

The London Institute of Banking & Finance Code of Practice for Quality Assurance (Higher Education)

Chapter 9: Malpractice

9.1 General principles

- 9.1.1. This chapter applies to all stakeholders and to all taught programmes we offer, at both undergraduate and postgraduate level. They may be varied in the case of programmes which form part of a dual or joint award delivered collaboratively with a partner institution. For dual / joint awards, the involvement of the academic partner may be sought at any point during the investigation of an alleged case of malpractice.
- 9.1.2. The principles have been aligned to the Quality Assurance Agency (QAA) UK Quality Code for Higher Education with particular consideration of the Advice and Guidance section on Assessment.
- 9.1.3. All cases of malpractice will be dealt with fairly. Clear reasons for decisions taken will be given, and those making such decisions will be unbiased.
- 9.1.4. Malpractice is defined as:

'Any act or omission, intentional or otherwise, by a student or other individual or organisation involved in the delivery of a programme, to gain improper advantage in any way by infringement of rules or through deception or fraudulent means; or any attempt to assist another student to gain improper advantage or to cause direct or indirect disruption to the studies and / or assessment of other students following our programmes.'
- 9.1.5. We are responsible for ensuring that students, other individuals or organisations involved in the delivery of a programme have access to our rules and regulations regarding malpractice, and that they are provided with appropriate guidance to enable them to avoid committing malpractice.
- 9.1.6. It is the student's responsibility to ensure that they understand the rules regarding malpractice and seek advice and guidance as needed to ensure that they avoid committing malpractice.
- 9.1.7. Acts of malpractice are not acceptable in any circumstances. Where such acts are shown to have occurred, an appropriate penalty will always be enforced.
- 9.1.8. We will investigate all cases of failure to abide by our regulations that might constitute malpractice in the same manner. The only exception will be where a case is reported anonymously; in such cases, an investigation will only proceed if the information provided suggests that there is actually a case to answer.
- 9.1.9. In line with the Code of Practice Chapter 7, Assessment, it is compulsory for any stakeholder aware of a suspected case of malpractice to bring it to our attention.

9.2 Acts that constitute malpractice

9.2.1. By students:

Malpractice can take a number of forms including, but not limited to, the following examples:

- i. Obtaining assessment material without authorisation;
- ii. Copying from the work of another student or knowingly allowing a student to copy from their own work;
- iii. Colluding with another student or individual, by any means, to complete an assessment unless collaboration is specifically authorised within the assessment instructions;
- iv. Communication in any form, when undertaking assessment in an examination environment, for example verbally or electronically with another person, including other students. This also includes accessing other sources of information;
- v. Possession of any material in the assessment room, regardless of whether or not they are relevant to the assessment or whether or not the student refers to them during the assessment process, for example books, dictionaries, notes, electronic devices including mobile telephones, calculators (when forbidden). This also includes accessing other sources of information virtually when undertaking an exam remotely unless permitted by the assessment rubric;
- vi. The unauthorised removal of assessment materials from the assessment room;
- vii. Impersonation of another student by undertaking, or attempting to undertake an assessment on their behalf;
- viii. A student arranging for someone else to complete, or attempt to complete an assessment on their behalf;
- ix. Including offensive / inappropriate material in an assessment submission;
- x. Committing plagiarism by using the work of another person, either intentionally or unintentionally without acknowledging that person;
- xi. Committing plagiarism by rewriting the work of another person in the student's own words without acknowledging that person;
- xii. Allowing another person access to the student's work which is then used without acknowledgement;
- xiii. Using all or part of a previous assignment or work submitted without acknowledgement, otherwise known as self plagiarism;
- xiv. Purchase or acquisition of work from internet sites or other sources which is then submitted as a student's own;
- xv. Misrepresentation: that is, presenting work as being that of another person*, to lend credibility to the student's own work;
- xvi. False evidence / results given within an assessment;
- xvii. Failure to adhere to our published regulations, including those for assessment;
- xviii. Failure to adhere to instructions given by an assessment invigilator in relation to the assessment regulations, for example continuing to work beyond the allotted assessment time, refusing to hand in the assessment script and / or assessment paper when requested, not adhering to warnings relating to conduct during the assessment;

- xix. False claims for reasonable adjustments or special consideration of extenuating circumstances;
- xx. Disruptive behaviour (including offensive language and aggressive / violent conduct);
- xxi. Damaging another student's work;
- xxii. Tampering with, or forgery of, results documentation, including Records of Achievement or Certificates;
- xxiii. Falsely obtaining, by any means, a Record of Achievement or Certificate for a component, module or qualification;
- xxiv. Contacting, or attempting to contact an external examiner appointed by us or one of our strategic partners.

*'Another person' is defined as anyone and everyone else apart from the student, even where the individual(s) is / are anonymous or unknown and 'work' may include written work (formal or informal), thoughts (for example notes, correspondence), conversations (for example radio programmes, phone discussions), electronic communications (for example emails, web pages, faxes) or graphics (for example diagrams, tables, exhibits, models).

