

Malpractice and Maladministration Policy

All tutors, assessors and staff are required to read and understand this policy and act in such a way that ensures neither Malpractice or Maladministration occurs. If you suspect that either Malpractice or Maladministration has occurred, this must be reported immediately to Head of Centre.

Definitions

Malpractice is defined as an act or an instance of improper practice and includes maladministration. Malpractice is any activity, practice or omission which is either wilfully negligent or deliberately contravenes regulations and compromises the:

- internal or external assessment process
- integrity of a regulated qualification
- validity of a result or certificate
- reputation and credibility of ILM

Examples of malpractice, although not an exhaustive list, include:

- inadequate centre/provider procedures for the induction of members of staff
- failure to provide learners and members of staff with the knowledge of their responsibilities through relevant policies and procedures that include the possible consequences of non-compliance
- failure to review systems, policies and procedures to ensure they remain fit for purpose
- inadequate support for learners and members of staff that includes ways of helping learners understand how malpractice can occur and be prevented
- failure to follow our own procedures relating to malpractice, maladministration and/or plagiarism
- failure to report malpractice to ILM including cases of plagiarism that have been dealt with through a customer's own Malpractice and Maladministration or Plagiarism policy
- failure to have robust procedures in place for the review and monitoring of any administrative, assessment or quality process/activity that could result in the deliberate falsification of records

Examples of learner malpractice, although not an exhaustive list, include:

- falsification or fabrication of assessment evidence
- any form of impersonation
- any form of cheating to gain an improper advantage
- collusion i.e. allowing another learner to copy work or the unsanctioned collaboration between a learner and another individual in the production of work that would be submitted by a learner as the outcome of his/her individual efforts

For specific guidance on plagiarism and cheating please see our policy on Plagiarism and Cheating.

Maladministration is defined as any activity, practice or omission which results in us or learner noncompliance with administrative regulations and requirements. Examples of malpractice, although not an exhaustive list, include:

- persistent mistakes or poor administration within the business resulting in the failure to keep appropriate learner assessment records
- inaccurate recording of learner assessment decisions leading to invalid claims for certification
- non-compliance with ILM requirements as described in the Customer Handbook (for Centres and Providers) and associated policies
- failure to retain accurate records of learner assessment decisions for the specified timescale

We will take reasonable steps to prevent malpractice and/or maladministration from occurring throughout the development, delivery and assessment of ILM qualifications and programmes.

Process

Malpractice may be detected in a number of ways including:

- identification by a tutor, assessor or Internal Verifier or other member of staff
- identification by an ILM External Verifier, Quality and Compliance Manager (QCM) or another member of ILM staff through ILM's quality assurance processes or monitoring visits
- verbal or written allegations that are reported openly or anonymously by a learner, third party or other interested party to us or ILM. This could be by an individual who has been made aware by word of mouth through a third party that something has happened or is happening that has not been authorised and is inappropriate, or something they have identified or witnessed personally

All suspected or alleged cases of malpractice or maladministration must be reported straight away to ILM's Regulation and Quality Improvement Manager (RQIM) by emailing ILMRegulation@i-l-m.com. You should include details of the alleged activity and the source/evidence for the allegation. The RQIM may delegate the responsibility to investigate the allegation to a lead independent investigator or request us to undertake an investigation. When asked to conduct an investigation into allegations, we must ensure that it is conducted in line with the ILM guidance.

All of our staff and learners will be informed of their rights unless, due to specific circumstances, the RQIM notifies us that this is not appropriate. All findings must be reported to the RQIM using the ILM example report format and content found on the ILM website Malpractice and Maladministration policy by the date specified or within 30 days of the allegation being received by ILM.

In cases where breaches have occurred due to maladministration rather than malpractice, the matter may be referred to the QCM and External Verifier to agree action to prevent any future occurrences.

Where an investigation is undertaken by ILM the outcome will be communicated to us and other relevant parties as soon as possible after the conclusion of the investigation. The report and any actions arising will be communicated to the QCM and the External Verifier.

Where a malpractice incident is likely to cause an adverse effect, for example invalidate the award of a qualification or have implications for another awarding organisation, the RQIM will inform the relevant regulator and the affected awarding organisation. The rights of individuals with regard to anonymity and the avoidance of discrimination will be upheld. For example, Whistle-blowers are protected by legislation which confirms that they are protected from harassment and unfair or damaging treatment regardless of whether the allegations are unfounded.

Actions

In most investigations into suspected malpractice, decisions will be made by trained ILM members of staff but in cases of serious malpractice, the decision may be made by ILM's Malpractice Committee. The ILM Quality and Regulatory Group will oversee the investigation process and will ratify the outcome of each investigation regardless of the decision maker. If the investigation confirms that malpractice has taken place, dependant on the gravity and scope, one or more of the following actions will be taken:

- disallowing all or part of a learner/s assessment evidence or marks
- the learner/s certificates will not be issued, or previously issued invalid certificates for the learner/s will be withdrawn
- no further registrations will be accepted for the learner/s
- Our risk rating will be reviewed which could lead to increased centre visits and/or the imposition of sanctions. These sanctions could include the suspension of registrations, suspension of certification or suspension of centre approval and/or qualification approval or withdrawal of centre approval
- appointment of independent invigilators to observe an examination
- implementation of an agreed improvement action plan
- a report will be made to the relevant regulatory bodies and may be shared with other awarding organisations and/or other agencies such as funding bodies or the police
- ILM membership may be withdrawn for the learner/s
- corporate or individual tutor membership may be withdrawn

In addition to the above ILM may decide to take specific action against a learner or a specific member of staff dependent on the gravity and scope of the investigation outcome. This could include:

- barring a learner from registering on an ILM qualification or programme at any centre for a set period of time
- suspension of a centres member of staff from any involvement in the delivery of ILM qualifications or programmes for a set period of time
- imposition of special conditions for a centre member of staff involvement in the delivery of ILM qualifications or programmes