

# Malpractice and Maladministration: policy and procedure



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## Policy overview

This policy sets out YMCA Awards' approach to preventing and investigating malpractice and maladministration. This includes steps we take within our own operations as well as our requirements for approved centres and learners registered on YMCA Awards' qualifications.

In placing requirements on centres to have an effective malpractice and maladministration policy and procedure, YMCA Awards takes all reasonable steps to ensure that it does not impose unnecessary burden.

This policy is aligned to the requirements in the Conditions of Recognition set by the regulators of qualifications in England (Ofqual) and Northern Ireland (CCEA Regulation), and the Standard Conditions of Recognition set by the regulator of qualifications in Wales (Qualification Wales).

This policy should be read in conjunction with our:

- Terms and Conditions for Approved Providers/Centre Agreement
- Centre Sanctions Policy
- Conflict of Interest Policy
- Appeals Policy.

These documents can be found [on our website](#).

## Definitions and examples of malpractice and maladministration

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**Malpractice** is any deliberate activity or practice that is illegal and/or compromises:

- the integrity of the assessment process
- the integrity of regulation of qualifications
- the validity of certificates
- the reputation or credibility of YMCA Awards
- the qualification, or the wider education or respective industry sector

Whether an incident is determined to be malpractice or maladministration will depend on a number of features which may include the intent of the party responsible for the incident, the severity of the issue and/or severity of the outcomes.

**Maladministration** is any activity or practice that results in the centre failing to comply with the specified requirements for delivery of YMCA Awards qualifications and components, as laid out in the Terms and Conditions for Approved Providers/Centre Agreement and other supporting policies and guidance documentation.

## Examples of learner malpractice

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- Examples of learner malpractice include:
- Misconduct during an assessment (i.e. where the learner has contravened the rules of the assessment) such as;
  - a learner copying answers from another learner (both learners may be at fault if this copying is carried out with the knowledge of the learner whose work is being copied)
  - a learner using a mobile phone or other prohibited device during assessment (for example, to seek answers to questions in the test)
  - two or more learners jointly completing an assessment without being authorised to do so
  - a learner using generative AI (e.g. Chat GPT) to complete part or all of an assessment.
- A learner applying for a reasonable adjustment or special consideration for an external assessment without legitimate reason.
- An individual assuming the identity of a learner or allowing someone to impersonate them during an assessment
- A learner presenting a fraudulent certificate in order to evidence prior achievement or to claim an exemption.

## **Examples of centre malpractice/maladministration**

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Examples of centre malpractice/maladministration include:

- Failure to comply with requirements set out in our Terms and Conditions for Approved Providers/Centre Agreement and/or supporting policies and procedures. This may include:
  - failure to register learners with YMCA Awards within the first 10% of programme delivery
  - failure to apply YMCA Awards invigilation procedures for external assessment (see External Assessment Policy)
  - failure to store external assessment materials securely, ensuring they are not accessed by learners or unauthorised centre staff (see External Assessment Policy)
  - copying of (or other tampering with) external assessment materials
  - failure to report any suspected malpractice to YMCA Awards (as outlined in this policy)
  - failure to retain learner assessment records until external quality assurance has been completed (see Direct Claim Status Policy)
  - failure to document internal quality assurance planning and standardisation activity or complete internal assessment and quality assurance
  - failure to keep accurate records of achievement for each learner
- Application of a reasonable adjustment or special consideration without an appropriate rationale (see Fair Assessment Policy: Reasonable Adjustments, Special Consideration and Minimising Bias).
- Delivery and/or assessment of qualifications or components (units) that the centre has not been approved by us to deliver.
- Delivery and/or assessment of YMCA Awards qualifications by staff who are not qualified to carry out the role, as stipulated in the respective qualification specification (available on our website) and without seeking prior approval for the staff member involved in delivery or assessment.
- Claims for certification being submitted by the approved centre for learners that have not been registered with YMCA Awards and/or have not met the assessment relevant assessment requirements.
- Failure or unreasonable delays in responding to requests from YMCA Awards or our regulators, including to provide access to internal assessment records, premises, learners or centre staff.
- Issuing learners registered on YMCA Awards qualifications with a centre certificate without submitting a claim for a YMCA Awards certificate.
- a significant change in control of the centre (or a change of membership if a consortium group) which has not been disclosed to YMCA Awards.

