



Guidance for awarding bodies on malpractice and maladministration



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Background

We are responsible for regulating qualifications and the qualification system in Wales.

We regulate the awarding bodies that are recognised by us to develop, deliver and award qualifications to learners in Wales. All recognised awarding bodies are subject to our rules, including those set out in the [Standard Conditions of Recognition](#).

We carried out a review of the Standard Conditions of Recognition in 2019-20 and published revised Conditions that came into force on 1 October 2020. Awarding bodies told us during the review that guidance would be helpful to support their ongoing compliance with the Conditions.

Therefore, the purpose of this document is to support awarding bodies with complying. It is not intended to be prescriptive and in this way, it is the awarding body's responsibility to determine how to comply with its Conditions of Recognition.

Version History

This guidance was published in June 2021.

If you have any questions or feedback on this guidance document, please email the Regulatory Policy Team at policy@qualificationswales.org.

This document is available in [Welsh](#).

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1. Introduction

- 1.1 The focus of this guidance is Condition A8, which sets out our requirements for preventing, investigating, and dealing with malpractice and maladministration in connection with the design, delivery and/or award of your qualifications. Condition A8 is included in full in Annex 1.
- 1.2 Other conditions are also relevant to malpractice and maladministration and are covered in this guidance. For example, Conditions A6, A7 and B3 contain related requirements about identifying and managing risks, managing incidents and notifying us, respectively.
- 1.3 The overarching purpose of Condition A8 is to ensure that you are proactive in preventing malpractice and maladministration, and where an incident does occur, in minimising any Adverse Effects. Where proactive measures are taken to identify and prevent risks, then this is more likely to reduce the occurrence of incidents or the Adverse Effects of them. When they do occur, awarding bodies must investigate, take appropriate action, and take all reasonable steps to avoid the incident happening again.
- 1.4 Condition A8 recognises the part that centres play in delivering your qualifications. However, Conditions A8.4, A8.5 and C2, when combined, place responsibility on you to take all reasonable steps to keep centre arrangements under review, and to provide guidance to centres on preventing, investigating and dealing with malpractice and maladministration when requested. It is in this way that you ensure that centres act compliantly in relation to malpractice and maladministration, and your role in this is very important.

2. What is malpractice and maladministration?

- 2.1 Condition A8 refers to both malpractice and maladministration. Malpractice and maladministration encompass a wide range of matters, from dishonest acts affecting the validity of an assessment, such as cheating, to unintentional breaches of regulatory requirements, for example, as a result of inattention, inexperience, or poor organisational practices.
- 2.2 The actions of all persons connected to your awarding body are relevant to this Condition. For example, learners, centre staff, awarding body staff, or any other individuals involved in the development, delivery and/or award of your qualifications. As set out in Condition J1.5, a person is connected to you if they undertake or are involved in any activity undertaken by the awarding body.

- 2.3 Malpractice and maladministration generally refers to any act, or failure to act, which may compromise the validity of an assessment, qualification or certificate, or damage the authority, reputation or credibility of an awarding body or centre, or cause some other kind of related harm. Malpractice and maladministration may be intentional or inadvertent. The key consideration is whether there has been some sort of wrongdoing or misbehaviour.
- 2.4 Some general examples of malpractice and maladministration include, but are not limited to:

Learner malpractice and maladministration:

- Breaching the rules of an examination or assessment, for example, bringing unauthorised materials or unauthorised devices such as smart phones or smart watches into an exam, not following the rules for e-assessment, or collaborating with other learners inappropriately;
- Plagiarism, including copying another learner's work, copying material from the internet without referencing/acknowledging the source, or making false statements about the authorship of work;
- Stealing or tampering with the work of other learners;
- Disrupting examinations or controlled assessments.

