



CILT(UK)

Awarding Organisation

Policy

Malpractice

and

Maladministration

CILT(UK) Awarding Organisation Policy

Malpractice and Maladministration

Published by: The Chartered Institute of Logistics and Transport in the UK

Earlstrees Road

Corby

Northants

NN17 4AX

Tel: 01536 740100

Fax: 01536 740101

All rights reserved. No part of this publication may be re-produced, stored in a retrieval system or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without prior permission of the publishers. This publication may not be lent, re-sold, hired out or otherwise disposed of by way of trade in any form of binding or cover other than that in which it is published, without prior consent of the publishers. Within the UK, exceptions are allowed in respect of any fair dealing for the purpose of research or private study, or criticism or review, as permitted under the Copyright, Designs and Patents Act, 1988, or in the case of reprographic reproduction in accordance with the Terms and Conditions issued by the Copyright Licensing Agency.

© The Chartered Institute of Logistics and Transport in the UK™

Contents

Introduction	1
Definitions	1
Learning Partner Malpractice	1
Learner Malpractice	1
Prevention	2
Roles and Responsibilities	2
Reporting Suspected Incidents of Malpractice or Maladministration	4
The Investigation	5
Co-operation	5
Timescales	5
Source of the Allegation	5
Malpractice or Maladministration Discovered by a Learning Partner	6
Malpractice or Maladministration Discovered by the Awarding Organisation.....	6
Confidentiality of Evidence.....	6
Access to Evidence	6
The Investigative Process	7
Investigating Alleged Malpractice by Learners	7
Investigating Alleged Malpractice/Maladministration by Learning Partner Staff.....	7
Outcome of the Investigation.....	8
Learning Partner Malpractice or Maladministration	9
Learner Malpractice	9
Communicating the Decision.....	9
Revocation of Certificates	9
Appeals	10
Appendix A - Notification of an Occurrence of Malpractice and Maladministration Form	11
Appendix B – AO Malpractice and Maladministration Form	12

This page is intentionally blank

Introduction

The purpose of this Policy is to define the issues of malpractice and maladministration, clarify the roles and responsibilities of Learning Partners and the CILT(UK) Awarding Organisation in relation to these issues and to outline the procedures for dealing with suspected, or actual, incidents of malpractice or maladministration. The terms of this Policy apply to all Learning Partners, their staff, associates and registered CILT(UK) Learners.

Definitions

Malpractice

The term 'Malpractice' refers to any action, default or other practice which compromises the process of assessment, the integrity of the assessment or the validity of certificates awarded. Failure to address these issues may result in damage to the reputation and credibility of the CILT(UK) Awarding Organisation and/or the Learning Partner. Some examples of Malpractice can be found below¹:

Learning Partner Malpractice

- Failing to check the identity of the Learners.
- Failure to keep assessment materials secure.
- Obtaining unauthorised access to assessment material prior to, or following, an examination.
- Unauthorised amendment, copying or distributing of exam papers and controlled assessments.
- A loss, theft of, or a breach of confidentiality, in any assessment materials.
- Failure to carry out invigilation in accordance with Awarding Organisation regulations.
- Fraudulent claims for certification.
- Failure to implement or attempt to implement actions raised from an External Verification visit.
- Agreed corrective measures relating to Sanctions not being implemented within agreed timescales.
- Persistent instances of maladministration.
- Failure to report an instance of suspected malpractice.
- Intentionally withholding information from CILT(UK) which is critical to maintaining quality assurance standards.
- Deliberate misuse of the CILT(UK) logo.

Learner Malpractice

- Impersonating someone else or arranging for another to take one's place in an examination.
- Obtaining, receiving, exchanging or passing on information related to an examination (or the attempt to) by means of talking, text messages or written papers/notes.
- Copying from, or assisting, another Learner (including the use of Information and Communication Technology to do so).
- Introduction of unauthorised materials and/or electronic devices in to the examination room.
- Plagiarism: taking someone else's work or ideas and presenting them as one's own.
- Behaving in such a way as to damage the integrity of the examination.

¹ These lists are not exhaustive and are intended only as guidance; any instance of suspected malpractice/maladministration may be considered at the discretion of the CILT(UK) Awarding Organisation.

