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**Managing Cases of
Suspected Malpractice
in Assessments**

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1.0 INTRODUCTION

This document provides guidance when notifying or wishing to report suspected malpractice. All reports of suspected malpractice should be made to the Silverback Quality Assurance Manager, unless he/she is involved in the incident, in which case, reports should be made to the Managing Director.

2.0 SUSPECTED MALPRACTICE IN ASSESSMENTS

2.1 Commitment to quality

Silverback is committed to providing high-quality qualifications which are assessed and awarded consistently, accurately and fairly. This requires everyone that is involved in the implementation, assessment and quality assurance of Silverback qualifications and/or assessments to demonstrate honesty and integrity. It is Silverback's responsibility to ensure that all relevant staff involved in the management, assessment, moderation or internal quality assurance of qualifications are aware of the contents of this document.

An electronic copy of this document and editable word versions of the learner and centre staff notification forms are available from the Quality Assurance Manager.

2.2 Scope of this document

This document is intended to provide guidance to Silverback staff and those involved in the management and delivery of qualifications. It includes examples of possible learner malpractice and outlines the responsibilities of staff, external quality assurers, examiners and members of the public to report malpractice, actual or suspected.

Section 3 of this document contains possible examples of malpractice by both staff and learners. Please note that these examples are not exhaustive.

2.3 Purpose of this document

The purpose of this document is to set out the procedures to be followed in identifying and reporting malpractice by staff and/or learners and the actions which Silverback may subsequently take. It also sets out the sanctions that may be applied in any instances of proven malpractice.

2.4 Review of this document

This document is reviewed and revised regularly in response to feedback from staff, External Quality Assurers (EQAs) and/or changes in legislation.

2.5 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 requirements, and potentially compromises the:

- Internal or external assessment process
- Integrity of a qualification
- Validity of a result or certificate
- Reputation and credibility of Silverback or external examining or awarding bodies.

Maladministration is defined as any activity, practice or omission which results in Silverback's or learners' noncompliance with administrative regulations and requirements; for example, persistent mistakes or poor administration resulting in the failure to maintain appropriate learner assessment records.

3.0 EXAMPLES OF MALPRACTICE BY STAFF AND LEARNERS

3.1 Silverback staff malpractice

3.1.1 Failure to meet qualification approval requirements

Examples of this might include:

- Inaccurate or deliberately misleading statements or submissions provided during the qualification approval process, or at any time during the assessment process.
- Failure to provide the staff, resources or systems needed to support assessment, internal quality assurance or certification claims.
- Failure to maintain the quality assurance of sub-sites, alternative assessment sites, subcontractors, and satellite centres.
- Failure to maintain accurate records relating to learners, assessment or internal quality assurance, or to retain such records for the required period of time.
- Failure to provide Silverback with access to premises, people or records.
- Failure to implement specified remedial actions.
- Failure to notify Silverback of suspected malpractice

3.1.2 Influencing the assessment or certification process

Examples of this might include:

- The unauthorised obtaining, disseminating, or the facilitating of access to secure examination/assessment material.
- Members of staff undertaking or amending Participant/Learner assignment responses.
- Assisting or prompting learners in the production of assignment responses beyond the formative assessment arrangements in place.

- Any action or inaction that allows learners to gain an unfair advantage.
- Falsification or fabrication of learners' marks, assessment evidence, observation records, certification claims or results documentation, and any other records or documentation pertaining to qualifications.
- Falsifying the signatures of learners or assessors for the purpose of validating or authenticating any records pertaining to qualifications.
- Deliberately claiming for certificates where there is no evidence to support certification.
- Manipulating learner/moderation samples for the purpose of external quality assurance/moderation. Samples provided should be representative of the standard of work across the rest of the cohort/qualification.
- Failure of a member of staff to report any instances of malpractice or suspected malpractice as defined previously in Section 2.5 to the appropriate person/team.
- Soliciting money from learners in exchange for services whether rendered or not, relating to the assessment or delivery of qualifications.
- Offering a bribe of any kind to an invigilator, a member of staff or Silverback staff.
- Submission of investigation reports that are misleading or contain false information that may lead to an incorrect conclusion.

3.1.3 Breach of assessment rules, regulations and requirements

Examples of this might include the:

- Falsification of assessment evidence or results documentation.
- Plagiarism of any nature.
- Collusion with others.
- False declaration of authenticity in relation to the contents of portfolios or coursework.
- The submission of a piece of work purchased from a third party; for example, from an essay or assignment writing service.
- Copying from notes provided by another learner (including the use of ICT to aid copying) or allowing work to be copied.
- Deliberate destruction or tampering with a learner's work or assessment records.
- Obtaining or attempting to obtain secure assessment material.
- Disseminating secure assessment material.
- Impersonation.
- Offering a bribe of any kind to a member of the Silverback staff.
- Forging learner and/or staff signatures.