Awarding body and/or third party (e.g. centre) malpractice and maladministration:

- Failing to provide effective examination supervision;
- Failing to handle examination or assessment related documentation securely, for example, by disclosing questions prior to an examination;
- Providing or allowing improper assistance to learners during controlled assessment, for example, providing answer prompts or allowing collaboration;
- Falsifying results so that they do not reflect a learner's actual performance;
- Falsifying records in order to claim certificates;
- Avoidable delay, for example, in submitting candidate scripts, coursework or other assessment materials for marking, or delays in moderation resulting in the late issue of results or certificates;
- Mistakes arising from inattention or faulty procedures, for example, not using the correct assessment task or assigning an incorrect result to a learner;

- Poor record keeping, for example, losing candidates' work or gaps in records of learner attainment;
- Inadvertently giving misleading or inadequate information, for example, in relation to examination procedures or the requirements of assessment tasks;
- Fraudulently issuing certificates that do not reflect a learner's actual performance;
- Failing to comply with statutory or legal obligations.

3. Preventing malpractice and maladministration

Identifying risks

- 3.1 Condition A8.1 requires you to proactively identify the risks of malpractice and maladministration in connection with the development, delivery and/or award of your qualifications.
- 3.2 Putting effective processes in place to identify risks of malpractice and maladministration, is an important first step to prevention. Factors you may wish to take into account in identifying risks include:
 - types of malpractice and maladministration that might arise in relation to when you are preparing assessments. For example, in relation to the confidentiality of assessment materials;
 - types of malpractice or maladministration related to the delivery of the assessments. For example, where there could be opportunities for learners to bring prohibited items into an assessment, or to access inappropriate assistance;
 - aspects of qualification design and delivery, and of your processes and procedures, that may increase the likelihood of malpractice and maladministration. For example, whether your marking procedures make it possible to falsify marks;
 - who might engage in malpractice and maladministration. For example, consider risks in relation to learners, teachers, assessors, exams officers, those producing your assessment materials, centres and other third parties;
 - the likelihood that malpractice or maladministration may take place. For example, risks associated with the benefit to the perpetrator and incentives to complete or award qualifications, such as to obtain a licence to practice or work in a particular role, the perceived likelihood of being caught, and the subsequent consequences;
 - the impact that specific incidents would be likely to have on compliance with other Conditions of Recognition. For example, whether the leak of an

exam question would require the entire assessment to be substituted, and the difficulty of doing this;

- any data or other intelligence that you may be able to use to help identify risks. For example, data sets relating to entries, results and past incidents may enable you to identify patterns or unusual behaviour. Relevant information may come from various sources, including whistleblowing or complaints; and
- whether your quality assurance processes leave any areas open to risk. For example, where there may be gaps in your processes for verifying or auditing assessment.

3.3 Risks are likely to be higher where the benefits of engaging in malpractice and maladministration outweigh the likely consequences or sanctions of doing so.

Taking steps to prevent malpractice and maladministration

3.4 Once risks have been identified, Conditions A8.1 and A6.2 require you to take all reasonable steps to prevent them from occurring.

3.5 Consider what processes you can put in place to prevent incidents of malpractice and maladministration from occurring. For example, consider what is included in your policies and procedures, as well as training for staff and your centres and what is included in your arrangements with third parties. Consider how your procedures provide oversight of your centres including those that prevent or manage the risks of malpractice and maladministration, including through your Centre Assessment Scrutiny Strategy and quality assurance processes. Consider your arrangements with suppliers (such as IT, data storage and distribution) to prevent or reduce the risk of malpractice and maladministration.

3.6 Examples of preventative approaches include, but are not limited to:

- putting rules and procedures in place to address specific risks that you have identified. For example, in relation to the confidentiality of assessment materials and conduct of assessments;
- providing information and training on rules, procedures and the consequences of malpractice and maladministration to your staff, learners, centres, teachers and other users of your qualifications; and
- designing out malpractice and maladministration as far as possible from your qualifications and internal processes, for example, by removing opportunities to engage in malpractice and maladministration.

