

Maladministration/Malpractice Policy

Statement of purpose

Maladministration/Malpractice is defined as actions that may threaten the integrity of Institute of Sales Professionals (ISP), its qualifications, assessments and EPA requirements. Any allegation or instance of Maladministration/Malpractice must be reported to ISP immediately and failure to do so is itself Maladministration/Malpractice

Definitions

JCQ defines 'Maladministration/Malpractice', which includes maladministration, as any act, default or practice which:

- compromises, or attempts to compromise the process of assessment, the integrity of any qualification, or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of any awarding organisation or centre or any officer, employee or agent of any awarding organisation or centre.

What is maladministration?

Maladministration is any activity, neglect, default or other practice that results in the centre or learner not complying with the specified requirements for delivery of the qualifications as set out in the relevant codes of practice, where applicable.

What is Malpractice?

The term 'Malpractice' covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process.
- the integrity of a regulated qualification.
- the validity of a result or certificate.
- the reputation and credibility of the AO; or the qualification or the wider qualifications community.

Scope

This policy covers actual or suspected maladministration/Maladministration/Malpractice at Provider level as well as at Learner level. This policy also covers suspected Maladministration/Malpractice by an employee of ISP, including EPAs.

1. Actual or Suspected Centre/Training Provider Maladministration/Malpractice Process

Until the matter has been investigated qualifications or End Point Assessments (EPA) will not be processed. ISP will immediately inform the regulatory authorities of any suspected Maladministration/Malpractice if the integrity of certificates is threatened.

If it is necessary for ISP to inform the regulatory authorities of actual or suspected Maladministration/Malpractice, ISP will liaise with the regulators to determine what future action should be taken.

If the alleged Maladministration/Malpractice involves a learner or a single employee, further action will normally be a detailed investigation and report from the Provider, implemented by the Head of the Provider.

The report should contain:

1. A statement of the circumstances and facts of the investigation.
2. Written statements from all staff concerned.
3. Any extenuating circumstances e.g. medical reports.
4. Details of Provider's procedure for informing learners of ISP's regulations.
5. Any unauthorised materials found during the assessment/examination.
6. Learner's work or assessment materials relevant to the investigation.
7. Relevant registers or other records of attendance (copies).
8. Relevant schemes of work (copies).

ISP reserves the right to conduct an investigation itself, check the accuracy and validity of information and instigate further investigation if and when necessary.

Each case of suspected Maladministration/Malpractice will be considered on an individual basis by the ISP Head of Quality, the Head of Operations and the Provider's ISP External Quality Assurer and, if necessary, will involve the ISP Managing Director and or members of the senior management team.

The investigation aims are:

- To establish the integrity of the assessment, examination and certification process and if it has been compromised.
- To evaluate ISP procedures and ensure there is no possibility of repetition. Also, to ensure that ISP regulations and procedures are abuse averse.

Examples of Centre/Training Provider Maladministration/Malpractice might include:

- Allowing candidates access to previous ISP assessments or examination papers without ISP approval.
- Photocopying ISP assessments or examination papers without ISP approval.
- Changing the date of an ISP assessment/examination without ISP approval.
- Obtaining unauthorised access to assessment material prior to an ISP assessment or examination.
- Assisting or prompting students with answers.
- Failing to keep completed assessments or examination scripts secure.
- Failing to send completed assessments or examination scripts to ISP on the prescribed day.
- Failing to supply an appropriate invigilator i.e. with no knowledge of the subject being assessed / examined.
- Failing to complete internal assessment, failing to record results in the ISP prescribed way, failing to return completed work in accordance with ISP regulations.
- Failing to conduct internal assessment using agreed assessment criteria.
- Failing to adhere to ISP security regulations.
- Failing to comply with ISP minimum Guided Learning Hours.
- Failing to comply with ISP assessment or examination regulations, procedures or guidance documents.
- Allowing learners to access unauthorised materials during an assessment.

