

## Malpractice and Maladministration: Policy and Procedure

### 1 Introduction

This policy relates to suspected malpractice and maladministration on the part of candidates, the Society of Local Council Clerks (SLCC) or any others involved in providing CiLCA. It outlines the steps the SLCC will follow when investigating suspected or actual cases of malpractice (including plagiarism or collusion) or maladministration. It includes an anti-corruption statement. This policy is aligned with guidance from Ascentis, the awarding body. The policy was reviewed in August 2020 and will be reviewed again in January 2023.

CiLCA is the Certificate in Local Council Administration, the specific Level 3 qualification for officers of parish, town and community (or local) councils. The SLCC is responsible for the administration of CiLCA on behalf of the Improvement & Development Board (IDB). The IDB represents bodies responsible for the development of local councils including the Ministry of Housing, Communities and Local Government, the Local Government Association, the National Association of Local Councils and the SLCC.

The SLCC staff and all independent trainers involved in the management, assessment and quality assurance of Ascentis' qualifications should be fully aware of this policy and procedures to prevent and investigate instances of malpractice and maladministration.

### 2 Definitions

**Maladministration** is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (e.g. inappropriate candidate records).

**Malpractice** is essentially any activity, neglect, default or practice which deliberately contravenes regulations and compromises, or could compromise, the integrity of the internal or external assessment process, the validity of certificates or the reputation and credibility of CiLCA, Ascentis, the SLCC, the IDB or the wider qualifications community. It includes misconduct or any action that compromises the professionalism or integrity of local council officers or those working with local councils.

Malpractice may include a range of issues such as plagiarism or collusion conducted by candidates, the failure of the SLCC to maintain appropriate records or systems or the deliberate falsification of records in order to claim certificates. For the purpose of this policy, this term also covers forms of discrimination or bias towards certain, or groups of, candidates.

**Plagiarism** is a form of malpractice where a candidate uses or imitates someone else's words or ideas and passes them off as their own work. Candidates cannot use material from other sources without acknowledging that source in a reference. Candidates must take full responsibility for the content of their portfolio and it must be clear which writing is their own work. *Every* document or page written by the candidate must be labelled with the candidate's name.

**Collusion or syndication** is malpractice occurring when two or more people submit a piece of work using the same or closely similar words. To check that syndication has not taken place, candidates from the same employer are normally assessed by the same assessor.

Corruption in education is where an assessor takes a bribe from a student or trainer for personal gain in exchange for ensuring that a student's result is acceptable to the student.

Examples of malpractice and maladministration are given in an appendix to this policy.

### **3 Procedure**

**Report to Ascentis:** Any candidate, trainer or member of the SLCC staff, including an assessor, who suspects malpractice, plagiarism or collusion must report this immediately to the Head of Conferences, Training and Education (HCTE) at the SLCC. The HCTE must report the incident to the Quality Assurance Manager at Ascentis in writing, giving a full account of the incident with any supporting evidence. Ascentis acknowledges receipt, as appropriate, to external parties within 48 hours. All allegations must include (where possible):

- the SLCC's name, address and number
- the candidate's name and Ascentis registration number
- the name and job role of any member of staff involved in the case
- the nature of the service affected
- the nature of the suspected or actual malpractice and associated dates
- the details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances

**The investigator:** The HCTE is responsible for ensuring that any investigation is carried out in a prompt and effective manner. The HCTE allocates an independent, relevant member of staff to lead the investigation to

- establish whether or not the malpractice or maladministration has occurred
- review any supporting evidence received or gathered.

The HCTE must not ask an individual to assist or lead an investigation when there is a suspicion or allegation that the individual was connected to the incident being investigated.

**Records:** Staff assigned to an investigation will maintain an auditable record of every key action during an investigation to demonstrate that they have taken appropriate action. The investigator reviews the relevant evidence and associated documentation, including

relevant guidance on the delivery of the qualification and related quality assurance arrangements, to determine:

- what occurred (nature of malpractice/substance of the allegations)
- why the incident occurred
- who was involved in the incident
- when it occurred
- where it occurred
- what action, if any, the SLCC has taken

**Confidentiality:** Sometimes a person making an allegation of malpractice, maladministration plagiarism or collusion may wish to remain anonymous. While Ascentis is prepared to investigate issues which are reported anonymously, Ascentis will always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates. Requests for anonymity will be respected by Ascentis except where this is not possible for legal reasons.

**Interviews:** Investigations may include interviews with key parties. Interviews will be thoroughly prepared, conducted appropriately and underpinned by clear records. Interviews may be conducted face-to-face or by Skype (or similar). They will normally be conducted by two people with one person primarily acting as interviewer and the other as note-taker. Those being interviewed will be informed that they may have another individual of their choosing present and that they do not have to answer questions (these arrangements aim to protect the rights of all individuals).

**Other contacts:** In some cases, candidates or employers may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post or by email. Whichever method is used, the investigator will have a set of prepared questions. The responses will be recorded and attached as relevant to the appropriate form. Investigators should log the number of attempts made to contact an individual.