- Falsification of practical assessment tasks.
- Making a false declaration of authenticity.
- Submission of false information to gain a qualification or unit.
- Collusion: working collaboratively with other Learners where such collaboration is not permitted.

Maladministration

The term 'Maladministration' refers to any action, neglect, default or other practice that results in unintended non-compliance with CILT(UK) Awarding Organisation regulations and procedures for the delivery of qualifications. Some examples of Maladministration can be found below¹:

- Persistent failure to adhere to CILT(UK) Learner registration and certification procedures.
- Persistent late Learner registrations/assessment entries.
- Inaccurate Learner Registrations.
- Inaccurate Claims for Certification.
- Unreasonable delays in responding to requests and/or communications from CILT(UK).
- Failing to issue Learners with appropriate notices and warnings in an examination.

Prevention

CILT(UK) aims to prevent the occurrence of malpractice and maladministration by providing clear and comprehensive regulations and requirements to all parties involved in the development, delivery and award of its qualifications. By monitoring the activities of Learning Partners and Learners, and maintaining a rigorous quality assurance process, CILT(UK) aims to keep opportunities for malpractice or maladministration to a minimum.

Roles and Responsibilities

In order to maintain the rigour and integrity of its qualifications, and in accordance with regulatory requirements, CILT(UK) will:

- Take all reasonable steps to prevent the occurrence of any malpractice or maladministration.
- Provide guidance to Learning Partners, on request, as to how best to prevent, investigate, and deal with malpractice and maladministration.
- Withhold Learner results and/or certificates, as appropriate, until the conclusion of the investigation, or permanently where the outcome warrants it.
- Suspend any claims for Learner certification submitted by the Learning Partner, at any point during the investigation into an incident of malpractice or maladministration, if this is deemed necessary.
- Ensure that investigations into incidents of malpractice or maladministration are carried out rigorously and effectively.
- Take action against those responsible for malpractice or maladministration, which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.
- Report the matter to the relevant regulatory authorities, if CILT(UK) decides that the circumstances of the incident are sufficiently serious to warrant such reports being made.
- Inform appropriate regulatory authorities whenever the Responsible Officer and Assessment Approvals Panel cannot resolve an incidence of malpractice or maladministration, and agree the

appropriate course of remedial action with them. Please note that in exceptional incidents, the regulatory authorities may lead the investigation.

- Where necessary, share information with other Awarding Organisations that may be affected by incidents of malpractice/maladministration, whether suspected or proven.
- Take all reasonable steps to prevent that malpractice or maladministration from recurring.

In order to comply with CILT(UK)'s Malpractice and Maladministration Policy Learning Partners must:

- Ensure that relevant Learning Partner staff, third parties and registered CILT(UK) Learners are made aware of the contents of this policy.
- Have in place robust procedures for preventing and investigating incidents of malpractice or maladministration which are up to date and communicated across the Learning Partner, third parties and CILT(UK) registered Learners.
- Regularly review procedures for preventing and investigating incidents of malpractice or maladministration and make any improvements necessary to ensure the procedures remain relevant and fit for purpose.
- Take all reasonable steps to prevent incidents of malpractice or maladministration from occurring.
- Take all reasonable steps to investigate any suspected incidents of malpractice or maladministration and rectify any negative impact of these incidents.
- Be able to develop an action plan for managing and rectifying the negative impact of any incidents of malpractice or maladministration and make this action plan available to CILT(UK), as required. This plan should also identify any areas of improvement required to ensure the malpractice or maladministration does not recur in the future.
- Take appropriate and proportionate action against those responsible for the malpractice or maladministration to ensure it does not recur in the future.
- Deliver in full, the actions required to manage and rectify any identified incidents of malpractice or maladministration.
- Promptly notify the Awarding Organisation of any incidents of malpractice or maladministration.
- Co-operate fully with any investigation into suspected, or actual, incidents of malpractice or maladministration, including providing access to documents, records, data, staff, third parties, sub-contractors, Learners, satellite sites or any other resource as required by the Awarding Organisation during the investigation.

