individuals working for or on behalf of a centre, that compromises the integrity of the regulated qualification academic process, the validity of our qualifications and their certification or the reputation or credibility of the awarding organisation or the qualification.

'Maladministration' is defined as:

Any act, or failure to act, whether deliberate or not, which results in the centre not complying with the specified requirements for delivery of the units and qualifications. This includes lack of

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<sup>1</sup> Ofqual, *General Conditions of Recognition*, A8.

<sup>2</sup> Centres are organisations who are involved with any part of the delivery of qualifications on behalf of The London Institute of Banking & Finance. Centres may be schools, colleges or any other venue where the delivery of learning, including teaching and / or assessments, leading to a The London Institute of Banking & Finance qualification is conducted.

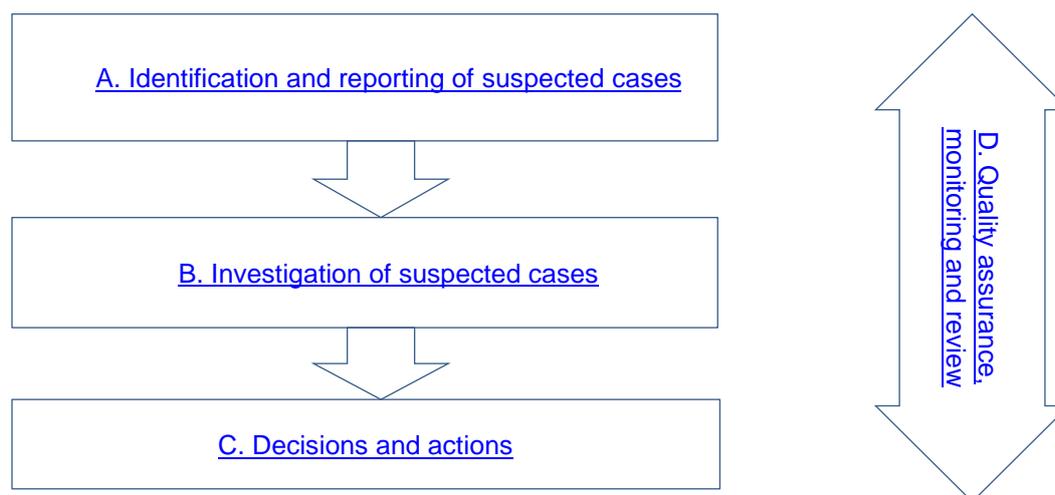
care, judgement or honesty when administering or managing processes related to the delivery of units and qualifications.

In practice, some acts may be considered as potentially either malpractice or maladministration, particularly where it is unknown whether the act has been deliberate. The main areas of potential centre malpractice and maladministration relate to:

- Security of assessment materials;
- Originality of student work;
- Inadequate supervision during assessment;
- Access to unauthorised materials, equipment or support during assessment; and
- Failure to act on or convey appropriately to students any key information published relating to the qualification.

A more detailed list is provided as Appendix 1.

The key stages within the Centre Malpractice and Maladministration Policy are set out in the diagram below:



## Section A – Identification and reporting of suspected cases

### 1. Reporting a potential case

- 1.1 Suspected or known cases of maladministration or centre malpractice may be identified by invigilators, teachers, tutors, students and other centre staff, and may also be reported by an independent party or an individual who wishes to remain anonymous. It may also be identified by our staff through our business-as-usual activities.
- 1.2 Suspected malpractice or maladministration must be reported as soon as possible to us (see contact details below in 2.1). The incident should also be reported internally according to the centre’s internal policies and

procedures. We respond to all suspected malpractice and maladministration incidents quickly and centres are kept informed of progress.