**Documentary evidence:** Wherever possible, documentary evidence should be authenticated by reference to the author. This may include asking candidates and others to confirm handwriting, dates and signatures. A receipt will be given for any physical documentation removed from the SLCC's Head Office. Where relevant, independent expert opinion may be obtained from subject specialists about a candidate's evidence and/or from a specialist organisation who may comment on the validity of documents.

**Conclusions:** Once all relevant evidence has been gathered and reviewed, the draft findings and recommendations will be forwarded to the HCTE. A decision will be made on the outcome of the investigation and any appropriate actions that should be taken such as notifying relevant parties and applying actions and/or sanctions.

**Reporting:** The final outcomes should be submitted to the relevant parties at the SLCC such as the Academic Leader, the Internal Verifier and the assessor and, if relevant, to the trainer. Ascentis should be notified as outlined within the Ascentis procedure. It may not be appropriate to disclose full details of the outcomes of the investigation due to

confidentiality or legal reasons (e.g. disclose full details on the action that may be taken against the parties concerned). Ascentis and the SLCC aim to keep informants updated as to the progression of the allegation but will not disclose details of on-going investigations.

**Actions:** Any resulting action plan should be implemented and monitored appropriately by the Academic Leader.

For further details on the consequences of any investigation into plagiarism or collusion see The Portfolio Guide.

#### **4 Anti-Corruption Statement**

Corruption is where an assessor takes a bribe from a candidate or trainer for personal gain in exchange for ensuring that the assessment outcome is acceptable to the candidate. The SLCC has taken the following steps to make sure that corruption cannot occur:

- The assessors are anonymous and therefore it is not possible for a candidate or a trainer to get in touch with an assessor for such a purpose.
- If an assessor is also a trainer, that assessor will never assess the work of his/her own candidates.
- The assessors are known to a small number of SLCC staff who are required to notify the Head of Conferences, Training & Education at the SLCC if a candidate makes an approach to them for such a purpose.

For further information, please contact the Head of Conferences, Training and Education at the SLCC.

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## **Appendix**

### **Examples of malpractice and maladministration**

Examples of malpractice by the SLCC could include, but are not restricted to:

- Denial of access to premises, records, information, candidates and staff to any authorised Ascentis representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with Ascentis' requirements
- Deliberate failure to adhere to candidate registration and certification procedures
- Deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned to the centre
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim for certificates

- Intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of Ascentis' logo and trademarks or misrepresentation of a centre's relationship with Ascentis and/or its recognition and approval status with Ascentis
- Permitting collusion in assessment
- Candidates still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the centre
- Deliberate contravention by a centre and/or its candidates of the assessment arrangements specified for the qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by candidates/staff
- Unauthorised amendment, copying or distributing of assessment materials
- Inappropriate assistance to candidates by centre staff or trainers (eg unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- Deliberate failure to adhere to, or deliberate attempt to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.
- Creation of false records
- Taking cash for certificates (e.g. the selling of certificates for cash)
- Other instances of extortion or fraud

Examples of malpractice by candidates include, but are not restricted to:

- The alteration or falsification of any results document, including certificates
- Failing to maintain the security of portfolios
- Collusion: working collaboratively with other candidates, beyond what is permitted
- Copying from another candidate (including the use of ICT to aid the copying) or allowing work to be copied e.g. e-mailing written coursework to another candidate
- The deliberate destruction of another candidate's work
- Making a false declaration of authenticity in relation to the contents of a portfolio
- Allowing others to assist directly in the production of portfolio materials or assisting others
- The misuse, or the attempted misuse, of resources such as exemplars
- The inclusion of inappropriate, offensive or obscene material in portfolios
- Impersonation (pretending to be someone else) such as arranging for another person to take one's place in producing a portfolio or any element of a portfolio
- Plagiarism: unacknowledged copying from published sources or incomplete referencing
- Theft of another candidate's work
- Actions or statements which bring the individual's profession into disrepute
- Making false claims regarding progress or qualifications obtained to existing or potential employers

**Maladministration**

Maladministration may include failure to adhere to the regulations regarding the conduct of assessments and/or the handling of portfolios, assessor feedback, cumulative assessment records, results and certifications claims. Examples of maladministration include, but are not restricted to:

- failing to ensure that candidates' coursework is adequately monitored
- failing to use current assignments for assessments
- failure to keep accurate and up to date records in respect of declared disabilities
- failing to retain candidates' portfolios in secure conditions
- failing to make portfolios available to Ascentis or verifiers in a timely way
- failing to report an instance of suspected malpractice in assessment to Ascentis as soon as possible after such an instance occurs or is discovered
- failing to conduct a thorough investigation into suspected assessment malpractice when asked to do so by Ascentis
- persistent failure to adhere to candidate registration and certification procedures
- the inappropriate retention or destruction of certificates and/or inaccurate claim for certificates
- unreasonable delays in responding to requests and/or communications from Ascentis
- withholding of information, by deliberate act or omission, which is required to assure Ascentis of the centre's ability to deliver qualifications appropriately