



Malpractice Policy

Introduction

Falkirk Foundation takes all concerns or allegations of malpractice against candidates or the learning centre seriously. This policy has been developed based on guidance contained in SQA document [Malpractice: Guidance for Centres, December 2020](#).

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of SQA requirements including any act, default or practice which:

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any SQA qualification, the validity of a result or certificate; and/or
- Damages the authority, reputation or credibility of SQA or any officer, employee or agent of SQA

Malpractice can arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance)
- Some incidents arise due to ignorance of SQA requirements, carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both deliberate non-compliance with SQA requirements and maladministration in the assessment and delivery of SQA qualifications. It is necessary to investigate any suspected instances of malpractice, whether they are intentional or not, to protect the integrity of the qualification and to identify the wider lessons to be learned.



Candidate Malpractice

Examples of candidate malpractice relevant to this centre include:

- Collusion – working collaboratively with other candidates beyond that which is reasonably permitted
- Frivolous content - producing content that is unrelated to the assessment and is inappropriate
- Offensive content – vulgarity or swearing or material which is discriminatory including relating to protected characteristics as listed in the Equality Act 2010
- Plagiarism – not acknowledging sources properly or submitting someone else's work as your own

Centre Malpractice

Examples of centre malpractice include:

- Falsifying records in order to claim certificates for candidates
- Not assessing internally assessed unit or course assessment work fairly or to the appropriate standards ensuring fairness and consistency in line with standards
- Managers putting pressure on staff to pass candidates who haven't met the necessary requirements
- Not notifying, investigating and reporting concerns of potential centre malpractice to SQA

Procedure and process for reporting candidate or centre malpractice

Where an allegation/suspicion of candidate or centre malpractice has been raised this will be taken seriously and this process will be followed:

1. The person raising the concern will communicate this to Centre staff, supplying all relevant information which gives rise to the concern. The SQA Coordinator will record all details of the suspicion/allegation. If any staff member is allegedly involved with the allegation or suspicion the Head of Centre/Chief Executive Officer will take action to ensure there is no conflict of interest in this process.
2. The SQA Coordinator will inform the candidate or staff member in writing that an investigation into malpractice is being undertaken, inviting the candidate or staff member to a meeting within two working weeks to discuss the situation. They will inform the candidate or staff member of their right to representation of their own choice to be present.



3. Where potential candidate malpractice has been alleged/suspected the SQA Coordinator will ensure that no results for that candidate are submitted to the SQA until the investigation determines the validity of the evidence.
4. The SQA Coordinator shall oversee an investigation into the allegations. The investigation will be fair, robust and in proportion to the suspicion/allegation. As part of this investigation the Centre Contact and an Internal Verifier will meet with the candidate or staff member as outlined in Step 2.
5. The SQA Coordinator will inform the candidate in writing of the outcome of the investigation within one working week of the meeting with the candidate.

The consequences of candidate or centre malpractice may be:

- Requirement for a candidate to be reassessed
- Potential exclusion from the course for a candidate
- Staff member be subject to disciplinary proceedings

The candidate or staff member has a right to an internal appeal and this should be done by writing to the Head of the SQA Centre. The Head of SQA Centre in conjunction with the Chief Executive Officer will review the evidence and investigation which has taken place. They also reserve the right to re-interview the candidate or staff member and also seek additional information from the SQA Co-ordinator. The outcome of the appeal will be communicated to the candidate or staff member within two working weeks.

In the case of centre malpractice this must be reported to the SQA.

Appeals against malpractice decisions

We have the right to appeal a decision where a case of reported malpractice by our centre has been confirmed through investigation by SQA.

We also have the right to appeal a decision where a case of suspected malpractice by a candidate reported by our centre to SQA.

Candidates have the right to appeal to SQA where:

- SQA has conducted an investigation and the candidate disagrees with the decision
- Our centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted our centre's appeals process
- SQA has asked our centre to conduct an investigation and the candidate disagrees with the outcome and has exhausted our centre's appeals process and



For regulated qualifications only:

Our centre and our candidates have the right to review by the appropriate regulator (SQA Accreditation, Ofqual or Qualification Wales) of the awarding body's process in reaching a decision in an appeal of a malpractice decision.

Please refer to: [The Appeals Process: Information for Centres April 2020](#)

Recording malpractice

Where an investigation of suspected malpractice is carried out, we will retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications. Records will include any work of the candidate, and assessment or verification records relevant to the investigation.

In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records will be retained for six years.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation will be retained for six years after the case and any appeal has been heard. If there is any doubt about whether criminal or civil proceedings will take place, we will keep records for the full six year period.

Reporting to the SQA

Any suspected cases of centre malpractice must be reported to SQA as soon as we have carried out an initial screening exercise to establish the nature of the concern. This includes any concerns where we take the view that no further action is necessary.

We must inform SQA of any investigation carried out by an awarding body, industry body, funding agency or regulator which may or may not affect the delivery of SQA qualifications. We must also promptly bring to the SQA's attention any findings of centre malpractice or maladministration communicated to us by another awarding or industry body. We must notify SQA promptly if another awarding body removes approval from our centre, regardless of the reason given for this withdrawal.

SQA expects centres to bring candidate malpractice concerns for internal assessments to their attention only if:

- the concern came to our centres attention after submission of internal assessment marks
- the concern relates to candidate malpractice for a qualification regulated by SQA Accreditation, Ofqual or Qualifications Wales



- a candidate affected by a malpractice decision, who has exhausted their right of appeal within our centre, wishes to exercise their right of appeal to SQA: or
- There are other exceptional circumstances, e.g. we believe that the malpractice case involves a criminal act (if the malpractice involves a criminal act the matter must also be reported to the police)

Version control	Version 2 – Merged previous document and updated according to SQA guidelines.	Author Dianne Dixon, Business Operations Manager October 2021	Approved by Derek Allison, CEO 8 November 2021	Next review November 2022 by Centre Co-ordinator
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