## **YMCA Awards' approach to preventing malpractice and maladministration in our operations and activities**

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We take steps to reduce the risk of incidents of malpractice or maladministration occurring – both internally within YMCA Awards and by our approved centres – throughout the design, delivery and award of our qualifications.

These steps include;

- Making sure that individuals involved in the development, delivery and award of our qualifications understand our requirements regarding correct practice, the mechanisms for mitigating malpractice and maladministration and the responsibility to raise concerns (this includes our external quality assurance strategy and approvals processes).
- Taking reasonable steps to ensure that current (and former) YMCA Awards staff and third parties (including centres) do not provide information about our qualifications which is inaccurate or misleading.
- Adhering to our own policies, practices and procedures that reduce the risk of malpractice and maladministration.
- Providing guidance to our centres to support them in understanding how best to prevent, investigate, and deal with malpractice and maladministration (including the means for centres to report suspected learner or centre staff/associate malpractice to us).
- Investigating allegations for which there are reasonable grounds to believe that malpractice or maladministration has occurred within YMCA Awards or at an approved centre.
- Supporting our approved centres to investigate allegations for which there are reasonable grounds to believe that learner malpractice has occurred.
- Identifying and monitoring risks related to malpractice and maladministration, and correcting any issues that arise from incidents, where it is our responsibility to do so.
- Notifying relevant parties – including the qualifications regulators and other awarding organisations – in line with YMCA Awards' duties as a regulated awarding organisation.
- Applying our published Sanctions Policy to centres in relation to evidence of incidents of malpractice / maladministration arising on the part of learners, centre staff, or others involved in the design, delivery and award of any YMCA Awards qualification.

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## Requirements for centres

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YMCA Awards approved centres are required to:

- Have a written Malpractice and Maladministration Policy and comply with the arrangements set out within their policy. A copy of this policy along with an associated written procedure must be supplied during the centre approval application process and must be made available to YMCA Awards upon request at any other time thereafter.
- Have a Malpractice and Maladministration Policy and associated procedures with sufficient detail and clarity to allow the centre to prevent and investigate allegations of malpractice and maladministration at the centre, including appropriate provisions within any subcontracting arrangement.
- Take reasonable steps to prevent malpractice and maladministration from arising, complying with YMCA Awards' published policy and guidance, including regarding [the use of AI in assessment of YMCA Awards qualifications](#).
- Advise learners of the YMCA Awards' policy and the centre's policies on malpractice and maladministration during learner induction.
- Implement systems and procedures for recording all suspected instances of learner malpractice and make this information available to YMCA Awards during external quality assurance activity.
- Be vigilant to possible instances of malpractice and maladministration.
- Notify YMCA Awards of any incidents or allegations of malpractice or maladministration as soon as reasonably possible.

- Assist with any YMCA Awards requests for information.
- Cooperate with YMCA Awards' malpractice and maladministration investigations.
- Carry out investigations of malpractice under the guidance of YMCA Awards.
- Implement any actions required during and after investigation into a case of malpractice, including those identified by YMCA Awards and/or any other appropriate authority.
- Take action required to prevent the recurrence of malpractice or maladministration.

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## Preventing and dealing with learner or staff malpractice and maladministration at YMCA Awards approved centres

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The following information seeks to set out key guidance, but is not exhaustive. Centres are encouraged to contact YMCA Awards, if they require further support or guidance regarding malpractice or maladministration.