Centre/Training Provider Maladministration/Malpractice – sanctions:

- If a ATO fails to co-operate with ISP's Maladministration/Malpractice policy, certificates will not be issued and future entries and/or registrations not accepted.

- If an investigation establishes Maladministration/Malpractice by an ATO or member of staff, ISP reserves the right to impose special sanctions on any future involvement of the Provider, staff member or both.
- If an investigation establishes Maladministration/Malpractice by an Provider, ISP will review the status of the Provider. This might result in ISP suspending its approval and refusing to accept further qualification registrations.
- If an investigation establishes Maladministration/Malpractice by a staff member, ISP reserves the right to refuse the staff member's involvement in the delivery or assessment of ISP qualifications.

Centre/Training Provider Maladministration/Malpractice – decision:

ISP will communicate the outcomes of any alleged Maladministration/Malpractice investigations as soon as possible after the decision has been made. It is the responsibility of the Provider to communicate those decisions to staff, learners and any other individuals affected by the decision.

Centre/Training Provider Maladministration/Malpractice – appeals:

Providers may appeal against a decision or penalties imposed by ISP using the ISP Appeals procedure.

2. Suspected Learner/EPA candidate Malpractice Process

- The Provider or Independent Assessor should submit a written report of the case with supporting evidence to ISP.
- The accused learners/candidates should be made fully aware of any breach of ISP regulations in writing as soon as possible with the possible consequences of their alleged actions.
- Learners/candidates accused of Maladministration/Malpractice must be given the opportunity to respond to the accusation in writing.
- Learners/candidates should be made aware of the enquiries and the appeals process if Maladministration/Malpractice is established.
- If an interview with the learner/candidate is required, it must only be conducted in the presence of the Provider and Independent Assessor. The ISP should ensure that two people are present that an accurate record of the meeting as part of the supporting evidence. The learner must be given the opportunity to be accompanied by a person of their choice and should sign the record to indicate its accuracy.
- Any further action will be in the form of a detailed investigation and report from the ATO or EPA.

The report should contain:

1. Statement of circumstances and facts surrounding the investigation.
2. Written statements from all staff concerned.
3. A written statement from the learners/candidates concerned.
4. Any extenuating circumstances e.g. medical reports.
5. Details of procedure for informing learners/candidates of ISP's regulations.
6. Any unauthorised materials found during assessment/ examination.
7. Learner/candidate work or assessment materials relevant to the investigation
8. Relevant registers or other records of attendance (copies).
9. Relevant schemes of work (copies).
10. A written record of any interviews that have taken place.

Each case of suspected Maladministration/Malpractice will be considered on an individual basis by the ISP Head of Quality, the Head of Operations and if necessary will involve the ISP Head of Education and or members of the senior management team.

The investigation aims are:

- To establish the integrity of the assessment, examination and certification process and if it has been compromised.
- To evaluate ISP procedures and ensure there is no possibility of repetition. Also, to ensure that ISP regulations and procedures are abuse averse.

Examples of candidate Malpractice might include:

- Obtaining, receiving, exchanging, or passing on information related to an assessment or examination taking place by; talking, written paper or notes or any information passed on by electronic means.
- Unauthorised access to any ISP assessment or examination paper.
- Copying from another candidate.
- Using AI (such as ChatGPT, Jenni AI, Jasper AI etc) without clear referencing (**See ISP AI Policy for further guidance of the use of AI**)
- Presenting another learners work as their own. (Plagiarism)
- Impersonation i.e. pretending to be somebody else, allowing somebody else to impersonate you or colluding in the act of impersonation.
- Failure to follow the instructions of the invigilator.
- Claiming false accreditation of prior learning.