- 3.7 The Conditions require you to secure appropriate behaviour from centres and other third parties in relation to malpractice and maladministration through appropriate contractual/ third party arrangements, and by carrying out regular centre checks as required by Condition A8.4 (discussed further in section 4). These measures can be supported by providing training and information on malpractice and maladministration to centres and other third parties involved in the development, delivery or award of your qualifications, to support a culture of risk identification, prevention and reporting.
- 3.8 Monitoring is an important exercise to identify and manage risks. For instance, you might test the effectiveness of your processes for preventing malpractice and maladministration by, monitoring and sampling high risk areas, such as qualifications or centres where there is a history of malpractice and maladministration; regularly scrutinising assessment materials to identify potential malpractice and maladministration; and using data, feedback and internal audits to evaluate your processes.
- 3.9 In addition to the above, learn from past experience and use the lessons you have learned to inform ongoing risk analysis and update your policies and processes for preventing malpractice and maladministration going forward.

4. Investigating and managing malpractice and maladministration

Reasonable grounds for a suspicion or allegation

- 4.1 When a suspicion or allegation first comes to light, you should seek to secure relevant evidence promptly, in order to establish whether there are reasonable grounds for the suspicion or allegation.
- 4.2 In deciding whether there are reasonable grounds for a suspicion or allegation of malpractice or maladministration, you may wish to consider factors such as the following:
- the source of the allegation or suspicion;
 - in the case of an allegation, whether it has been made anonymously;
 - the nature of the initial information provided, and whether there is other information that potentially conflicts with it or reduces its credibility;
 - whether you have any records of previous relevant malpractice and maladministration incidents, suspicions or allegations, including incidents at other awarding bodies; and
 - whether there has been a significant length of time between the allegation or suspicion coming to your attention and the time of the incident.

Adverse Effects

- 4.3 When reasonable grounds for a suspicion or allegation arise, at this stage you must immediately consider whether you need to take any steps to avoid or mitigate Adverse Effects. This is required by Conditions A7.1(a) and A8.2(b). They both provide that where an incident of malpractice or maladministration has had an Adverse Effect or could lead to one, you must promptly take all reasonable steps to prevent or mitigate the Adverse Effect as far as possible and correct it.
- 4.4 The definition of 'Adverse Effect' is in Section J of the Conditions, and is included at Annex 1. In addition, these are some prompts for matters that could give rise to an Adverse Effect, but are by no means exhaustive as each context will be different:
- a) any malpractice or maladministration by staff at a centre could potentially have an Adverse Effect on learners;
 - b) any incident which leads you to invalidate one or more awards to learners could potentially have an Adverse Effect on learners;
 - c) where there has been malpractice or maladministration outside Wales, consider whether this could disadvantage learners completing the same assessment in Wales;
 - d) where malpractice or maladministration outside Wales does not directly affect learners in Wales, consider whether it may nonetheless present risks to public confidence in qualifications offered in Wales or the Welsh qualification system;
 - e) in deciding whether public confidence in qualifications or the Welsh qualification system are or could be adversely affected, some examples of matters to consider include, but are not limited to, the scale and seriousness of the incident, and the volume of awards in Wales.
- 4.5 Once you have identified that an incident has had an Adverse Effect or could give rise to one, the next step is to consider what measures to take to prevent or mitigate and correct the Adverse Effect. An appropriate balance needs to be struck between all of your regulatory requirements when deciding on appropriate measures. The following points may be useful when considering what measures to take:
- the intended use of the qualification. For example, whether it is required for progression to further study or a licence to practise. The impact on a learner if they were unable to progress while an investigation was ongoing can be balanced against the seriousness of the malpractice and

maladministration, and risk in allowing progression of a learner who has possibly not met assessment requirements;

- timescales involved. For example, in determining the timescale for the investigation, it may be relevant to consider whether the qualification is required for entry to higher education or other further study, and the time that might be needed to consider and rectify any Adverse Effects, including those on other learners, such as time for re-marking and/or issuing certificates;
- the scale and scope of the possible malpractice and maladministration. For example, you may wish to consider the wider implications of the conduct and any potential impact on other qualifications. For instance, if a teacher is implicated in the malpractice or maladministration, this might impact on other learner work or qualifications the teacher has marked.

