



## Malpractice and Maladministration: policy and procedure

In line with the Conditions of Recognition set out by the regulator of qualifications in England (Ofqual), the regulator of qualifications in Wales (Qualification Wales) and the regulator of qualifications in Northern Ireland (CCEA Regulation), YMCA Awards at all times maintains and implements a robust malpractice and maladministration policy with respect both to our own operations and in setting requirements for approved centres. This document includes guidance for centres on how to best prevent, investigate and deal with cases of suspected malpractice or maladministration.

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.

### Policy overview

This document sets out YMCA Awards' approach to preventing and investigating malpractice and maladministration. This policy includes reference to the prevention and investigation of malpractice and maladministration within both YMCA Awards and our approved centres. The structure of this document is as follows:

1. Definition of malpractice and maladministration
2. YMCA Awards' approach to preventing malpractice and maladministration in our operations and activities
3. Requirements for centres
4. Preventing and dealing with learner or staff malpractice and maladministration at YMCA Awards approved centres:
  - example incidents of malpractice and maladministration in centres
  - actions to take when an incident occurs
  - notifying YMCA Awards
  - YMCA Awards' response to notifications of suspected malpractice and maladministration
  - carrying out investigations
  - acting on outcomes
5. YMCA Awards investigations
  - Appeals
  - Notification to other awarding organisations
6. Confidentiality and whistle blowing
7. Review arrangements
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This policy should be read in conjunction with our Terms and Conditions, Centre Sanctions Policy, Conflict of Interest Policy and Appeals Policy; available on the YMCA Awards [website](#).

## 1. Definition of malpractice and maladministration

**Malpractice** is defined as 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 the awarding organisation
- the qualification, or the wider education or respective industry sector

**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 Centre Agreement, in our Terms and Conditions and other supporting policies and guidance documentation.

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

In the design, delivery and award of YMCA Awards qualifications, we take steps to reduce the risk of incidents of malpractice or maladministration occurring, both internally to YMCA Awards and in the delivery of our qualifications by approved centres. 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 a centre, in accordance with our standardised investigation policy and procedure (in cases of

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learner malpractice, YMCA Awards supports centres in carrying out their investigations)

- correcting any issues that arise from an incident of malpractice or maladministration, where it is our responsibility to do so
- notifying relevant parties, including the qualifications regulators, in line with YMCA Awards' duties as a regulated awarding organisation
- applying YMCA Awards' 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.

### 3. Requirements for centres

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 which is of 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
- 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 making 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.

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

Centres are encouraged to contact YMCA Awards, either through their external quality assurer or via the contact information at the end of this document, if they require further support or guidance regarding malpractice or maladministration. The following information seeks to set out key guidance, but this is not exhaustive and you may have a query or concern which is outside the guidance here; we would welcome hearing from you if this is this case.

##### Example incidents of malpractice and maladministration in centres

Examples of learner malpractice may include:

- misconduct during an assessment (i.e. where the learner has contravened the rules of the assessment) such as;
  - one 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 an external assessment (for example, to seek answers to questions in the test)
  - two or more learners jointly completing an assessment without being authorized to do so.
- a learner applying for a reasonable adjustment or special consideration for an external assessment without legitimate reason
- a learner presenting a fraudulent certificate in order to evidence prior achievement or to claim an exemption.

Examples of centre malpractice / maladministration may include:

- failure to apply YMCA Awards invigilation procedures for external assessment, as laid out in our published External Assessment Policy (available on our website and by request)
- failure to ensure that external assessment materials are stored securely and are not accessed by learners or unauthorised centre staff
- failure to apply YMCA Awards' procedures for internal assessment (including accurate record keeping in the form of summary records of achievement for each learner and documented internal quality assurance planning and standardisation activity)
- failure to report any suspected malpractice to YMCA Awards
- application of a reasonable adjustment or special consideration without an appropriate rationale (centres should follow the requirements of YMCA Awards'

published Reasonable Adjustments and Special Consideration Policy, available on our website)

- 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
- issuing learners registered on YMCA Awards qualifications with a centre certificate *only* and not submitting a claim for a YMCA Awards certificate
- breaching the requirements of Direct Claims Status (for example, failing to retain learner assessment evidence until after external quality assurance activity has been completed)
- copying of (or other tampering with) external assessment materials
- 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.

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.

#### [Actions to take when an incident occurs \(centres\)](#)

Where an incident of misconduct is discovered or reported during or after an external assessment, the centre should follow their documented policy and procedure for dealing with suspected malpractice and maladministration which should include the following actions:

- the invigilator or centre contact may decide 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
- the learner's assessment materials (question paper, response sheet and any notes) must be retained and accompanied by 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)
- the report and learner assessment materials must be kept securely and a copy submitted to YMCA Awards.

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

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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.

## YMCA Awards' 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 or the validity of our qualifications and certificates, and if so 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 learner malpractice we ask the centre to conduct an internal investigation in accordance with the centre's malpractice 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 carry out additional investigation, particularly if we have concerns regarding the circumstances of the alleged incident.

In cases of centre staff malpractice we will ask the centre to conduct an internal investigation in accordance with the centre's malpractice investigation procedure, along with any additional

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guidance from YMCA Awards, and to report the findings and outcomes to us by an agreed date. It is likely that we will also carry out our own investigation.

In cases where we receive an allegation of malpractice or maladministration regarding a centre, which has not been reported to us by the centre through the usual contact channels, we will carry out an investigation. More information regarding our investigation processes can be found in Section 5 of this Policy.

### Carrying out investigations (centres)

YMCA Awards expects and requires its 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 students, take written statements and/or review written material (such as assessment materials or content relating to teaching or exam preparation); evidence gathered through any of these means (and others) 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.

### Acting on outcomes (centres)

On conclusion of an investigation, whether this has been carried out by the centre or by YMCA Awards, where malpractice or maladministration has been proven it is likely that actions will be required to correct the outcomes of the incident as well as to prevent reoccurrence.

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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, 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), it is likely that YMCA Awards will impose a relevant and proportionate sanction, in line with our published Centre Sanctions Policy.

A centre implicated in an allegation of malpractice or maladministration is informed by YMCA Awards formally whether this allegation has been proven through a final summary report outlining 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.

## 5. YMCA Awards investigations

In addition to any investigation a centre may be carrying out in relation to suspected malpractice or maladministration, we may carry out our own investigation.

YMCA Awards will always carry out an investigation into malpractice or maladministration when one or more of the following apply:

- the information supplied is from a credible source
- the information supplied 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.

This is not an exhaustive list and other circumstances may apply in which YMCA Awards will carry out an investigation into malpractice or maladministration, provided that there is reasonable cause to do so.

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

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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 the 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)

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- 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.

## Appeals

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 the YMCA Awards Appeals Policy and Procedure, published on our [website](#).

## Notification to other awarding organisations

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).

## 6. Confidentiality and whistle blowing

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

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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.

## 7. Review arrangements

YMCA Awards review this policy and its associated procedures annually as part of self-evaluation arrangements and revise it when necessary in response to customer or regulatory feedback. If you would like to comment on the process described in this document please contact us via the details provided below.

## 8. Understanding this policy

All enquiries relating to this policy should be addressed to:

Head of Quality and Assessment  
YMCA Awards  
112 Great Russell Street  
London  
WC1B 3NQ

Telephone: +44 (0)20 3994 9500

Email: [awards.feedback@ymca.co.uk](mailto:awards.feedback@ymca.co.uk)

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