1.3 In cases of suspected malpractice by assessment centre invigilators, teachers, tutors and other officers, and any reporting of malpractice by an independent party or individual who wishes to remain anonymous, we will take all reasonable steps to authenticate the reported information and to investigate the alleged malpractice. The report made to us should include as much information as possible, including the following where obtainable:

- the assessment venue name and location;
- the date and title of the assessment, if known;
- the time the assessment took place, if known;
- the student's name and LIBF number, if applicable;
- the name(s) of the assessment centre invigilators, teachers / tutors and any other officers concerned;
- a description of the suspected malpractice; and
- any available supporting evidence.

1.4 We acknowledge that if a member of staff at a centre informs us of suspected maladministration at their centre they may wish to remain anonymous, otherwise known as whistleblowing. As such we will work to ensure anonymity of the individual reporting the issue to us if requested to do so. Where an individual reports a concern but wishes to remain anonymous we will try to gather as much information as possible from them before instigating an investigation in order to ascertain whether their concern has any foundation. Once we have determined there are grounds for further investigation, we will contact the centre as part of the usual investigation process. Whilst we may need to provide the centre with certain details in order to gather enough information, all effort will be made to keep the identity of the whistle-blower concealed to avoid any prejudice against them. If we do not receive adequate information from a whistle-blower to justify an investigation or it does not relate to the delivery of our qualifications we reserve the right not to take any further action.

## 2. Contact details

2.1 Any case of suspected malpractice should be reported in the first instance to the relevant team by telephone or email:

**Financial Education Services team for Financial Education Qualifications**

T: +44 (0)1227 828234

E: [fcexams@libf.ac.uk](mailto:fcexams@libf.ac.uk)

or

**Customer and Student Enquiries for Professional Qualifications**

T: +44 (0)1227 818609 (Option 1)

E: [customerservices@libf.ac.uk](mailto:customerservices@libf.ac.uk)

2.2 A written account should then be sent to the team identified in 2.1, at the following address:

**Administrative Centre:**

4–9 Burgate Lane  
Canterbury  
Kent CT1 2XJ  
United Kingdom

## Section B – Investigation of suspected cases

### 3. Investigation process

- 3.1 Regardless of how the initial concern was identified, we will acknowledge all cases of suspected centre malpractice and maladministration within five working days, excluding UK public holidays. Upon reviewing the information, we will determine whether it requires further action based on the seriousness, both potential and actual, and the credibility of the allegation. If we determine that the issue identified may constitute malpractice or maladministration, those involved in the case will then be contacted by us, within 10 working days of receipt of the report detailing the suspected malpractice. We may also contact other individuals who may be able to provide evidence relevant to the case. If a centre fails to comply with our requests for information when investigating a potential case of maladministration then this in itself may constitute maladministration.
- 3.2 Upon receipt of a notification of potential malpractice we will contact the centre and request they provide us with further information through an initial investigation. This information will include what happened, why it happened, who was involved, how many students were affected and what action is being taken. This information will usually be gathered through the completion of the relevant form supplied to the centre by us. However, where an initial notification by the centre of an incident shows an appropriate investigation has already occurred and it contains all the required information, we may decide the form does not need to be completed.
- 3.3 The purpose of this form is to enable us to understand what has occurred. This form should be completed by someone with appropriate authority at the centre. For minor incidents it is acceptable for this to be completed by the exam officer, but where we deem a potential case to be significant, we may require it to be completed by the Head of Centre.
- 3.4 Upon receipt of the completed form we will determine whether further information is required, in which case we will contact the centre to ask any specific outstanding queries, or we may decide that a more substantial investigation is needed. In minor cases the information already provided may well be sufficient for us to

consider the details and decide upon an outcome or any sanctions. However, where outstanding queries remain further investigation will be required.