4.6 You should also give consideration to the legal implications of any proposed actions.

Notifying Qualifications Wales

4.7 In accordance with Condition B3, you must promptly notify us when you have cause to believe that malpractice or maladministration has occurred or is likely to occur which could have an Adverse Effect. The timing of this is when you believe that there are reasonable grounds for a suspicion of malpractice or maladministration that could have an Adverse Effect. In accordance with Condition B3.6, you must not wait until you have the full picture, or any investigation has been completed, before notifying us.

4.8 Condition B3.2(g) gives specific examples of events which could have an Adverse Effect, such as where you believe there has been malpractice or maladministration which could invalidate the award of a qualification or that could affect another awarding body. Accordingly, where an incident of learner malpractice leads you to invalidate one or more awards, you should notify us of this, on the basis that this is an event that Condition B3.2 says may in particular have an Adverse Effect. We suggest notifying us of this at the time when you make a decision to invalidate the award(s), and not waiting to see whether the candidate appeals before doing so.

4.9 In accordance with Condition B3.5, you must also notify us of any steps you have taken or plan to take to prevent, correct or mitigate any Adverse Effect.

4.10 We collect information about learner malpractice which does not invalidate awards through the annual data return. We may ask you to provide us with additional information about such incidents following the data return. We do

not expect you to notify us of any matter where reasonable grounds have not been established, or where there is no impact on learners undertaking qualifications offered in Wales, bearing in mind the guidance provided in paragraph 4.4.

Investigations

- 4.11 On occasions when you have established reasonable grounds for a suspicion or allegation, Condition A8.2(a) requires you to then establish, so far as possible, whether malpractice or maladministration has occurred. An investigation will usually be the way to establish this.
- 4.12 Under Condition A8.3(b), you must ensure that investigations are carried out rigorously and effectively, by someone with appropriate competence, who has no personal interest in the investigation's outcome. In accordance with Condition A4, investigators should also be free of any other type of Conflict of Interest that could have an Adverse Effect. Collecting evidence is part of the process of establishing whether malpractice and maladministration has occurred, and therefore these considerations apply equally to how and by whom relevant evidence is collected.
- 4.13 In order to be rigorous, we would advise that an investigation should be thorough and careful and consider all available relevant evidence, and to be effective, should enable you to draw an accurate, justified, fair and timely conclusion about whether malpractice or maladministration has occurred or not. Having an appropriate scale and scope of investigation in each case, and ensuring that investigations are carried out by individuals with appropriate skills and training would all assist to ensure that the requirements of Condition A8.3(b) are met.
- 4.14 We would advise that the standard of proof for making a decision should be on the balance of probabilities, that is, that it is more likely than not that malpractice and maladministration has occurred.
- 4.15 After the investigation has been completed and you have reached a conclusion, notify any individuals who have been the subject of investigation of the findings of the investigation, your consequential decisions, including any decisions to apply sanctions, and the reasons for them. We would also advise including information about the evidence upon which the investigation findings and your decisions as to sanction are based, and how and by when an appeal can be made.

Written procedure for investigation

- 4.16 In accordance with Condition A8.3(a), you must establish, maintain, and all times comply with an up to date written procedure for the investigation of suspected or alleged malpractice and maladministration.
- 4.17 All investigations must be conducted in accordance with your written procedure, including where the investigation is carried out on your behalf, for example, by a centre. It is important that you keep your procedures up to date and that you review them following the outcome of your own investigations. In a similar way, consider what amendments you should make to your policies and procedures following investigations by other awarding bodies that you become aware of. It is also important to provide training in relation to the procedures to your staff, centres and any other persons connected to your organisation that you think would benefit from training such as third parties.
- 4.18 Matters to consider covering in your written procedure might include, for example:
- The staffing and resourcing required for the conduct of investigations;
 - Setting out the stages of an investigation and who has responsibility for undertaking each stage. For example, scoping the investigation, collecting evidence, deciding whether reasonable grounds exist and deciding whether malpractice or maladministration has occurred;
 - Establishing terms of reference for each investigation;
 - The process for identifying and collecting evidence and keeping it secure;
 - Where there are multiple allegations, that they should each be fully investigated;
 - When and how interested parties will be notified of any issues affecting them and given an opportunity to make submissions, in accordance with principles of natural justice;
 - How any interviews and visits to centres will be conducted;
 - How confidentiality will be maintained;
 - The required standard of proof;
 - How the outcome of the investigation will be presented and acted upon;
 - What principles will be followed when undertaking joint investigations;
 - When and how to involve other authorities, including the police if criminal activity is suspected; a
 - How the procedure intersects with other relevant policies such as your whistleblowing, employee conduct or regulatory complaints policies.