Failure to comply with any of the above requirements may result in the Learning Partner's accreditation being temporarily, or permanently, removed or Learners being withdrawn from the qualification.

Reporting Suspected Incidents of Malpractice or Maladministration

All personnel who identify or are made aware of suspected, or actual, incidents malpractice or maladministration must inform the CILT(UK) Awarding Organisation at the earliest opportunity. They should use the *Notification of an Occurrence of Malpractice and Maladministration Form* included as Appendix A of this Policy, and also available on the CILT(UK) website. This should be submitted to the Awarding Organisation and must be accompanied by the relevant supporting evidence.

Where a Learning Partner is found to have not reported an incident, CILT(UK) may apply sanctions in accordance with the CILT(UK) Sanctions Policy, and it may ultimately lead to permanent or temporary removal of a Learning Partner's accreditation or the removal of Learners from the qualification.

The Awarding Organisation will take appropriate steps to prevent, where possible, any Adverse Effect to which the suspected malpractice or maladministration may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.

The Investigation

Irrespective of the underlying cause or the people involved, all allegations of malpractice or maladministration will be investigated by CILT(UK). In the majority of cases CILT(UK) expects the Learning Partner to conduct an initial investigation into the incident, however in more serious cases CILT(UK) may conduct its own investigation directly, or conduct a follow up investigation once the Learning Partner has conducted its own and supplied a report to CILT(UK). If CILT(UK) intends to conduct a direct investigation, or a follow up investigation, the Learning Partner will be informed of this.

When dealing with alleged malpractice or maladministration, CILT(UK) will deal primarily with the Learning Partner Co-ordinator. In certain circumstances, for example, when a Learner's account of events is at variance with that of the Learning Partner's, CILT(UK) may deal directly with the Learner or the Learner's representative.

CILT(UK) will seek also witnesses, as appropriate, to establish the full facts and circumstances of any alleged malpractice or maladministration, or to validate evidence presented, where required.

Co-operation

CILT(UK) expect all parties, who are either directly or indirectly involved in the investigation to co-operate fully, including, but not limited to, providing access to documents, records, data, staff, third parties, sub-contractors, Learners, satellite sites or any other resource as required by the Awarding Organisation during an investigation.

In instances where a Learning Partner or Learner refuses to co-operate, there may be no alternative but to permanently or temporarily remove accreditation and remove Learners from the programme. CILT(UK) may also inform the relevant regulatory authorities.

Timescales

All reported incidents of suspected, or actual, malpractice or maladministration will be acknowledged in writing within 5 working days. The timescale for conducting the investigation into allegations of malpractice or maladministration will vary, and be determined by the level, complexity and specific nature of the issues reported. However, Learning Partners will be kept informed of any unavoidable delays in the process. Within 5 working days of the investigation conclusion, CILT(UK) will advise the Learning Partner, in writing, of the outcome of the investigation.

Source of the Allegation

Malpractice or Maladministration Discovered by a Learning Partner

If a Learning Partner discovers, or suspects, malpractice or maladministration, it is the responsibility of the Learning Partner Co-ordinator to report this to CILT(UK) at the earliest opportunity as per the above Reporting procedure. They must then, acting on behalf of the CILT(UK), personally supervise a thorough investigation into the allegation, the purpose of which is to establish the full facts and circumstances of any alleged malpractice or maladministration. If the allegation is directed at the Learning Partner Co-ordinator, or they have a personal interest in the outcome of the investigation, the Learning Partner should appoint

another member of staff to lead the investigation. Learning Partners should ensure that all actions taken as part of the investigation are fully documented.

A full written report of the investigation must then be submitted to CILT(UK), this should include the following, where appropriate:

- A statement of the facts, a detailed account of the circumstances and details of any investigations carried out by the Learning Partner.
- Written statement(s) from the staff concerned.
- Written statement(s) from the Learner(s) concerned.
- Any mitigating factors (e.g. relevant medical reports).
- Information about the Learning Partner's procedures for advising Learners of CILT(UK)'s regulations.
- Seating plans for any examination.
- Unauthorised material found in the examination room.
- Any work of the Learner and any associated material (e.g. source material for coursework) which is relevant to the investigation.
- Any other information that the Learning Partner feels would be relevant to the investigation.