### Learner malpractice

To ensure the integrity of our qualifications, all work submitted for assessment must be demonstrably learners' own work. Throughout our assessment documentation, there are learner authenticity statements, and we expect our centres to complete checks on learner evidence in line with their own Malpractice and Maladministration Policy.

Where an incident of misconduct is suspected or reported during or after an assessment, the centre should follow their documented policy and procedure for dealing with suspected malpractice and maladministration.

For internal assessment, steps to reduce risks related to malpractice or to authenticity of learner work within centres' procedures may include:

- Providing time in supervised sessions for learners to complete assessment activities.
- Checking work produced in stages to ensure that evidence submitted for assessment reflects continuation of earlier work.
- Using learning consolidation exercises to identify progress through the qualification prior to formal assessment.
- Checking responses across cohorts for evidence of collaboration or collusion in assessments.
- Considering the tone and language used within learner evidence and non-assessment communications/interactions.
- Using AI tools to screen learner work for potential plagiarism.
- Using supplementary questioning to triangulate assessment evidence.
- Ensuring authenticity statements across assessment tools have been signed.
- Implementing their centre's own authenticity policy and investigating suspected or alleged learner malpractice.

For external assessment, centres' procedures for managing learner malpractice may include:

- Consideration of whether to remove the learner suspected of misconduct from the assessment situation, particularly if the misconduct is disrupting other learners or is likely to undermine the integrity of the assessments being taken by other learners.

- Retaining the learner's assessment materials (question paper, response sheet and any notes) with a summary written report completed by the invigilator (in cases where the assessment has been taken online this should be noted in the invigilation report).
- Submission of a copy of the learner assessment materials to YMCA Awards.

## **Centre malpractice and maladministration**

For all types of malpractice or maladministration (alleged or proven) the centre should ensure that it complies with its own written policies and procedures when taking action. Advice, specific to the incident or allegation, can also be sought from YMCA Awards upon notifying us of the incident or concern. In all cases, the centre should ensure that timely action is taken to maintain the integrity of its delivery and assessment of YMCA Awards qualifications and that learners are not disadvantaged (or unfairly advantaged).

## **Notifying YMCA Awards**

### **Timing**

If a centre suspects maladministration or malpractice of any type, YMCA Awards must be notified immediately. If notification to YMCA Awards is delayed, the centre must provide the reason for the delay when we are informed of the allegation (the centre must supply the reason for the delay whether we are informed of the allegation by the centre or by another party).

### **Information to be supplied**

When notifying YMCA Awards that malpractice or maladministration is suspected, the centre should include as much of the following information as possible:

- the qualification title(s) the allegation relates to
- an outline of the incident
- the date(s) of the incident
- whether the incident relates to a particular site or location
- what action the centre has taken to date
- what action the centre intends to take
- whether any other parties know about the incident or allegation.

## **Our response to notifications of suspected malpractice and maladministration**

It is important that centres provide us with as much information as possible regarding an allegation or incident of malpractice or maladministration so that we can best judge whether:

- the incident or suspicion has immediate implications for other centres
- there is a risk to validity of our qualifications and/or certificates
- what corrective actions we need to carry out.

We may also need to inform the regulators of qualifications, particularly if the type of malpractice or maladministration has the potential to cause an Adverse Effect. An Adverse Effect describes situations in which a learner or learners may have received an unfair advantage or disadvantage and/or any of the following are compromised:

- our ability to undertake the development, delivery or award of qualifications in accordance with the regulators' requirements
- the standards of our qualifications
- public confidence in qualifications.

Typically in cases of centre reported malpractice or maladministration, we ask centres to conduct an internal investigation in accordance with their own investigation procedure – along with any additional guidance from YMCA Awards – and to report the findings and outcomes to us by an agreed date. We may also conduct further investigation, particularly if we have concerns regarding the circumstances of the alleged incident or the incident relates to centre staff.

In cases where we receive an allegation of malpractice or maladministration regarding a centre, which has not been reported to us by the centre, we will carry out an investigation.

