FLANNERY®

Flannery Plant Hire (Oval) Ltd,
Flannery House, Third Way,
Wembley, Middlesex HA9 0RZ
t: **020 8900 9290**
e: **info@flanneryplant.co.uk**
w: **flanneryplanthire.com**

MALPRACTICE AND MALADMINISTRATION, COUNTER FRAUD POLICY

Version 1
1st June 2022

Context
Malpractice refers to any deliberate act or practice which compromises, or threatens to compromise the process and integrity of assessment, and as a result the validity of the result or certificate awarded.

Assessment processes and outcomes can also be put at risk through maladministration; whilst malpractice is a deliberate act, maladministration may be accidental or a result of incompetence or a simple mistake.

The purpose of this policy is to reduce the risk of malpractice and/or maladministration by:

- increasing awareness and understanding of the actions that constitute malpractice and/or maladministration by learners, teachers, trainers, and other staff to reduce risk of breach of regulations through ignorance and to aid detection of any irregularities;
- explaining how learners and staff will be made aware of this policy;
- identifying strategies to be employed to minimise risk of learner malpractice;
- describing how instances of alleged malpractice will be dealt with

Flannery Plant will not tolerate actions (or attempted actions) of malpractice by staff or learners. Flannery Plant is committed to investigating all cases of suspected malpractice. Where cases of suspected malpractice are proven, the company is fully committed to take appropriate action, including applying punitive measures and reporting suspected malpractice in order to maintain the integrity of assessment and certification.

All staff have a professional duty to ensure that they uphold this policy. Whilst the policy sets out general principles in addition staff must also ensure that they abide by the specific assessment requirements for each course as laid down by the awarding organisation for each subject specification.

Examples of Staff Malpractice

This list below is not exhaustive and Flannery Plant at its discretion may consider other instances of malpractice.

A more comprehensive list including examples of maladministration is provided in the Appendix of this policy.

- Improper assistance to candidates;
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made;

Registered in England No. 1058421 | VAT Registration No. 236 2899 34

- Failure to keep candidate coursework/portfolios of evidence secure;
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves producing work for the learner;
- Producing falsified witness statements, for example for evidence the learner has not generated;
- Allowing evidence to be included for assessment which is known by the staff member not to be the learner's own;
- Facilitating and allowing impersonation;
- Misusing the conditions for special learner requirements;
- Falsifying records/certificates, for example by alteration, substitution, or by fraud;
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment;
-

Examples of Learner Malpractice
This list below is not exhaustive and Flannery Plant at its discretion may consider other instances of malpractice.

- A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations;
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- Collusion: working collaboratively with other candidates, beyond what is permitted;
- Copying from another candidate (including the use of ICT to aid the copying);
- Allowing work to be copied e.g. posting written coursework on social networking sites prior to an examination/assessment;
- Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication;
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio;
- Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;

Registered in England No. 1058421 | VAT Registration No. 236 2899 34

- Bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations);

- The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework or portfolios;

- Impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;

- Plagiarism: unacknowledged copying from published sources or incomplete referencing;

- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices;

- Behaving in a manner so as to undermine the integrity of the examination.

Actions to Implement the Policy

Informing Learners

Flannery Plant will communicate the Learner Assessment Malpractice Policy to learners through the following means:

- During the induction period
    - Invigilators, Trainers,

- Assessors have responsibility for ensuring that learners are made aware of this policy before undertaking any assessed work which has the potential to contribute to the awarding of a qualification.

Implementing Assessment Practices

Invigilators, Trainers, Assessors and IQA's have responsibility for implementing assessment practices that reduce the opportunity for malpractice, including for example:

- Periods of supervised sessions during which evidence for assessments is produced by the learner;
- Altering assessment assignments/tasks/tools on a regular basis;
- Using oral questions with learners for a single assignment/task in a single session for the complete cohort of learners;
- Ensuring access controls which prevent learners from accessing and using other people's work when using networked computers;
- Requiring learners to sign to declare that their work is their own when submitting assessments.

Procedure for dealing with allegations of malpractice

1. **Reporting suspected malpractice**

a. Responsibilities

All staff have a responsibility for reporting any suspected incidences of staff or learner malpractice through the appropriate channels. Learners will be made aware of the procedure for reporting any allegations of suspected malpractice via the Learner Assessment Malpractice Policy.

Registered in England No. 1058421 | VAT Registration No. 236 2899 34

In addition allegations of suspected malpractice may be made by external moderators, verifiers, examiners and reported to Flannery Plant via the awarding organisation.

Allegations made by Operator Skills Hub staff:

- Allegations of suspected staff / learner malpractice to be made to the IQA;

Allegations made by learners:

All Operator Skills Hub staff have a responsibility to ensure that any allegations made to them in their professional capacity are taken seriously and reported through the correct channels:

- Allegations of suspected staff malpractice and/or learner malpractice to be reported to the JV Managing Directors.

Operator Skills Hub will consider allegations that are made verbally but, will request in all cases that allegations are put in writing with any supporting evidence that is available.

b. To Awarding Organisations

Flannery Plant accepts the responsibility to report any suspicion of learner or staff assessment malpractice to the appropriate awarding organisation. The only exception to this relates to assessment malpractice in coursework or controlled assessment which is discovered prior to the learner signing the declaration of authentication. In these cases the incident need not be reported to awarding bodies, but will be dealt with in accordance with Flannery's disciplinary procedure. Any work which is not the learner's own will not be given credit; in addition a note will be added to the cover sheet to detail any assistance that has been given.

In all other instances of suspected malpractice the IQA will submit the fullest details of the case at the earliest opportunity to the relevant awarding body as per Joint Council of Qualification regulations.

2. Investigation of suspected malpractice

If assessment malpractice is suspected by **Flannery Plant staff** there will be a process of investigation, usually commissioned by the relevant IQA, to establish the full facts and circumstances of any allegations or evidence. Such an investigation will usually be under the terms of Flannery's Disciplinary Procedure given the potential seriousness of the matter.

The IQA will usually nominate an investigating officer. In order to avoid conflicts of interest investigations into suspected malpractice should not be delegated to the manager of the section, team or department involved in the suspected malpractice.

Any disciplinary investigation will proceed as described in the Staff Disciplinary Policy and Procedure and include provision for:

- The member of staff to be informed about the concerns and possible consequences;
- Possible suspension depending on the circumstances of the case;
- The member of staff to be accompanied at any subsequent investigation meeting;
- Collection of evidence related to the alleged malpractice;
- The review of evidence and production of a report;
- A decision to be made on whether or not to proceed to a formal disciplinary hearing;
- If necessary a formal hearing with a right of representation.

Possible Actions Taken by Flannery Plant

In cases where it is believed, following an investigation and hearing, that there is clear evidence of malpractice:

- The appropriate awarding body will be informed by Flannery Plant of the allegation of malpractice and they will be given the supporting evidence;

Registered in England No. 1058421 | VAT Registration No. 236 2899 34

- The Company will take disciplinary action commensurate with the seriousness of the malpractice. There will be a right of appeal against any formal disciplinary warning or dismissal.

In any instances where suspected malpractice will be reported to awarding bodies Flannery will provide the individual/s with a completed copy of the form or letter used to notify the awarding body of the malpractice.

Incidences of learner assessment malpractice will be investigated in a similar manner by the IQA.

As with staff malpractice potential conflicts of interest will be avoided by nomination of an investigating officer who is external to the management of the learner and/or particular curriculum area.

Investigations will proceed through the following stages:

- The learner will be informed about the issues, possible consequences and right of appeal;
- Collection of evidence related to the alleged malpractice;
- The review of evidence and production of a report;
- A formal meeting between the HR Manager/Head of Training and the learner against whom an allegation has been made.

Possible Actions Taken by Operator Skills Hub

In cases where it is believed that there is clear evidence of malpractice:

- The appropriate awarding organisation will be informed by Flannery Plant of the allegation of malpractice and they will be given the supporting evidence;
- Flannery will take internal disciplinary action in line with learner management policy and disciplinary procedures. This action will be commensurate with the seriousness of the malpractice.

In any instances where suspected malpractice will be reported to awarding organisations, Flannery will provide the individual/s with a completed copy of the form or letter used to notify the awarding organisation of the malpractice.

10. Implementation and Review

This policy is effective from the 1st June 2022 and will be reviewed annually. Overall implementation of this policy lies with the Patrick Flannery (Managing Director) and Aaron Davis (Head of Skills and Training). Any queries relating to this policy should be directed to Aaron Davis in the first instance.

Patrick Flannery
Managing Director

1st June 2022

This is a controlled document. Whilst this document may be printed, the electronic version is the controlled copy. Any printed or saved copies of the document are not controlled.

Registered in England No. 1058421 | VAT Registration No. 236 2899 34