Scale and scope of investigation

4.19 As part of planning your investigation, you will set out its scope and scale. When doing so, you could consider matters such as the following:

- The nature of the case and what investigation approaches lend themselves to that context. For example, your investigation will be shaped by whether it relates to a potential breach by a centre, third party supplier or learner. Similarly, it will be shaped by the circumstances of the potential breach e.g. if it was related to confidentiality at the design stage, cheating in assessments, or falsification of records at the marking or award stage;
- The potential scale of the case and how many centres or learners are potentially affected, may also shape your investigatory approaches. For example, the number of learners involved and the degree to which they may be affected, may impact on the timeframe for the investigation, and the number of centres involved may impact on your planning, resourcing and selecting those to interview as part of your investigation;
- The extent to which teachers or other professionals may be involved, as this may require consideration of personal interest as discussed below;
- The staffing and resources that will be required to ensure the investigation is carried out compliantly (see below).

Who should carry out an investigation

4.20 Condition A8.3(b) requires investigations to be carried out rigorously and effectively, by persons of appropriate competence who have no personal interest in the outcome.

4.21 In deciding whether a person is competent to conduct such an investigation, consider matters such as the skills, knowledge and experience required, and whether they have completed training on carrying out investigations.

4.22 You should seek to have access to trained investigators who are competent to undertake investigations of the type required, so that this resource is available for you to call upon when needed.

4.23 Depending on the scale, scope and complexity of an investigation and even where you have competent persons in place, it may be necessary for you to consider the capacity they have to undertake the investigation promptly and in accordance with the conditions.

- 4.24 Where an incident involves a centre, you can ask a centre to investigate on your behalf, however it is advisable to first consider whether it is appropriate for the centre to complete the investigation. Individuals at the centre may be implicated in the case, or the complexity, scale or scope of the matter may mean it is not appropriate or practical for the centre to conduct the investigation. If you consider that a centre cannot conduct the investigation on your behalf, you will need to conduct the investigation to ensure that you have complied with your obligation to identify malpractice and maladministration and prevent and mitigate any associated Adverse Effects.
- 4.25 Particular care must be taken to judge whether an individual within a centre has a personal interest in the outcome of the investigation. If so, you must ensure that they are not involved in undertaking any part of the investigation. Some examples of the kinds of situations where a personal interest may arise are given below. These are not prescriptive or exhaustive, and other situations may also arise:
- The person is implicated in the malpractice and maladministration case;
 - The person is related to, or has a close personal relationship or friendship with, a person who is implicated in the malpractice and maladministration case;
 - An adverse finding as a result of the investigation could have direct financial or professional implications for them, for example, by putting their job or professional reputation at risk; or
 - For senior officers/ directors, owners or heads of centres, the allegation or suspicion raises cultural or systemic organisational issues that are relevant to their professional accountability, such as issues with the quality of internal quality assurance.
- 4.26 If a centre conducts an investigation on your behalf, it must be conducted in accordance with your own written procedure, and you are responsible for conducting appropriate checks to confirm that your procedural requirements have been met before making findings based on the evidence provided.

Centre/ third party arrangements and guidance to centres

- 4.27 The Conditions make it clear that it is awarding bodies who are responsible for ensuring that malpractice and maladministration in relation to their qualifications is prevented, including where third parties undertake the development, or delivery of qualifications on your behalf.
- 4.28 Condition A8.4 requires you to keep under review the arrangements that centres delivering your qualifications have in place for preventing and

investigating malpractice and maladministration. Condition C1 also requires you to ensure that you have arrangements in place with any third parties involved in the development, delivery or award of your qualifications, that enable you to comply with your Conditions of Recognition. This includes with centres, as well as with other third parties such as couriers, IT providers, printing providers and postal service providers.