## Carrying out investigations

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### Centre investigations

We expect and require our approved centres to have the capacity and competency to be able to carry out investigations in response to allegations of malpractice and maladministration that are rigorous, effective, proportionate, transparent and risk-based. In order to meet this requirement, centres should ensure that:

- Investigations will be undertaken by persons of appropriate competence who have no personal interest in the outcome of the investigation.
- Robust procedures outlining how cases of maladministration or malpractice will be investigated are in place at the centre and staff are informed of these processes and receive appropriate training on them.
- Evidence relating to investigations is kept securely and is sufficiently detailed to support conclusions.
- Information regarding investigation progress and findings is shared with YMCA Awards in line with our stated requirements, including adhering to any timescales we outline.
- A written report is compiled at the conclusion of the investigation and made available to YMCA Awards.

The objective of an investigation is to establish the facts relating to an allegation of malpractice and maladministration in order to determine whether any irregularities have occurred and whether corrective actions are required.

To establish the facts of the incident, centres may need to:

- carry out interviews with their staff or learners
- take written statements and/or review written material (such as assessment materials or content relating to teaching or exam preparation).

Evidence gathered during the investigation should be kept securely and disclosed only to relevant parties within the centre and externally.

During an investigation, the centre should consider whether immediate corrective actions and/or steps to mitigate reoccurrence of the type of malpractice or maladministration should be implemented immediately, rather than wait for the investigation to be concluded.

### YMCA Awards investigations

YMCA Awards will carry out an investigation into malpractice or maladministration where there is reasonable cause to do so. This includes, where:

- An allegation has been supplied from a credible source.
- An allegation fits a wider pattern of information regarding the centre.
- Centre staff or associates (including subcontractors) are implicated in the allegation.
- Reporting of an allegation or incident by the centre to YMCA Awards has been delayed without satisfactory rationale.
- Initial evidence indicates that the centre has not followed our published procedures or its own.
- The allegation relates to a learner complaint made to YMCA Awards.

If the alleged incident relates to learner malpractice – which the centre is competently investigating and there are no other indications for concern – YMCA Awards will typically review the centre's own investigation report and findings before determining whether to carry out additional investigation.

Once we have decided that it is necessary to carry out an investigation into an allegation of malpractice and maladministration we write to the centre with the following information and instruction:

- an outline of the allegation
- notification that YMCA Awards is carrying out an investigation into the allegation
- a request that the centre respond to the allegation (including submitting any requested documentation or information relating to the allegation or circumstances of the allegation)
- an instruction to carry out an internal investigation and report the findings and intended resulting actions to YMCA Awards, if this is not already taking place
- a request that the centre submits a copy of their malpractice and maladministration policy and written procedure to YMCA Awards
- whether YMCA Awards intends to visit the centre as part of this investigation.

In line with our Terms and Conditions for Approved Providers/Centre Agreement, centres are required to cooperate with YMCA Awards' investigations into malpractice and maladministration.

YMCA Awards' investigation may include one or more of the following approaches:

- telephone and/or face to face visits to the centre to establish facts (including conducting interviews, for which we follow a written procedure)
- reviewing written or audio-visual material (for example, learner assessments or teaching materials)
- obtaining witness statements from centre staff, learners or other relevant persons
- requesting, in writing, any further information as necessary.

The outcomes of our investigations are provided to the centre in a written report outlining the findings in relation to the original allegation and any other factual information we have gathered in relation to the allegation. The report makes an informed decision whether or not maladministration and/or malpractice has occurred and, if so, the appropriate action to be taken and/or sanction(s) to be imposed upon the centre, in line with our published Sanctions Policy.

If an external party notified us of the allegation, this party will be informed of the outcome of the investigation, but no information will be shared which may unduly breach confidentiality.

