Malpractice Policy

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Disciplinary and Grievance Policy			
Equality and Diversity Policy			
Information Governance Policy			

Document History			
Version	Date	Author	Notes on Revisions
	Feb 2018	PL & PB	**Malpractice is now divided into malpractice and maladministration and the scope of the policy therefore widened to include all staff involved in training** **Clearer lines of responsibility have been defined with reference to Complaints and Disciplinary and Grievance policies added** **Conflicts of interest applying to assessing and internal moderation have been added**

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1. Introduction

Guidelines and arrangements for dealing with suspected malpractice and maladministration with reference to BfN and OCN qualifications based on OCN London's Malpractice and Maladministration Policy.

This policy aims to:

- Define malpractice in the context of assessment.
- Set out the rights and responsibilities of the Breastfeeding Network, its members of staff and learners relating to assessment.
- Describe the procedures to be followed in cases where there is reason to suspect that the regulations have been broken.

BfN internal moderators are responsible for the integrity of the qualifications and appropriateness of the units of the qualifications.

The Lead Internal Moderation Officer is expected to supervise all investigations resulting from an allegation of malpractice.

BfN must report suspected malpractice to OCN London. Failure to do so may result in certificates not being issued and registrations not being accepted.

OCN London reserves the right to stop issuing assessment results while investigations are on-going. Depending on the outcome of the investigation, results may be released or permanently withheld.

2. Conflict of Interest

- If assessors or internal moderators have a personal relationship or are related to any learner this should be declared and alternative appropriate assessment arrangements made. This would also apply if assessors or internal moderators have any personal or financial interest in the organisations sponsoring learners to attend courses.
- The assessors and internal moderators cannot assess their own work if they wish to study for an award and alternative arrangements should be made in terms of other staff assessing the portfolios.

3. Definition of malpractice

Malpractice is deemed to be those deliberate actions and practices, which compromise the integrity of assessment and the validity of results or certification. The term 'malpractice' is intended to encompass other similar terms such as 'non-compliance', 'maladministration' and 'professional misconduct'.

Maladministration is defined as management or administration of records, or conduct or delivery, resulting in persistent and/or widespread errors or poor administration within a centre which undermines the integrity of the internal assessment process and/or the integrity or validity of a regulated qualification.

Examples of malpractice by staff

Staff malpractice would include:

- Falsification of results
- Giving inappropriate assistance to learners in assessments by helping or prompting learners with the production of answers. (Group discussion on agreeing appropriate responses is acceptable.)
- Falsifying, or making any changes to, learners' assessed work.
- Discrimination against or bias towards any learner/s.
- Failing to keep learner, computer or other files secure. This would include confidential or personal identifiable details and loss of assignments.
- Failing to keep assessment papers secure prior to assessment (BFI audit questions used at end of the probationary period).
- Failing to abide by the conditions of supervision designed to ensure the security of assessment.
- Failing to fulfil training or supervision contracts.
- Falsifying learner records, assessment records, internal quality assurance records and/or authentication statements.
- Intentionally withholding information which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- Deliberate failure to conduct a proper investigation into suspected/alleged malpractice (of staff or learners).

Other instances of malpractice may be considered by BfN or OCN London at their discretion.

Examples of malpractice by learners

Learner malpractice would include:

- Copying from another learner (including using IT to do so).
- The deliberate destruction of another's work.
- Plagiarism – defined as using the ideas or writings of another as your own. This means that anything which is copied from or based upon the work of others without clearly acknowledging its source.
- Behaving in such a way as to undermine the integrity of the assessment.
- Acting in a disruptive manner.

Other instances of malpractice may be considered by BfN or OCN London at their discretion.

Examples of maladministration

The following are examples of maladministration. Other instances of maladministration may be considered by OCN London at its discretion:

- Persistent failure to adhere to OCN London learner registration and certification procedures.
- Consistently failing to identify issues of authenticity in work submitted by learners for assessment.
- Persistent failure to adhere to OCN London centre recognition and/or qualifications requirements.

- Inaccurate claim for certificates.
- Failing to keep effective records.
- Failing to maintain appropriate auditable records e.g. certification claims.
- Withholding or delaying information, by deliberate act or omission, which is required to assure OCN London of the centre's ability to deliver qualifications appropriately.
- Failure to adhere to the requirements of OCN London's Access to Fair Assessment Policy and Procedure.

4. Procedures for investigating alleged malpractice

Allegations of malpractice must be reported to BfN's Lead Internal Moderator and OCN London by assessors, internal moderators, members of staff, managers, learners and members of the public. When dealing with alleged malpractice, OCN London will deal primarily with BfN's Lead Internal Moderation Officer or 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 BfN's, OCN London may deal directly with the learner or their representative.

BfN and OCN London will seek to establish the full facts and circumstances of any alleged malpractice.

i. Malpractice discovered by BfN

If malpractice is discovered by BfN, full details of the case must be submitted by BfN's Lead Internal Moderation Officer, at the earliest opportunity to the Chief Executive of OCN London.

Allegations of malpractice may be made by BfN managers, administrators, tutors, assessors, moderators, learners or members of the public. Complaints should be made in line with BfNs Complaints Policyand OCN London will be immediately notified.

ii. Malpractice discovered by OCN London

If malpractice is discovered by OCN London's Centre Moderator, or has been reported to OCN London by a learner or member of the public, full details of the alleged malpractice will be reported to BfN.

Any allegations of malpractice will be fully investigated in line with either the Complaints Policy or the Disciplinary and Grievance Policy. A written report will be submitted to OCN.

5. Anonymous reports

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 Complaints Policy or the Disciplinary and Grievance Policy would apply.