If suspected malpractice in learner work is identified, learners should be aware that Silverback will consider learner work submitted for assessment electronically via an e-portfolio or by any other electronic means as having been declared as authentic by the learner.

3.2 Plagiarism

Learner plagiarism is defined as the practice of learners submitting any work for assessment that is not their own. This could be any percentage of work that has not

been referenced and has been copied from published work, the internet, or any other sources.

It is the responsibility of the Silverback to ensure that learners are aware of what constitutes plagiarism and to take adequate steps to prevent and detect it. Silverback will investigate incidents of learner plagiarism when a declaration of authenticity has been signed by the learner Silverback will consider learner work submitted for assessment electronically via an e-portfolio or by any other electronic means as having been declared as authentic by the learner. Staff who discover plagiarism should follow the process detailed in Section 3 of this document.

Plagiarism found in learner work that has not been declared by the learner as their own, will be investigated by the Quality Assurance Manager. Numerous incidents of learner plagiarism may indicate centre maladministration and will result in an initial investigation by the Quality Assurance Manager.

3.3 Collusion

Collusion is defined as two or more learners who collaborate on a piece of work, beyond the level that is permitted, with the intent to deliberately mislead or deceive.

Collusion can take the following forms:

- Two or more learners collaborating to produce a piece work together with the intention that it is submitted as their own, individual work or with the intention of at least one learner submitting it as their own, individual work.
- A learner submitting the work of another learner (with their consent) as their own, individual work. In such cases, both learners would be deemed to have committed collusion.
- Unauthorised co-operation between a learner and a third party in the production of a piece of work that will be submitted as the learner's own.

4.0 RESPONSIBILITIES TO REPORT MALPRACTICE

4.1 Silverback Staff

Silverback requires staff to co-operate fully with any investigations into cases of suspected or actual malpractice. Failure to report suspected malpractice and/or co-operate with follow-up activity can be construed as malpractice and may lead to qualifications not being awarded, certificates not being issued, future entries and/or registrations not being accepted or withdrawal of qualification and/or external awarding body approval.

Silverback staff who discover or suspect malpractice must report this immediately to the Quality Assurance Manager, who in turn is required to notify any external awarding body in the appropriate manner and in the required timeframe.

External awarding bodies may consider the following as malpractice:

- Failure to notify the awarding body of any incidents or allegations of suspected malpractice.

- Failure to take action as required by the awarding body or to co-operate with a resulting investigation.
- Failure to respond to communication to provide all facts, circumstances and documentation requested by the awarding body.

4.2 Members of the public/learners

Members of the public who wish to report malpractice can do so by reporting their concerns to the Quality Assurance Manager who will acknowledge receipt of the email and arrange a telephone interview with the person who reported the malpractice to gather more information.

Silverback will endeavour to keep a complainant's identity confidential if requested to do so. However, those disclosing information should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure. Information received in disclosures may be shared with third parties where necessary.

Anonymous disclosures will be considered but it may not always be possible to investigate them.

Silverback would normally ask to be provided with as much evidence as possible to support the disclosure. Each disclosure will be considered sensitively and diligently to ensure that appropriate action will be taken. It should be noted, however, that the ability to investigate allegations will be dependent on the availability of documentary evidence. This becomes more difficult to produce and authenticate after a considerable amount of time has elapsed. Therefore, Silverback encourages anyone who suspects malpractice to notify the Quality Assurance Manager as soon as possible. The investigation team cannot disclose to an informant the outcome of an investigation or any action that is taken as a result of an investigation.

5.0 INVESTIGATIONS INTO SUSPECTED MALPRACTICE

5.1 Reporting malpractice

Following the guidance outlined in the previous section relating to responsibilities to notify Silverback of malpractice, details of the suspected malpractice must be reported to the Quality Assurance Manager.

In instances of suspected malpractice, learners will not be informed of the results of the assessment or notified of assignment results until the investigation is complete and the Quality Assurance Manager has authorised disclosure.

5.2 Investigation guidance/process

5.2.1 Who will undertake the investigation

Once notification of malpractice has been received, the Quality Assurance Manager will determine the appropriate individual to undertake the investigation. In the case

of external awarding bodies, the body may sanction investigation by the Quality Assurance Manager or undertake their own external investigation. Where assessments receive accreditation from an external awarding body, the relevant policies and procedures of the awarding body for reporting suspected malpractice will be followed.