- 3.5 Where further investigation is required the centre would usually be expected to conduct the investigation. In this case we would require the Head of Centre to undertake the investigation or another delegated individual with appropriate authority and competence. We will inform the centre if we are not satisfied with the delegated individual undertaking the investigation.
- 3.6 Regardless of who completes the form all investigations must be undertaken by someone without a potential conflict of interest. Therefore, when deciding who will investigate a case the centre must ensure the individual has no prior involvement in the issue in question and has no vested interest in the outcome.
- 3.7 At any stage we may determine that it is not possible for the centre to undertake an investigation without there being a conflict of interest and therefore we will take over the investigation ourselves. Likewise at any stage we may decide that the seriousness or urgency of the case deems it necessary for us to do the investigation. The centre will be informed if we decide to take over the investigation, including who will be conducting the investigation, when and how it will take place and who we want to meet with.
- 3.8 When conducting an investigation, the investigator should remain impartial and not assume that an allegation of malpractice is necessarily true. Investigators should consider that both staff and students can be responsible for malpractice.
- 3.9 Accused individual(s) should be informed of the allegation against them, the evidence to support the allegation and be provided with this policy so they are aware of the potential consequences and their right to provide a statement in defence. However, when providing the accused with information about the allegation against them certain information may need to be excluded if there is a possibility of prejudicing the case or another named individual.
- 3.10 During an investigation all evidence relating to the issue should be gathered, this may involve gathering statements from, or conducting interviews with, those involved. As a minimum any accused individual should have the opportunity to provide a written statement in response to any accusation. If the centre is conducting an interview, it should be conducted in accordance with the centre's own policy for conducting enquiries.
- 3.11 Interviews may also need to take place with, or written statements gathered from, individuals who are involved but not directly accused to gather the facts. Likewise involved individuals may choose to make a submission either in support of or against the accused. These should be encouraged within investigations. However, it may not be appropriate to divulge any information that is not necessary for the investigation to individuals not directly accused.
- 3.12 Interviews may be conducted in person or virtually. In either case a record of the interview should be kept, and the interviewee should be provided a copy of the record to confirm its accuracy.

- 3.13 During interviews it is not necessary for legal representation to be present, however if any party wishes to be accompanied during the interview, particularly when interviewing a minor or a vulnerable adult, they may do so but should advise the investigator beforehand. Where another party is present, they must not actively take part in the interview or answer any questions on the interviewee's behalf.
- 3.14 Throughout the investigation the evidence gathered should be kept secure. Upon receipt we will keep a record of the investigation in line with our Data Protection policy.
- 3.15 During an investigation all the facts should be established, and no prejudgements should occur. All involved parties should have the opportunity to provide a submission and defend themselves. Only receiving one side of the events may not allow for an accurate outcome from the investigation. In order to verify the evidence all evidence and records of events received will be considered to achieve an appropriate outcome.
- 3.16 If at any point in an investigation the centre requires advice or guidance relating to potential malpractice or maladministration they should contact us on the details provided under section 2 above.
- 3.17 If a case arises that also involves another Awarding Body an agreement will be reached as to the most appropriate method for conducting the investigation. Depending on the circumstances of the case it may be appropriate for one of the Awarding Bodies to lead on the investigation and share its findings with the other, or it may be that both investigations can take place simultaneously. Any information shared between Awarding Bodies would need to comply with General Data Protection Regulation and the UK Data Protection Act (2018). In either case the centre will be kept informed on how an investigation involving more than one Awarding Body will be managed.
- 3.18 We will promptly take all reasonable steps to prevent any Adverse Effect that may arise as a result of the incident, or to mitigate any Adverse Effect, as far as possible, ensuring that any action will be taken which is necessary to maintain the integrity of the qualification. The regulators (Ofqual, Qualifications Wales and CCEA) explain that 'An act, omission, event, incident, or circumstance will have an Adverse Effect if it:
- (A) gives rise to prejudice to Learners or potential Learners, or
- (B) adversely affects:
- i. the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with the Conditions of Recognition
  - ii. the standards of qualifications which the awarding organisation makes available or proposes to make available, or
  - iii. public confidence in qualifications'.<sup>3</sup>

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<sup>3</sup> Ofqual, General Conditions of Recognition

