

Policies and further guidance

NOCN Code of Practice Suspected Malpractice

Guidelines and Arrangements for Dealing with Suspected Malpractice with Reference to NOCN Qualifications and Units of NOCN Qualifications

1. Introduction

1.1 This document aims to:

- Define malpractice in the context of assessment.
- Set out the rights and responsibilities of NOCN, Centre staff and learner in relation to such matters.
- Describe the procedures to be followed in cases where there is reason to suspect that the regulations have been broken.

1.2 Centre Officers responsible for the qualification and/or units of the qualification are expected to supervise all investigations resulting from an allegation of malpractice. Centres must report suspected malpractice to NOCN, failure to do so may result in certificates not being issued and registrations not being accepted.

1.3 NOCN reserves the right to withhold the issuing of results of assessment while investigations are ongoing. Depending on the outcome of the investigation results may be released or permanently withheld.

2. Malpractice

2.1 Malpractice is deemed to be those actions and practices, which threaten the integrity of assessment and certification. The term 'malpractice' is intended to encompass other similar terms such as 'non-compliance', 'misadministration' and 'professional misconduct'.

3. Centre Staff Malpractice

3.1 The following are examples of malpractice by Centre staff. Other instances of malpractice may be considered by NOCN at their discretion:

- Failing to keep assessment papers secure prior to assessment.
- Obtaining unauthorised access to assessment material prior to assessment.
- Failing to keep learner, computer or other files secure.
- Assisting or prompting learners with the production of answers.
- Failing to abide by the conditions of supervision designed to ensure the security of assessment.

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4. Learner Malpractice

4.1 The following are examples of malpractice by learners. Other instances of malpractice may be considered by NOCN at their discretion:

- Introduction of unauthorised material into the assessment room, for example, notes, calculators.
- Copying from another learner (including using IT to do so).
- The inclusion of inappropriate, offensive or obscene material in assessment tasks.
- The deliberate destruction of another's work.
- Plagiarism.
- Behaving in such a way as to undermine the integrity of the assessment.
- Acting in a disruptive manner.

5. Procedures for investigating alleged malpractice

5.1 Allegations of malpractice must be reported to NOCN by assessors, moderators, tutors, managers, learners and members of the public. When dealing with alleged malpractice, NOCN will deal primarily with the Centre Officer, or his/her nominated representative, responsible for the qualification or unit. In certain circumstances, for example, when a learner's account of events differs with that of the Centre's, NOCN may deal directly with the learner or their representative.

5.2 NOCN will seek to establish the full facts and circumstances of any alleged malpractice.

6. Malpractice discovered by the Centre

6.1 If malpractice is discovered by the Centre, full details of the case must be submitted at the earliest opportunity to the Chief Executive of NOCN.

7. Malpractice discovered by NOCN

7.1 If malpractice is discovered by NOCN's moderator/assessor, or has been reported to NOCN by a learner or member of the public, full details of the alleged malpractice will be reported to the Centre. The Centre Officer will be required to conduct a full investigation into the alleged malpractice and to submit a written report.

8. Anonymous reports

8.1 Anonymous reports will only be acted upon if there is supporting evidence, or if the nature of the report warrants it. In these cases the Centre Officer will be informed and asked to comment or investigate.

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9. Access to evidence – confidentiality of evidence

- 9.1 NOCN will not normally withhold from the Centre Officer any evidence relevant to cases of suspected malpractice. Occasionally it may be necessary to do so, for example where it is necessary to protect the identity of an informant. In all such cases NOCN will provide summaries of evidence and a statement as to why evidence itself cannot be presented in its original form.
- 9.2 It is at the discretion of the Centre Officer as to the means by which evidence is presented to the individuals suspected of malpractice. Nevertheless NOCN requires that individuals subject to a malpractice investigation have access to all evidence against them and are provided with sufficient time in order to allow them to prepare full responses.

10. Investigation by a Centre into suspected malpractice by learners

- 10.1 It is the responsibility of the Centre Officer to carry out an investigation, to submit a full written report of the case and to provide supporting evidence to NOCN.
- 10.2 Learners suspected of malpractice should be made fully aware, in writing at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven.
- 10.3 Learners suspected of malpractice must be given the opportunity to respond, preferably in writing, to allegations made.
- 10.4 Learners suspected of malpractice must be made aware of the routes for appealing should a judgement be made against him or her. Full details of the NOCN appeals procedure for NOCN qualifications and units of NOCN qualifications can be found in the Administration Handbook for Centres.
- 10.5 In rare cases where it is necessary for NOCN to interview a learner/s in the pursuance of an investigation, NOCN undertake to only do this in the presence of the Centre Officer, or other senior member of staff, and then only after ensuring that the learner has been given the opportunity to be accompanied by an advocate.

11. Investigation of suspected malpractice by members of staff

- 11.1 Investigations into any case of suspected malpractice against a member of staff must normally be carried out in the first instance by the Centre Officer or relevant employer, in conjunction with NOCN.
- 11.2 Investigations into any case of suspected malpractice against the Centre Officer must be carried out by the Chair of the Governing Body of the Centre, or the responsible employer, and reported to NOCN when complete.