5. Access to evidence – confidentiality of evidence

OCN London will not normally withhold from BfN's Lead Internal Moderation 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 OCN London will provide summaries of evidence and a statement as to why evidence itself cannot be presented in its original form.

It is at the discretion of BfN's Lead Internal Moderation Officer as to the means by which evidence is presented to the individuals suspected of malpractice. Nevertheless OCN London

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.

6. Investigation by a Centre

i. Suspected malpractice by learners

It is the responsibility of BfN's Lead Internal Moderation Officer to fully support the investigation in line with either the Complaints or Disciplinary and Grievance Policy, to submit a full written report of the case and to provide supporting evidence to OCN London.

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.

ii. Suspected malpractice by members of staff

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. This must be done in line with the Disciplinary and Grievance policy.

Any member of staff suspected of malpractice must have the opportunity to respond, preferably in writing, to allegations made and be made aware of the routes for appealing.

In serious cases of suspected staff malpractice, it may be necessary for a member of OCN London staff to be present at an interview with the member of staff concerned.

A report on cases where members of staff are found to have committed malpractice, together with details of the action taken by BfN's Lead Internal Moderation Officer or the directors, may be made available to others, for example, the police, if OCN London decides that the circumstances of the case are sufficiently serious to warrant such reports being made.

7. Reporting

It is the responsibility of BfN's Lead Internal Moderation Officer to submit to OCN London 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 BfN.
- Written statement(s) from the internal moderator(s) or other staff concerned.
- Written statement(s) from the learner(s) concerned.
- Information from BfN's procedures for advising learners and member of staffs of OCN London regulations.
- Any work of the learner and any associated material that is relevant to the investigation

8. The response of OCN London to reports

Where an investigation indicates evidence of malpractice and / or serious maladministration, OCN London will appoint a panel, chaired by a member of the OCN London Board and comprising at least three members, to scrutinise the alleged malpractice and / or maladministration. The composition of the panel will be independent of those who have

conducted the investigation. OCN London officers who have directly investigated the case will play no role in the decision making process.

The panel may delegate responsibility for deciding certain straightforward cases to named officers of OCN London.

The panel must establish that correct procedures have been followed in the investigation of cases.

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.

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available.

OCN London 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.

9. Sanctions

i. Applied against members of BfN staff and the organisation

Where an investigation establishes malpractice by a member of staff, any subsequent disciplinary action against the member of staff concerned must be the responsibility of the relevant Line Manager with recommendations based on the outcome of the investigation.

OCN London will consider whether the integrity of its assessment might be jeopardised if a BfN member of staff or internal moderator found to have indulged in unfair practice were to be involved in the conduct, supervision or administration of OCN London assessments in the future.

Where a member of staff has been found guilty of malpractice, OCN London 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.

OCN London may refuse to accept assessment entries from BfN if malpractice is established.

OCN London may withdraw Centre approval to BfN to deliver OCN London qualifications and units of OCN London qualifications where malpractice is established.

ii. Applied against learners

OCN London 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).

Similar sanctions will also apply to BfN qualifications.

Notes:

- Not all of the penalties may be appropriate for all OCN London qualifications.
- In the case of serious malpractice OCN London may report the case to the police.
- BfN, based on the outcome of the investigation, retains sole discretion to take any further action they themselves deem necessary

10. Applying sanctions

The application of sanctions is at the discretion of OCN London and will reflect the particular circumstances of each case and any mitigating factors.

Sanctions will be based only on the evidence presented.

All sanctions must be justifiable and reasonable in their scale and consistent in their application.

For reasons of consistency of approach in the application of sanctions, OCN London will not take into account any consequential effects of a particular sanction which might arise from the circumstances of the individual.

Sanctions applied will remain on record at OCN London.

11. Communicating decisions from OCN London to learners, members of staff and BfN

BfN's Lead Internal Moderation Officer will be informed of decisions in writing as soon as possible after decisions are made. It is the responsibility of this person to communicate the decision to the individuals concerned and to pass on warnings in cases where this is indicated.

12. Exchange of information with other Awarding Bodies and Authorities

The majority of cases of malpractice are essentially confidential between BfN and OCN London, 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, regulatory authorities and/or the police.

In all instances of serious malpractice, OCN London will automatically report the case to the regulatory authorities. All other cases will be reported on request.

OCN London will inform the regulatory authorities whenever it finds evidence that certificates may be invalid and agree appropriate remedial action.

13. Reducing the possibility of malpractice

Rigorous internal and external moderation processes should identify any possible instances of malpractice.

i. Member of staff:

- The Malpractice Policy is available to all on the BfN website.
- A summary of the policy is emailed to staff and volunteers from time to time, via Central

Line.

- Learner evaluations for Helpers' and Supporters' courses are gathered electronically using Survey Monkey, simplifying reporting of concerns over a member of staff.

Recommendations:-

- Malpractice should be specifically covered in staff training.
- Relevant staff should receive training in detecting plagiarism.
- The policy should be referred to in the Staff and Tutor handbooks.
- Email reminders via Central Line about the policy should be sent out at regular specified intervals.

ii. Learners:

- The Malpractice Policy is available to all on the BfN website. It should be discussed with all learners at the beginning of all courses.
- Identity of learners is confirmed by completion of an enhanced DBS check for child and adult workforce and checking two references which takes place before they can register as Breastfeeding Network Helpers.

Recommendations:-

- Ensure that information to learners on Malpractice Policy is included in lesson plans for all courses.
- DBS and references should be completed before ERAC is submitted however delays in the DBS process are likely to result in a delay in the award of credit, which means there needs to be some flexibility.

14. Appeals

OCN London has established procedures for considering appeals arising from the outcomes of an investigation into malpractice. The OCN London Appeals Policy entitled Appeals Procedure OCN London Qualifications, Units can be found on the OCN London website. (www.ocnlondon.org.uk)