5.2.2 Objectives of an investigation

- To establish the facts relating to the suspected malpractice in order to determine whether any malpractice or non-compliances have occurred.
- To identify the cause of the malpractice and those involved.
- To establish the scale of the malpractice.
- To determine whether any action is required to preserve the integrity of the qualification and reduce the risk of the malpractice occurring in the future.

5.2.3 Establishing the facts

The fundamental principle of investigations is to conduct them with integrity and in a fair, objective and professional manner, ensuring that all relevant facts and circumstances are considered without bias. It should not be assumed that, because an allegation has been made, it is true. Those undertaking investigations should review the evidence and associated documentation, including the guidance of the external awarding organisation on the delivery of the qualification concerned.

The following facts should be determined:

- What occurred (the nature of the malpractice or the substance of the complaint/allegation)
- When it occurred
- Where it occurred (there may be more than one location)
- How the malpractice occurred
- Who was responsible for the malpractice
- Who was involved in the malpractice (staff and/or learners)

5.2.4 Responsibilities

In carrying out the investigation and writing a report, the investigator is required to:

- Personally supervise the investigation into the malpractice and ensure that it is conducted in a timely manner.
- Inform staff members and learners of their individual rights as set out in this document.
- Where possible, the person(s) found to be responsible for malpractice should be given the opportunity to provide a statement.
- Interviews should be undertaken with the Quality Assurance Manager or relevant party and an independent member.
- Ensure that all information and evidence relevant to the investigation is included in the report.
- Communicate to the individuals concerned any warnings or notifications of penalties. This may include members of staff who are no longer associated or working with Silverback, or learners.

5.2.5 Rights of accused individuals

Learners or members of staff suspected of malpractice must:

- Be informed in writing of the allegation made against them.
- Be informed of the evidence there is to support the allegation.
- Understand the possible consequences should malpractice be proven.
- Have the opportunity to consider their response to the allegation(s).
- Have an opportunity to submit a written statement.
- Be informed that they will have the opportunity to read the submission and make an additional statement should the matter be referred to the external body's Malpractice Committee.
- Be informed of the applicable appeals procedure should a decision be made against them.
- Be informed that information relating to the malpractice may be shared with other Awarding Organisations, the regulators and other external agencies, as appropriate.

5.3 Report submission

The person responsible for undertaking the investigation must submit a full written report. The report must include a detailed account of the circumstances of the alleged malpractice and details of the investigation carried out by Silverback.

Where applicable, the report must be accompanied by/consider the following:

- The procedures for advising learners and/or staff of the regulations concerning the conduct of assessments.
- Evidence that staff who are implicated in the alleged malpractice have been given the opportunity to provide a statement.
- Signed and dated transcripts of any interviews undertaken as part of the investigation process.
- Written statements from the learner(s) and any staff or external assessors who have been involved in the investigation of the alleged malpractice.
- Written statement from the learner's employer.
- Any work of the learner which is relevant to the investigation.
- Copies of plagiarised material.
- Any mitigating factors (e.g. relevant medical reports).
- Any other material relevant to the investigation.

5.4 Appeals process

Any learner or member Silverback who wishes to submit an appeal against a decision of malpractice may do so in writing to:

The Quality Assurance Manager, Silverback Security Academy Ltd, 31
Thornfields, Thorngumbald, Hull, HU12 9UH

Participants/Learner(s) or staff receiving sanctions from an external awarding organisation should follow the organisation's malpractice policy.

6.0 SANCTIONS/PENALTIES

Below are examples of sanctions or penalties that Silverback may apply. Please note that this is not an exhaustive list.

6.1 Learner malpractice/maladministration

- **Written Warning**
The learner is issued with a warning that if the offence is repeated, further specified sanctions may be applied.
- **Assessment evidence will be disallowed**
Submitted evidence from the learner is disallowed and the learner must submit new evidence for the relevant section of the module
- **Results will not be issued, or will be cancelled**
Silverback may withhold or cancel results and/or certificate(s) if there is evidence to prove, or on the balance of probabilities it is found that the results/certificate(s) issued to the learner are invalid.
- **Disqualification from the module or whole qualification**
The learner is disqualified from the whole qualification or module for a stated period of time.
- **Barred from entering Silverback training courses/assessments**
Silverback may decide that a learner will be barred from entering/undertaking any courses for a specified period of time.

6.2 Centre staff malpractice/maladministration

- **Written Warning**
The learner is issued with a warning that if the offence is repeated, further specified sanctions may be applied.
- **Training**
The member of staff is required, as a condition of further involvement in Silverback qualifications, its assessments and/or examinations, to undertake specific training or mentoring, with a particular period of time, and a review process at the end of the training.
- **Disciplinary process**
Where the malpractice is regarding as gross misconduct, members of Silverback staff will be subject to disciplinary procedures as outlined in their contract of employment and company policy.