## Section C – Decisions and actions

### 4. Possible decisions

- 4.1 Once all the information on the incident has been gathered and any subsequent further investigation is complete the case will be presented to the Centre Monitoring Group. Centres will be informed of the date of the meeting where the case will be discussed.
- 4.2 The Centre Monitoring Group will consider the information and may impose one of the following outcomes:
- no evidence of centre malpractice or maladministration;
  - evidence of centre malpractice or maladministration that is minor, has no real consequences, is isolated or has already been resolved to prevent further re-occurrence. Further guidance may be provided to the centre but no sanctions are required; and
  - evidence of centre malpractice or maladministration and actions and / or sanctions is required.
- 4.2 It is possible that upon reviewing the information received, either in the initially completed form or from the subsequent more detailed investigation, the Centre Monitoring Group still have outstanding queries relating to the case. If so and the Group are unable to reach a decision due to further information being required, it may request that additional information is gathered. In this situation the centre will be informed, the additional information will be requested, and updated time scales will be confirmed for when the case will be reconsidered.
- 4.3 Depending on the circumstances of the case, a student's results may need to be withheld whilst an investigation is ongoing. However, when results are in question consideration will be given to this throughout the investigation and when determining a date that the Group will meet to ensure students are not disadvantaged through delayed results.
- 4.4 Centres will be informed of the decision reached within 10 working days of the date of the meeting.

### 5. Possible malpractice and maladministration actions and sanctions

- 5.1 This list is not exhaustive and other actions may be taken or sanctions applied on a case-by-case basis. We are required by the regulator to ensure that sanctions are issued where appropriate in order to mitigate the problem / issue of non-compliance from re-occurring. Such actions / sanctions might be:
- Providing the centre with further guidance on how to avoid maladministration by following the delivery requirements.
  - Requiring that the centre brings itself back into compliance with our policies or compliance with regulators' General Conditions of Recognition.
  - Issuing a written warning about future conduct.

- Notifying the centre of special conditions imposed for the future involvement of an individual employed as a teacher, invigilator, internal assessors or other officers in the conduct, supervision or administration of our assessments.
- Notifying the centre that the individual(s) is / are suspended from any involvement with our assessments for a period of time and / or until retrained in the correct procedures and requirements, and / or supervised by a trained person, to our satisfaction.
- Notifying the centre that the individual(s) is / are not permitted to have any future involvement with our assessment at all.
- Revoking results. Whilst a case of maladministration by a centre may not be the fault of individual students, if the maladministration has resulted in the assessment submitted not being an accurate reflection of the efforts of the individual candidates it may not be possible to allow those marks to stand.
- Refusing to permit further assessments to take place at the centre venue.
- Refusing to accept examination entries from a centre where malpractice or maladministration has been established.
- Suspending and / or terminating centre recognition, approval, contract or other arrangements, either subject to specified conditions or unconditionally.
- Notifying the Teacher Regulation Agency (TRA).
- Notifying other awarding organisations that special conditions and sanctions have been imposed on a centre.

5.2 In cases where malpractice and / or maladministration has been proven and has an impact on certification or 'licence to practise' in a regulated area, we may inform the relevant regulator(s), other awarding organisations and other relevant authorities as appropriate. This may include informing the police if the law has been broken.

5.3 The centre has a right to appeal against a malpractice or maladministration outcome reached by us if it believes that the policy or procedure have not been followed properly or have been implemented to its detriment. However, sanctions may be applied immediately following an investigation into malpractice and / or maladministration but before an appeal by the centre is made. Appeals should be made in accordance with the [Appeals Policy and Procedures](#).

## **Section D – Monitoring and evaluating the Centre Malpractice and Maladministration Policy**

6.1 Records of all issues or potential issues raised relating to centre malpractice and maladministration are maintained by for a period of at least five years.