- 4.29 In relation to guidance to centres, Condition A8.5 requires you to provide specific guidance on how to best prevent, investigate, and deal with malpractice and maladministration if requested by a centre, and there is also a general requirement under Condition C2.5 to provide effective guidance to centres on the delivery of your qualifications.

5. Dealing with proven malpractice and maladministration

Taking action against those responsible

- 5.1 Following your investigation, if you find that malpractice or maladministration has occurred, Condition A8.6(b) requires you to take action against those responsible, or seek the cooperation of third parties to do so.
- 5.2 Sanctions may be applied against learners, centre staff and centres, as well as your own staff. The action you take needs to be proportionate to the malpractice or maladministration in the particular case. You may also need to seek the cooperation of centres to take action against staff employed by the centre.
- 5.3 It may be relevant to consider the consequential effects of any proposed sanction, both for individuals who are implicated in the malpractice and maladministration and anyone else affected, and balance these against the seriousness of the malpractice and maladministration. A balance needs to be struck between applying similar sanctions to similar cases, but at the same time ensuring that sanctions take into account any particular mitigating or aggravating factors and are fair in all of the particular circumstances.
- 5.4 Under Condition H6.3(b), where a result is incorrect, you must consider whether to correct it, and under Condition I4.2(c), you must take all reasonable steps to revoke a certificate that includes a false result due to malpractice or maladministration. You should consider how you will notify any affected learners of arrangements for re-assessment and/or certification, and their right of appeal.

Notifying third parties

- 5.5 Under Condition A8.7, you are required to notify centres delivering your qualifications, and other awarding bodies, if malpractice and maladministration has been proven and may affect them. Depending on the circumstances, you may also need to notify relevant bodies, including other regulators such as the Education Workforce Council, the police, other law enforcement bodies, and/or funding bodies. It is your responsibility to identify which other awarding bodies may be affected, for example by virtue of awarding or delivering the same or similar qualifications, or employing the same individual. If you are unsure about notifying centres, awarding bodies or other bodies in a given instance, you are welcome to discuss this with us.
- 5.6 When notifying a centre or awarding body about an incident of malpractice and maladministration that has been proven after completing an investigation, consider what and when you provide that information so that they are able to take action promptly and appropriately.
- 5.7 Remember to ensure that you are compliant with data protection laws. For more information about processing personal information, see guidance available from the Information Commissioner's Office at ico.org.uk.
- 5.8 Where you have established that a teacher has committed malpractice and maladministration, you should consider whether it would be appropriate to notify their professional regulator. The Education Workforce Council (EWC) is the regulator of the teaching profession in Wales and holds tribunals on malpractice. In considering whether it is appropriate to notify, refer to the regulator's guidance, which for the EWC is available at ewc.wales. You might also wish to take into account the seriousness of the case, based on the findings of your investigation and level of sanction you have imposed. If you have evidence that a centre at which the teacher is employed has already notified the regulator, then you do not need to also notify them.
- 5.9 Where the outcome of your malpractice and maladministration investigation is proven and there was potentially illegal activity involved, you should report concerns to the police and/or any other relevant law enforcement bodies.

Preventing recurrence

- 5.10 Where malpractice and maladministration has been found to have occurred, Condition A8.6 requires you to put measures in place to prevent it from recurring. This should be a cyclical process, where you use the incident to inform the identification of future risks.