Malpractice or Maladministration Discovered by the Awarding Organisation

If malpractice or maladministration is discovered by CILT(UK)'s Examiner, Moderator, External Verifier, Examination Inspector, Member of Staff, via the use of unoriginal content checking software, is reported to CILT(UK) by a Learner or member of the public, or by any other means, full details of the alleged malpractice or maladministration will be reported to the Learning Partner. The Learning Partner must then carry out a thorough investigation into the allegation as per the procedure for Malpractice or Maladministration discovered by a Learning Partner. The AO will record the details of the incident using the *AO Malpractice and Maladministration Form* included as Appendix B of this Policy.

Confidentiality of Evidence

CILT(UK) will store all evidence collated as part of an investigation confidentially, and will not normally withhold from Learning Partner Co-ordinators any evidence pertinent to incidents of suspected malpractice or maladministration. In rare incidents, it may be necessary to do so, for example, where it is necessary to protect the identity of an informant. In all such incidents, CILT(UK) will provide summaries of evidence and a statement as to why the evidence itself cannot be presented in its original form.

Access to Evidence

It is at the discretion of the Learning Partner Co-ordinator as to the means by which evidence is presented to the individuals involved. Nevertheless, CILT(UK) requires that individuals subject to an investigation have access to all evidence against them and are provided with all necessary facilities: for example, advice, sufficient time etc. in order to allow such individuals to prepare full responses.

The Investigative Process

Investigating Alleged Malpractice by Learners

- It is the Learning Partner's responsibility to ensure that any Learner suspected of malpractice is made fully aware, at the earliest opportunity, in writing of the nature of the alleged malpractice and the possible consequences should malpractice be proven.
- Learners accused of malpractice must be given the opportunity to respond in writing to allegations made.
- Learners accused of malpractice should be made aware of the avenues for appealing should a judgement be made against them. Full details of the procedure for appealing can be found in the CILT(UK) Appeals Policy.
- In those rare incidents where it is necessary for CILT(UK) to interview Learners directly following a Learning Partner's report on the incident, CILT(UK) undertakes to do this:
 - In the presence of the Learning Partner Co-ordinator, or other senior member of staff, if required.
 - Only after ensuring that the Learner has been given the opportunity to be accompanied by a supporter of their choice.

Investigating Alleged Malpractice/Maladministration by Learning Partner Staff

- Investigations into any incident of alleged malpractice or maladministration against a member of Learning Partner staff or associates must normally be carried out, in the first instance, by the Learning Partner Co-ordinator.
- If the alleged malpractice or maladministration is against the Learning Partner Co-ordinator then the Learning Partner must nominate another member of staff to lead the investigation.
- Any member of staff accused of malpractice or maladministration must be made fully aware, at the earliest opportunity, in writing of the nature of the alleged malpractice or maladministration and the possible consequences should this be proven.
- Any member of staff accused of malpractice or maladministration must have the opportunity to respond in writing to allegations made.
- A member of staff accused of malpractice or maladministration must be made aware of the avenues for appealing should a judgement be made against them. For further details please see the CILT(UK) Appeals Policy.
- When investigating serious incidents of alleged staff malpractice or maladministration, it may be necessary for a member of CILT(UK) staff to be present at an interview with the staff member concerned. A friend or union representative may accompany the member of staff being interviewed, if permitted by the Learning Partner's disciplinary procedures.

The Awarding Organisation will review the Learning Partner's report of the incident and the supporting evidence and if further information is required this may result in either: a discussion between the Learning Partner and CILT(UK) Awarding Organisation staff, a request for further information from the Learning Partner, or a visit to the Learning Partner. If a Learning Partner visit is necessary, CILT(UK) will liaise with the Learning Partner to arrange this and will provide an Agenda for the day; note that a fee will be charged for this visit, as detailed in the CILT(UK) Awarding Organisation Fees Document.

Outcome of the Investigation

The CILT(UK) Responsible Officer will then review each incident of malpractice or maladministration individually, and in light of the evidence and information available will, in conjunction with CILT(UK) Assessment Approvals Panel (if applicable), decide if malpractice or maladministration has occurred.