Learner/EPA candidate Malpractice – sanctions:

- The learner/candidate is issued with a warning.
- The learner/candidate may lose all marks related to that particular assessment.
- The learner/candidate may lose all marks related to that particular unit.
- The learner/candidate may be disqualified from the whole qualification/assessment.
- The learner/candidate may be periodically barred from registering on ISP qualifications/EPAs.
- The learner may be banned from registering on ISP qualifications.
- In the case of significant Maladministration/Malpractice ISP reserves the right to report the incident to other awarding bodies, the regulators and/or the police.

Learner Malpractice – decision:

ISP will communicate the outcome of any alleged Maladministration/Malpractice investigations as soon as possible after the decision has been made. For qualifications, it is the responsibility of the Provider to communicate those decisions to staff, candidates and any other individuals affected by the decision.

Learner Malpractice - appeals

Appeals against a decision or penalty imposed by ISP will only be accepted from the Provider or Independent Assessor (IA) on behalf of the learner.

3. Suspected Maladministration/Malpractice by an ISP Employee/IA/Associate Process

- ISP will inform the regulators of any suspected Maladministration/Malpractice by any ISP employee/IA/associate, if the integrity of the certificates is threatened,
- If the integrity of the certificates is threatened, ISP will liaise with the regulators to establish what further action is needed.
- ISP will produce a detailed report which will report findings and recommend actions to be taken. The findings and recommendations of the report will be implemented by the Head of Education and/or the Head of Quality depending on the circumstances. The report should contain:
 - A statement of circumstances, facts and conclusions of the investigation.
 - The origin of the complaint or mode of discovery of the alleged irregularity.
 - The process of investigation and conclusion.
 - Recommendations for action and resolution of the issue.
 - Written statements from any staff concerned.
 - Any extenuating circumstances e.g. medical report.
 - Details of ISP's procedures for informing ISP staff of its regulations and procedures.
 - Any unauthorised material found during the investigation.
 - Any ISP staff work or other materials relevant to the investigation.

Each case of suspected Maladministration/Malpractice will be considered on an individual basis by the ISP Head of Quality, the Head of Operations and the Provider's ISP External Quality Assurer and if necessary will involve the ISP Head of Education and or members of the senior management team.

The investigation aims are:

- To establish the integrity of the assessment, examination and certification process and if it has been compromised.
- To evaluate ISP procedures and ensure there is no possibility of repetition. Also, to ensure that ISP regulations and procedures are abuse averse.

Examples of ISP employee/associate Maladministration/Malpractice might include:

- Assisting or prompting students with answers.
- Failing to comply with ISP regulations and procedures.
- Failing to keep ISP assessments and examination paper contents secure.
- Failing to keep the ISP database contents secure e.g. Data Protection Act.
- Failing to send results and paperwork in accordance with ISP's policies and procedures.
- Failing to keep assessment records, scripts and other materials secure.
- Failing to send papers and other assessments to assessors in accordance with ISP's policies and procedures.
- Failure of assessors, examiners and external quality assurers to retain, provide and return documents to and for ISP in accordance with relevant policies and procedures.
- Failing to attend to ISP operational requirements in accordance with ISP's policies and procedures.
- Showing a consistent lack of punctuality.
- Inappropriate correspondence with ISP Provider's and IAs.

ISP employee/associate Maladministration/Malpractice – sanctions:

- If an investigation establishes Maladministration/Malpractice by an ISP employee/IA/Associate, ISP reserves the right to impose special sanctions on any involvement of the staff member in ISP assessments and examinations.

- If an investigation establishes Maladministration/Malpractice by an ISP employee/associate, ISP will review the status of that member of staff and may decide not to use that staff member in any part of the ISP assessment or examination system.
- ISP reserves the right to remove the member of staff who has committed the Maladministration/Malpractice from its employment.

ISP employee Maladministration/Malpractice – decision:

ISP will communicate the outcome of the alleged Maladministration/Malpractice investigation as soon as possible after the decision has been made. It is the responsibility of ISP to communicate the decisions taken to ISP staff, where appropriate.