9.2.2. By persons other than students:

Malpractice can also be committed by others, to advantage or disadvantage students. Examples of malpractice by others, including assessment invigilators or lecturers, are listed below. Incidents of suspected malpractice are not limited to the examples below and all cases will be fully investigated by us where there are sufficient grounds to do so.

- i. Failure to keep assessment materials, examination question papers and assessment scripts secure before, during or after an assessment;
- ii. Failure to adhere to our regulations and procedures, including third party and centre approval, security undertaking and monitoring requirements as set out by us;
- iii. Failure to implement procedures to verify a student's identity;
- iv. Knowingly allowing an individual to impersonate a student;
- v. Allowing a student to possess and / or use material or electronic devices that are not permitted in the assessment room;
- vi. Allowing a student to communicate by any means during an assessment or examination in breach of regulations;
- vii. Allowing a student to copy another student's work, or allowing a student to let their own work be copied;
- viii. Allowing students to work collaboratively during an assessment, unless specified in the assessment instruction;
- ix. Completing an assessed assignment for a student or providing them with assistance beyond that 'normally' expected;
- x. Allowing a student to work beyond the allotted assessment time;
- xi. Damaging a student's work;
- xii. Leaving students unsupervised during an assessment that requires supervision;
- xiii. Allowing disruptive behaviour or unacceptable conduct at the assessment centre, for example, offensive language or aggressive / violent conduct;

- xiv. Revealing any information relating to student assessment performance and / or results to anyone other than the student;
 - xv. Producing, using or allowing the use of forged or falsified documentation, including but not limited to:
 - a. personal identification;
 - b. supporting evidence provided for reasonable adjustment or special consideration applications; and
 - c. Results documentation including our certificates.
 - xvi. Failing to report a suspected case of student malpractice to us.
- 9.2.3. If the student elects to continue with their studies while a malpractice case is being considered they do so at their own risk in that marks for assessment sat / submitted may not be valid as a result of the decision on the case and any fees paid will not be reimbursed.

9.3 Procedure for reporting and dealing with suspected malpractice

- 9.3.1. Evidence of suspected malpractice may arise from a variety of sources, eg invigilator, examiner, lecturer, Work-based Learning tutor, project supervisor, employer, another student, from text matching software or from an external source (for example another university).
- 9.3.2. The identifier of suspected malpractice must report their concerns in writing to us within five working days of discovery. The report will be acknowledged within five working days of receipt.
- 9.3.3. In all cases where a student is suspected of malpractice during a supervised assessment, the student will first be warned by the assessment invigilator that their actions are in breach of our regulations and therefore might constitute malpractice and then:
 - i. The invigilator will make a full written record of the student's activities. This record will be considered during any further investigation by us.
 - ii. The student will be informed by the invigilator that a full written report is being made and will be submitted to us. The student has the right to provide a signed statement explaining their behaviour which will be included in the assessment invigilator's report. The statement can be in written or oral form; if the latter the invigilator will write this down and ask the student to sign the statement to verify its accuracy. The student does not have to provide a statement. In such cases the invigilator will record the student's decision not to provide a statement in their report to us.
- 9.3.4. In cases where a student is discovered to be in possession of any unauthorised material during a supervised assessment, the assessment invigilator will:
 - i. Confiscate the materials;
 - ii. Document the time and point at which the discovery was made. Where possible, the student will be requested to sign the note to confirm its accuracy;
 - iii. Make a list of the confiscated materials, which the student will be asked to sign to confirm accuracy, provide a copy of the list to the student and inform them that the materials will be submitted to us with the invigilator's written report.

- 9.3.5. In cases where the invigilator suspects that students may have been communicating / collaborating with each other, the invigilator will make a note of each of the students concerned and the time and point at which the discovery was made. Where possible each student will be requested to sign the note to confirm its accuracy.
- 9.3.6. In all cases of suspected malpractice in the assessment room (9.3.3, 9.3.4 and 9.3.5 refer) students will be allowed to continue working for the remainder of the assessment without prejudice to the final outcome.
- 9.3.7. In cases of suspected malpractice where more than one individual is involved, eg where students are suspected of colluding, we will separately contact each individual concerned.
- 9.3.8. We will decide whether there is a case to answer that needs to be considered by the Malpractice Committee.
- 9.3.9. If we decide that the Malpractice Committee is to review the case, the student(s) or other persons concerned will be contacted outlining the issue, providing an indication of the timeframe for dealing with the individual case and asking for a written response by a given date.
- 9.3.10. Cases are considered by the Malpractice Committee, which takes into account all the evidence, including any response from the student(s) or other persons concerned, before making a judgement on the case.
- 9.3.11. Where plagiarism (paragraphs 9.2.1, i,iii,x,xi,xii,xiii and xiv) is suspected, the report generated by the text matching software through which all submissions are presented will be used to aid any investigation.
- 9.3.12. Investigations into possible plagiarism (paragraphs 9.2.1, i,iii,x,xi,xii,xiii and xiv) may include, but are not limited to:
- Report generated by the text matching software
 - Viva
 - Contacting externals
 - Discussions with academics
 - Liaising with other institutions and External Examiners
- 9.3.13. Students are not permitted to attend a Malpractice Committee in person unless specifically invited.
- 9.3.14. No Malpractice Committee hearing will normally involve legal representation by any party.
- 9.3.15. If the judgement of the Malpractice Committee is that malpractice has occurred, then a range of measures may be implemented;
- For students these include, but are not limited to, the following:
- i. Awarding the mark given by the examiner and a warning given to the student;
 - ii. Capping the assessment component in which malpractice has been deemed to have occurred at the minimum pass mark;
 - iii. Awarding a mark of zero in the assessment component in which malpractice has been deemed to have occurred;
 - iv. Awarding a mark of zero for all the assessment components for the assessment period concerned;

- v. Requiring the student to re-sit the assessment component;
- vi. Notifying other departments for additional sanctions which will be considered through the student disciplinary policy. This may involve excluding students if they have been found guilty of deliberately cheating, for example by using essay mills.

For persons other than students these include, but are not limited to, the following;

- i. A warning given to the person;
- ii. Requirement to undertake training;
- iii. Requirement to be supervised whilst carrying out their role for a fixed period;
- iv. Exclusion from their role for a fixed period;
- v. Permanent exclusion from their role.

9.3.16. The measure(s) implemented by the Malpractice Committee will be informed by any previous advice that it has given to the student on malpractice

9.3.17. The measure(s) implemented by the Malpractice Committee will be reported to the Module Assessment Board for consideration when approving the module completions.

9.3.18. The individual(s) will be notified of the decision of the Malpractice Committee within seven working days of the committee meeting.

9.4 Appeals

9.4.1. Appeals against malpractice decisions will be considered in line with our Code of Practice Chapter 10, Student Complaints and Appeals.

9.4.2. The individual(s) will be notified of any requirement we have to report cases of proven malpractice to the relevant authorities / regulators, subject to completion of the process and only after time for appeal has passed or the appeal process has been completed.

9.4.3 If a student remains unhappy with a malpractice decision following our internal appeals processes, they may be able to escalate their appeal to the Office of the Independent Adjudicator (OIA). For further information, please see appendix A.

9.5 Monitoring

9.5.1. The outcomes of malpractice cases are monitored and reviewed by the Academic Standards and Quality Committee to ensure that procedures are fair and effective.

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Appendix A: External referral

You may be eligible to escalate your complaint or appeal to an external body if you believe that our internal processes have not been followed properly. At LIBF we offer a wide range of programmes and qualifications, so the steps which you will need to follow will depend on the programme of study that you are undertaking. The below is a list of the different routes that are available, but please check with us if you are unsure what you need to do and we will confirm which route is appropriate for you.

Learners studying a Higher Education qualification

If you are unhappy with the outcome of a decision we have made, you may be able to ask the Office of the Independent Adjudicator (OIA) to review your case. The OIA runs an independent scheme to review the internal processes of its member providers, and we are a member of this scheme. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong here: <https://www.oiahe.org.uk/students>. You will have a maximum of 12 months to escalate your case to the OIA.

You normally need to have completed our internal procedures, confirmed in our [Code of Practice Chapter 10: Complaints and Appeals](#), before you escalate your case to the OIA. We will send you a letter called a "Completion of Procedures Letter" when you have reached the end of our processes and there are no further steps you can take internally. If your case is not upheld, we will issue you with a Completion of Procedures Letter automatically. If your case is upheld or partly upheld you can ask for a Completion of Procedures Letter if you want one. You can find more information about Completion of Procedures Letters and when you should expect to receive one [here](#).

Those applying to study Higher Education qualifications with us may follow our internal processes, however, they will not have access to escalate their case, externally, to the OIA as they are not registered students

Learners studying a Higher Education programme of learning

Those who are on a programme of learning with us but are **not** undertaking a Higher Education qualification may follow our internal processes, however, they will not have access to escalate their case, externally, to the OIA. This includes Executive or Continuing Professional Development programmes.

Apprentices

If you remain dissatisfied with the outcome of your complaint or appeal following our internal Complaints and Appeal process, you may request that you are supplied with a Completion of Procedures letter, which you can use to support escalation of your case to the OIA (please see above), or to the [ESFA Complaints Team](#). If you are unsure on who to escalate your case to, please speak to the Head of Apprenticeships. You will have a maximum of 12 months from the date of your completion of procedures letter to escalate your case to either the OIA or EFSA.

Professional Education and Financial Capability learners

If all our internal complaints and / or review procedures are exhausted, we will issue you with a close of procedure letter stating that our complaints / review process has been exhausted. The case may then be eligible for consideration by the regulators ([Ofqual](#), [Qualifications Wales](#) or [CCEA](#)) within the terms of their complaints policy (in some instances, the external body may choose to look at a case before our final decision, for example if the matter appears to be urgent or in the public interest). We will comply with the process established by the regulators and will give due regard to the outcome of any process in relation to a qualification which we deliver. Please check with the relevant external body regarding the time period you have to raise your case with them .

Learners studying a Professional Education programme of learning

Those who are on a programme of learning with us but are **not** undertaking a Professional Education qualification may follow our internal processes, however, they will not have access to escalate their case, externally, to Ofqual. This includes Executive or Continuing Professional Development programmes.