Where malpractice or maladministration has been found to have occurred CILT(UK) will review it's processes and guidance to ensure that relevant measures are put into place to avoid future incidents.

Learning Partner Malpractice or Maladministration

If the investigation confirms that malpractice or maladministration has taken place, in order to protect the integrity of CILT(UK)'s qualifications and to prevent future breaches, the Learning Partner may have one or more sanctions applied, in accordance with CILT(UK)'s Sanctions Policy, depending on the severity of the incident. CILT(UK) will ensure that any sanction applied is proportionate to the gravity and scope of the incident. CILT(UK) reserves the right to apply penalties flexibly, outside of the defined ranges, if particular mitigating or aggravating circumstances are found to exist.

Learner Malpractice

If the investigation confirms that malpractice has taken place, the Learner may have one or more of the following sanctions imposed. In some circumstances other sanctions may also be imposed.

- The Learner is issued with a warning.
- The Learner's assessment result is voided.
- The results for the entire cohort may be voided.
- The Learner is barred from entering for one or more assessments, for a set period of time.
- CILT(UK) will not issue, or will invalidate, the Learner's certificate.
- No further registrations will be accepted by CILT(UK) for the Learner.

Communicating the Decision

Once a decision has been reached Learning Partner Co-ordinators will be informed, in writing, of the outcome of the investigation and any subsequent consequences, including any contingencies that CILT(UK) require to be put in place to avoid further incidents, in proven cases. It is then the responsibility of the Learning Partner Co-ordinator to communicate the decision to the individuals concerned, and to pass on warnings in cases where this is indicated.

In cases where an independent third party made CILT(UK) aware of the incident, CILT(UK) will also advise the informant of the outcome of the investigation.

Although all investigations and their outcome are confidential to the Learning Partner, CILT(UK) may, where necessary, share the details of this with the relevant regulatory authorities and/or affected Awarding Organisations.

Revocation of Certificates

If, as the result of an investigation into Learner malpractice, the decision is taken to invalidate a Learner's certificate the Awarding Organisation will ensure that the following actions are taken:

- Follow the principle of seeking to protect the interests of Learners, in so far as is reasonable and possible in the circumstances
- Inform the Learning Partner of the reasons for their invalidity and any action to be taken for re-assessment and/or certification.
- Instruct the Learning Partner to inform the Learner of this and of such actions to be taken with regards to re-assessment and/or certification, if possible.
- Cancel the original certificates on our database so that duplicates cannot be issued.

- Arrange the return of the original certificate.
- Give the regulatory authorities details of the invalid certificates and, if appropriate, make the information available to public funding bodies.

Appeals

CILT(UK) has established procedures for considering appeals against penalties arising from malpractice/maladministration investigations. Appeals against a decision made by CILT(UK) will normally only be accepted from Learning Partner Co-ordinators (on behalf of Learners and/or members of staff) or from individual members of Learning Partner staff (in respect of a decision taken against them personally). Further information may be found in the CILT(UK) Appeals Policy.

Appendix A - Notification of an Occurrence of Malpractice and Maladministration Form



Name of Learning Partner:	
Address and contact details:	
Date of incident:	
Details of Learner(s) involved (including CILT(UK) Registration Numbers), if applicable:	
Details of Learning Partner Staff involved, if applicable :	

Nature and cause of Incident

How the incident came to light

Are Learners/media/government agencies or other stakeholders aware of the incident?

Actions already taken by the Learning Partner

Future proposed actions

Name:

Signed:

Job Role:

Date:

This form should be submitted to either ao@ciltuk.org.uk, or for the attention of the Awarding Organisation, CILT(UK), Earlstrees Court, Earlstrees Road, Corby, Northamptonshire, NN17 4AX.

Appendix B – AO Malpractice and Maladministration Form



The Chartered
Institute of Logistics
and Transport

Name of Learning Partner:	
Address and contact details:	
Date of incident:	
Details of Learner(s) involved (including CILT(UK) Registration Numbers), if applicable:	
Details of Learning Partner Staff involved, if applicable :	

Nature and cause of Incident

How the incident came to light

Necessary actions

Timelines

Remarks

Completed by:

Date:

Job Role: