

Regulatory Principles Guidance Note – Principle 18

Reporting and Managing Cases of Malpractice and Maladministration

Regulatory Principle 18 states that '*The awarding body and its providers must ensure that it has safeguards to prevent and manage cases of malpractice and maladministration*'.

We require awarding bodies to have clearly defined processes in place and to report and manage cases of malpractice and maladministration at awarding body, provider and learner levels.

Awarding bodies should consider whether perceived cases of malpractice or maladministration are in fact incidents that should be reported under Regulatory Principle 1 or 7, please see *Regulatory Principles Guidance Note – Principles 1 and 7 Reporting Incidents to SQA Accreditation*.

SQA Accreditation may decide to raise an Extraordinary Issue out with the normal audit cycle to ensure that cases of malpractice or maladministration are dealt with appropriately through our Quality Enhancement Rating (QER) process.

Reporting Malpractice

SQA Accreditation has defined malpractice as "*Any deliberate actions, neglect, default or other practice that compromises the accreditation or quality assurance process including the integrity of accredited qualifications, the validity of any certificates, or the reputation and credibility of SQA Accreditation*".

Awarding bodies must notify their assigned Regulation Manager of **suspected as well as actual** malpractice at the earliest opportunity.

Where malpractice is suspected, the awarding body should notify SQA Accreditation of the reasons why it is suspected. Suspected cases may or may not develop further and require a full investigation.

Where a full investigation of malpractice is required the awarding body should provide SQA Accreditation with a date by which they intend to conclude their review and submit a written report within this specified timescale. The report is likely to consider the following areas:

- A detailed background and factual account of the case
- Investigation methodology and approach
- Impact on providers, learners or qualifications
- Sanctions applied
- A timeline of key events
- Involvement of third parties, the Police, Information Commissioner etc.
- Identification and mitigation of risk
- Corrective and preventative actions
- Outcomes and lessons learnt

Malpractice can occur at awarding body, provider or learner level.

Reporting Maladministration

SQA Accreditation has defined maladministration as "*Any actions, neglect, default or other practice that compromises the accreditation or quality assurance process including the integrity of accredited qualifications, the validity of any certificates, or the reputation and credibility of SQA Accreditation*".

Awarding bodies must notify their assigned Regulation Manager of **suspected as well as actual** maladministration at the earliest opportunity.

Where maladministration has occurred, the awarding body should advise SQA Accreditation of its findings and provide a brief description or report which is likely to consider the following areas:

- A summary of the case
- Details of providers, learners or qualifications affected
- Corrective and preventative actions
- Outcomes and lessons learnt

Maladministration is most likely to occur at awarding body or provider level. Repeated or continual instances of maladministration may eventually lead to malpractice.

Managing Malpractice and Maladministration

Awarding bodies must ensure that they have effective and reliable systems for managing and recording malpractice and maladministration. These will be subject to review at audit.

If you intend to share access to your online systems or make information available via SharePoint so that SQA Accreditation can view the current status of malpractice and maladministration cases, please inform your assigned Regulation Manager so that they are aware of this.

Examples of Malpractice and Maladministration

The following have been provided as examples of what could constitute malpractice and maladministration, however, this is not an exhaustive list.

Awarding Body Malpractice

- Failure to comply with regulatory requirements
- Ignoring an SQA Accreditation sanction
- Failure to comply with own awarding body policies and procedures
- Use and/or deployment of unsuitably qualified or competent staff
- Failure to implement or apply qualification specific strategies or methodologies
- Failure to carry out regular/published external quality assurance of qualifications
- Not disclosing known conflicts of interest to SQA Accreditation
- Issuing certificates to learners after the certification end date of a qualification without prior approval from SQA Accreditation
- Failure to recall certificates issued with incomplete or inaccurate information
- Actions or negligence which could cause reputational risk to SQA Accreditation

Provider Malpractice

- Failure to comply with awarding body policy or procedures
- Failure to implement or apply qualification specific strategies or methodologies
- Failure to carry out adequate/published internal quality assurance arrangements
- Use and/or deployment of unsuitably qualified or competent staff
- Failure to report malpractice
- Completing assessment work on behalf of learners
- Signing off work which is known to be substandard
- Insecure storage of examination material
- Falsification of information leading to certification
- Loss of candidate information or data

Learner Malpractice

- Failure to comply with awarding body/provider policy or procedures
- Cases of cheating, collusion or plagiarism
- Personation – pretending to be someone else
- Falsifying identification or sitting an exam on behalf of another learner
- Breaking assessment conditions
- Improper conduct during an assessment
- Falsely claiming reasonable adjustments or special considerations

Awarding Body Maladministration

- Inaccurate transfer of data submissions
- Failure to submit timely and accurate accreditation submissions

Provider Maladministration

- Failing to register candidates within a qualification's accreditation period
- Making late registrations to the awarding body for qualifications in their lapsing period
- Requesting late certification of learners after the certification end date
- Poor or inaccurate record keeping

Further information

If you require further information or clarification on malpractice or maladministration, please contact your appointed Regulation Manager.

31 October 2022