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- 11.3 Any member of staff suspected of malpractice must be made fully aware, in writing, at the earliest opportunity of the nature of the suspected malpractice and the possible consequences should malpractice be proven.
- 11.4 Any member of staff suspected of malpractice must have the opportunity to respond, preferably in writing, to allegations made.
- 11.5 A member of staff suspected of malpractice must be aware of the routes for appealing.
- 11.6 In serious cases of suspected staff malpractice, it may be necessary for a member of NOCN staff to be present at an interview with the staff member concerned.
- 11.7 A report on cases where members of staff are found to have committed malpractice, together with details of the action taken by the Centre Officer, the Governing Body or the responsible employer, may be made available to others, for example, the Police, if NOCN decides that the circumstances of the case are sufficiently serious to warrant such reports being made.

12. Reporting

- 12.1 It is the responsibility of the Centre Officer and/or relevant employer, to submit to NOCN a full written report of an investigation and to provide the following where appropriate:
- A statement of the facts, a detailed account of the circumstances and details of any investigations carried out by the Centre.
 - Written statement(s) from the moderators or other staff concerned.
 - Written statement(s) from the learner(s) concerned.
 - Information from the Centre's procedures for advising learners and staff of NOCN regulations.
 - Unauthorised material found in the assessment room.
 - Any work of the learner and any associated material that is relevant to the investigation

13. The response of NOCN to reports

- 13.1 Where an investigation indicates evidence of malpractice, NOCN will appoint a panel, chaired by a member of the NOCN Board and comprising of both NOCN Board members and external members, to scrutinise the alleged malpractice. The panel will comprise of at least three members, with NOCN Board members being in the minority.
- 13.2 The panel may delegate responsibility for deciding certain straightforward cases to named officers of NOCN.

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- 13.3 The panel must establish that correct procedures have been followed in the investigation of cases.
- 13.4 The panel, or officers acting under delegated authority, will determine:
- Whether the assessment regulations have been broken.
 - Where the culpability lies for the breach of regulations.
 - Appropriate measures to be taken to protect the integrity of the assessment and to prevent future breaches.
 - The nature of the sanctions to be applied/action to be taken.
- 13.5 Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available.
- 13.6 NOCN will impose sanctions on individuals found guilty of breaking assessment regulations in order to:
- Maintain the integrity of the assessment and confidence in assessment.
 - Ensure that there is nothing to gain from breaking the regulations.
 - Deter others from doing likewise.

14. Sanctions applied against members of staff and Centres

- 14.1 Where an investigation establishes a malpractice by a member of staff, any subsequent disciplinary action against the member of staff concerned must be the responsibility of the Centre Officer, or the responsible employer.
- 14.2 NOCN will consider whether the integrity of its assessment might be jeopardised if a member of staff found to have indulged in unfair practice were to be involved in the conduct, supervision or administration of NOCN assessments in the future.
- 14.3 Where a member of staff has been found guilty of malpractice, NOCN has the right to impose special conditions on the future involvement in assessment by that member of staff, whether this involves the conduct, supervision or administration of assessments.
- 14.4 NOCN may refuse to accept assessment entries from a Centre where malpractice is established.
- 14.5 NOCN may withdraw Centre approval to deliver NOCN qualifications and units of NOCN qualifications where malpractice is established.

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15. Sanctions applied against learners

NOCN may, at its discretion, impose the following sanctions against learners found guilty of breaking the regulations:

- The learner is issued with a warning.
- The learner loses all credit gained for a unit.
- The learner loses all credit gained from all units in a single qualification (units which have been awarded are retained).
- The learner is disqualified from the whole qualification.
- The learner is barred from entering for one or more assessments for a set period of time. (This penalty may be applied in certain circumstances with any of the other penalties above).

Notes:

- Not all of the penalties may be appropriate for all NOCN qualifications.
- In the case of serious malpractice NOCN may report the case to the Police.
- The Centre Officer retains sole discretion to take any further action they themselves deem appropriate.

16. Applying sanctions

- 16.1 The application of sanctions are at the discretion of NOCN and will reflect the particular circumstances of each case and any mitigating factors.
- 16.2 Sanctions will be based only on the evidence presented.
- 16.3 All sanctions must be justifiable and reasonable in their scale and consistent in their application.
- 16.4 For reasons of consistency of approach in the application of sanctions, NOCN will not take into account any consequential effects of a particular sanction which might arise from the circumstances of the individual.
- 16.5 Sanctions applied will remain on record at NOCN.

17. Communicating decisions to learners, staff and Centres

- 17.1 The Centre Officer/relevant employer will be informed of decisions in writing as soon as possible after decisions are made. It is the responsibility of the Centre Officer/relevant employer to communicate the decision to the individuals concerned and to pass on warnings in cases where this is indicated.

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18. Exchange of information with other Awarding Bodies and Authorities

- 18.1 The majority of cases of malpractice are essentially confidential between the individual Centre and NOCN, but there are certain cases that may have wider implications. In cases of serious malpractice, in order to preserve the integrity of the assessment, it may be necessary for information to be exchanged amongst other Awarding Bodies, Qualification authorities and/or the Police.
- 18.2 In all instances of serious malpractice, NOCN will automatically report the case to the Qualification authorities. All other cases will be reported on request.
- 18.3 NOCN will inform the Qualification authorities whenever it finds evidence that certificates may be invalid and agree appropriate remedial action.

19. Appeals

- 19.1 NOCN has established procedures for considering appeals arising from the outcomes of an investigation into malpractice. This appeal procedure can be found in the Administration Handbook for Centres entitled "NOCN Arrangements for considering appeals and complaints to NOCN concerning NOCN Qualifications and Units of NOCN Qualifications".