- 5.11 You should also use information regarding incidents of malpractice and maladministration to feed into new measures to reduce the risk of recurrence, as required by Conditions A6 and D3. Condition A6 requires you to identify the risk of any incidents that could have an Adverse Effect, and take all reasonable steps to prevent them. In accordance with Condition D3.3, where an event has had an Adverse Effect, you must also review, and if appropriate, revise your approach to the development, delivery and award of qualifications. You should also use information regarding specific incidents to feed into your Centre Assessment Standards Scrutiny (CASS) strategy where you set out your approaches based on risk assessments for overseeing centres.
- 5.12 Where you find that malpractice or maladministration has not occurred, it is useful to implement internal quality control processes to review these decisions, as they are unlikely to be tested or challenged further through the appeals system. Information regarding unproven incidents can also be used to generally review your approach to the development, delivery and award of qualifications in accordance with Condition D3.1, and to feed into your CASS strategy.
- 5.13 Examples of actions you might consider in order to prevent the recurrence of malpractice and maladministration could include, but would not be limited to:
- Implementing new safeguards and checks;
 - Having regular feedback sessions with your development or delivery teams to consider how the design, development or award of qualifications could be improved to prevent similar instances in the future;
 - Providing relevant guidance and/or advice to centres;
 - Reviewing centre arrangements;
 - Revising your own procedure for dealing with malpractice and maladministration;
 - Undertaking a new risk analysis process; and
 - Updating your contingency plan.

6. Appeals

- 6.1 Condition I1.1 requires you to establish, maintain and comply with an appeals process in relation to malpractice or maladministration cases.
- 6.2 In accordance with Condition I1.2, all appeal decisions must be made by someone who has no personal interest in the decision being appealed, and who has appropriate competence. In addition, the final decision in respect of the appeal must involve at least one decision maker who is not your employee, an assessor working for you, or otherwise connected to you. For

more information about personal interest, see section 4. For more information about appropriate competence for appeals decisions, and who may be involved in the final decision, see our supplementary guidance in relation to Conflict of interest.

- 6.3 We advise promptly informing anyone who has been investigated of the outcomes of a malpractice or maladministration investigation and of any sanctions to be taken against them, together with the supporting reasoning, and how and by when to appeal.

7. Record-keeping

- 7.1 Condition A5.2 requires you to retain data to ensure that adequate information is available. Evidence relevant to a finding of malpractice or maladministration should be retained for a sufficient length of time to support a meaningful and robust appeals procedure.
- 7.2 In accordance with the requirement, we advise keeping a log of all suspicions and allegations of malpractice or maladministration, whether proven or not, and records of your malpractice and maladministration investigations and their outcomes. This information will enable you to identify patterns and could inform revisions to your risk analysis, your written procedure for malpractice and maladministration investigations, and your approaches to the development, delivery and award of qualifications.

Annex 1 - Condition A8 and definition of 'Adverse Effect'

Standard Conditions of Recognition

Condition A8 - Malpractice and maladministration

Preventing Malpractice and maladministration

A8.1 An awarding body must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.

Investigating and managing the effect of Malpractice and maladministration

A8.2 Where any such malpractice or maladministration is suspected by an awarding body or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding body must -

- (a) so far as possible, establish whether or not the malpractice or maladministration has occurred; and
- (b) promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.

Procedures relating to Malpractice and maladministration

A8.3 For the purposes of this Condition, an awarding body must -

- (a) establish, maintain, and at all times comply with an up to date written procedure for the investigation of suspected or alleged malpractice or maladministration; and
- (b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

A8.4 Where a Centre undertakes any part of the delivery of a qualification which an awarding body makes available, the awarding body must take all reasonable steps to keep under review the arrangements put in place by that Centre for preventing and investigating Malpractice and maladministration.

A8.5 An awarding body must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with Malpractice and maladministration.

Dealing with Malpractice and maladministration

A8.6 Where an awarding body establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to:

- (a) prevent that malpractice or maladministration from recurring; and
- (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding body has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence:

- (a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding body makes available, it must inform that Centre;
- (b) may affect another awarding body, it must inform that awarding body.

Condition J1 – Interpretation and definitions

J1.8 **Adverse Effect** An act, omission, event, incident, or circumstance has an Adverse Effect if it:

- (a) gives rise to prejudice to Learners or persons likely to become Learners; or
- (b) adversely affects:
 - (i) the ability of the awarding body to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition;
 - (ii) the standards of qualifications which the awarding body makes available or proposes to make available; or
 - (iii) public confidence in qualifications and/or the Welsh qualification system.

Annex 2 - Malpractice and maladministration flow diagram

This diagram provides a visual summary of Condition A8, but should be read in conjunction with the detailed guidance above.