- 6.2 The policy is subject to regular monitoring and review in order to maintain the highest possible standards of consistency and quality.
- 6.3 The policy is formally approved by the Centre Monitoring Group.
- 6.4 The policy has been developed to comply with all relevant legislation, the Ofqual, Qualifications Wales and CCEA General Conditions of Recognition and other relevant regulatory guidance.
- 6.5 We are subject to regulation by the qualifications regulatory authorities, Ofqual, Qualifications Wales and CCEA.

Update February 2022

## **Appendix 1 – Possible activities that could be considered to be centre malpractice and maladministration**

### **Centre Malpractice**

Examples of malpractice in centres by assessment invigilators, teachers, tutors and other officers are listed below.

These examples are not exhaustive and all incidents of suspected malpractice, whether or not described below, will be fully investigated by us, where there are sufficient grounds to do so:

- Knowingly allowing an individual to impersonate a student;
- Allowing a student to possess any items or materials that are not permitted in the assessment room;
- Allowing students to communicate by any means during an assessment or examination in breach of regulations;
- Allowing a student to copy another student's work;
- Letting work be copied or allowing students to work collaboratively during an assessment, unless specified in the assignment brief;
- Permitting, facilitating or obtaining unauthorised access to examination material prior to an examination;
- Completing an assessed assignment for a student or providing them with assistance beyond that reasonably expected;
- Allowing a student to work beyond the allotted assessment time without informing us in advance;
- Tampering with student scripts, controlled assessments or coursework after collection and before despatch to the awarding organisation / examiner / moderator;
- Deliberately damaging a student's work;
- Leaving students unsupervised during an assessment;
- Allowing disruptive behaviour or unacceptable conduct at the assessment, for example, aggressive or offensive language or behaviour;
- Divulging any information relating to a student's personal data, assessment performance, or results to anyone other than the student. This includes discussing or otherwise revealing secure information in public, eg Internet and other social media forums;
- Producing, using or allowing the use of forged or falsified documentation, including but not limited to:
  - personal identification;
  - supporting evidence provided for reasonable adjustment or special consideration applications; and
  - results documentation including a certificate;
- Falsely obtaining by any means a certificate either for a unit or qualification;
- Misusing conditions set for special learner requirements;
- Moving the time or date of a fixed examination beyond any pre-arranged conditions without informing us in advance.

## Maladministration

Examples of maladministration in centres by assessment invigilators, teachers, tutors and other officers are listed below. As before, these examples are not exhaustive and all incidents of suspected maladministration, whether or not described below, will be fully investigated by us, where there are sufficient grounds to do so:

- Failure to keep assessment materials, examination question papers and assessment scripts secure, before during or after an assessment;
- Failure to adhere our relevant regulations and procedures, including centre approval, security undertaking and monitoring requirements;
- Failure to keep abreast of dates, deadlines and qualification rules issued to centres on an annual basis in the staff qualification handbooks;
- Failure to make sure of the security of e-assessment examinations in line with our regulations and procedures;
- Failure to implement procedures to verify students' identity;
- Failure to adequately supervise students who have been affected by a timetable variation;
- Failure to use current learning materials for assessments;
- Failure to train invigilators adequately;
- Failure to issue to students the appropriate notices and warnings;
- Failure to post notices relating to the examination or assessment outside all rooms where examinations and assessments are held;
- Failure to ensure that the examination venue conforms to our requirements;
- Allowing the introduction of unauthorised material into the examination room, either during or prior to the examination;
- Failure to remind students that any mobile phones or other unauthorised items found in their possession must be handed to the invigilator prior to the examination starting;
- Failure to invigilate assessments in accordance with our requirements;
- Allowing tutors to invigilate their own students or failing to communicate that this is not permitted;
- Failure to keep accurate records in relation to late arrivals;
- Failure to keep students' controlled assessments or coursework in secure conditions after the authentication statements have been signed or the work has been marked;
- Failure to maintain the security of student scripts prior to despatch to us or examiners;
- Failure to despatch student scripts / controlled assessments / coursework to us, examiners or moderators in a timely way.