The decision from the investigation is likely to be one of the following:

- maladministration or malpractice not proven and no further action to be taken under this policy
- maladministration or malpractice not proven (as a result of insufficient evidence to prove the case) although YMCA Awards has remaining concerns which require the centre to take proportionate and reasonable actions (these will be detailed in the report)
- maladministration or malpractice proven, resulting in action proportionate to the seriousness, impact and/or frequency of the occurrence (these will be detailed in the report).

Centres should be aware that a sanction of the highest level – withdrawal of centre approval – may be immediately necessary if there is no other reasonable means to protect the integrity of YMCA Awards qualifications or the interests of learners and public confidence in qualifications. Please refer to the YMCA Awards Sanctions Policy for more information.

## Acting on outcomes (centres)

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Where an investigation proves malpractice or maladministration – whether this has been carried out by the centre or by YMCA Awards – it is likely that actions will be required to correct the outcomes of the incident and prevent reoccurrence.

Centres should actively seek to identify lessons learnt when carrying out their own investigations, even in cases where the allegation is not proven. For example, it may be that the allegation resulted from weaknesses in the centre's processes or procedures. These lessons learnt and resulting actions (planned or immediately implemented) should be shared with YMCA Awards.

If a centre is found to be at fault in a malpractice or maladministration allegation, it is likely that YMCA Awards will impose a relevant and proportionate sanction, in line with our published Centre Sanctions Policy. These findings may be evidenced through the conclusions reached by an investigation carried out by YMCA Awards, by the centre, or another reputable party (such as another awarding organisation),

We will inform centres where an allegation of malpractice or maladministration has been proven through a final summary report. This report will outline the outcome and findings of the investigation. This formal communication from us includes the appropriate action to be taken and/or sanction(s) to be imposed.

## Appeals

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YMCA Awards Appeals Policy enables centres to appeal a decision made by YMCA Awards regarding the findings and outcomes of an investigation into malpractice or maladministration. More information regarding this type of appeal and the process for lodging an appeal is provided in our Appeals Policy and Procedure, published on our [website](#).

## Notification to other awarding organisations

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The qualification regulatory authorities require that an awarding organisation notifies other awarding bodies of cases of malpractice where these cases are likely to impact on the other awarding organisation(s). In dealing with cases of malpractice each awarding organisation must pay due regard to this requirement and notify other awarding organisations, as appropriate. This will usually be appropriate where:

- The centre where the malpractice has occurred (or is suspected) is also approved with another awarding organisation (for the same or different qualifications) and the (suspected) malpractice could potentially impact on the activities undertaken on behalf of that other awarding organisation.
- The centre where the malpractice has occurred (or is suspected) is also approved with another awarding organisation for the same qualifications and there is the potential for the centre to move their operations to the other awarding organisation in an attempt to avoid sanctions and continue sub-standard practices.
- The centre where the malpractice has occurred (or is suspected) has indicated that they are seeking approval with another awarding organisation (for the same or different qualifications).

## **Confidentiality and whistle blowing**

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Any person who makes an allegation of malpractice or maladministration may request to remain anonymous. However, typically we will ask individuals to disclose their identity and contact details to us.

In situations where we have received an allegation from an anonymous source, we will seek to judge the credibility of the allegation by carrying out initial investigation before taking up the matter more formally.

Wherever possible, YMCA Awards will not divulge the identity of individuals to a centre if there are concerns about consequences for the individual. If legal reasons require us to disclose the source of an allegation to another party, we will be bound by those reasons and therefore cannot guarantee complete confidentiality. Situations in which we cannot assure confidentiality for a whistle-blower include requests for disclosure from:

- the police, fraud prevention agencies or other law enforcement agencies
- the courts (in connection with court proceedings)
- other third parties which have statutory regulatory powers over us (specifically, the regulators Ofqual, CCEA Regulation and Qualification Wales).

In situations where a person is unsure whether to contact us regarding suspected malpractice or maladministration we encourage you to contact us via the information at the end of this policy document for an initial conversation.