

Malpractice Policy

1. Introduction

This policy is aimed at teachers, examiners and candidates who are involved in the assessment of NATD qualifications.

The purpose of this policy is to set out the procedures that teachers, examiners and candidates should follow if they wish to contact us about any potential instances of malpractice. The policy also gives details of the service provided by NATD in these cases.

This policy will be subject to review and monitoring by the Quality Assurance Manager and if necessary will be amended and updated following feedback from candidates and centres. All future versions to this policy will be flagged and will be posted on our website.

Please note that we treat all correspondence with individuals who make complaints or inform us of suspected malpractice in confidence and will not make details available to any other parties.

2. Issue and review

The date of issue of this policy is September 2023. This policy will be reviewed annually.

3. What is malpractice and maladministration?

Malpractice is defined as any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates. For the purpose of this policy this term also covers misconduct.

Maladministration is defined as any activity or practice which results in non-compliance with regulations.

NATD is obliged to investigate all cases of malpractice and maladministration in liaison with the parties concerned. If an investigation results in evidence of malpractice, we will need to impose the appropriate sanction and take the necessary steps to ensure that the candidates' interests are protected as far as is reasonably possible. This may include making arrangements for re-assessment or certification, as appropriate.

The categories listed below are examples of potential teacher, examiner and/or candidate malpractice. Please note that this is not an exhaustive list.

- Failing to abide by examination rules, regulations, examination procedures
- Deliberately falsifying candidate's information in order to comply with examination entrance criteria
- Impersonation – arranging for another person to take the examination, or conniving at impersonation
- Collusion between examiner and teacher/examiner and candidate
- Deliberately withholding results and/or certificates from candidates
- Breach of confidential results following assessment
- Altering any results on Report Forms or Certificates*

(* No Report forms are issued from Head Office with any alterations or deletions)

4. How to notify us of suspected or actual cases of malpractice and maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice at any time must immediately report their findings to the Quality Assurance Manager at NATD 44-47 The Broadway, Thatcham, Berks RG19 3HP.

E-mail info@natd.org.uk

Please send the report and any accompanying evidence to the Quality Assurance Manager. Reports must include:

- Examiner's name and examination location(s)
- Candidate's name and registration number
- Title and number of the qualification affected
- Date(s) suspected or actual malpractice occurred
- Full nature of the suspected or actual malpractice
- Written statements from those involved in the case, e.g. witness statements
- Date of the report and the informant's name, position and signature

5. The investigation process

5.1 Investigation

The Quality Assurance Manager will carry out an investigation into the suspected malpractice. This will include a review of paper-based evidence as well as interviews with those involved. In cases where the Quality Assurance Manager has had prior involvement or knowledge of the individuals involved, they will delegate the investigation to a member of the Quality Assurance Panel. The Panel consists of; the Chief Executive, Senior Examiners and the two external members of the Council of Management, all of whom have experience and expertise in the delivery and quality assurance of NATD qualifications.

5.2 Objective of investigations

Investigations should aim to:

- Establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred. It is important to remember that just because an allegation has been made, it should not be assumed that any irregularity has actually occurred
- Establish the facts, circumstances, and scale of the allegation
- Identify the cause of the irregularities and those involved
- Identify and, if necessary, take action to minimise the risk to current candidates and requests for certification
- Determine whether remedial action is required to reduce the risk to current candidates and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued
- Obtain evidence to support any sanctions to be applied to a teacher, candidate or examiner in accordance with NATD procedures
- Identify any patterns or trends
- Identify any changes to policy or procedure that need to be made by NATD

5.3 During the investigation

During any investigation the following principles should be adhered to:

- Confidentiality- by their very nature investigations usually necessitate access to information that is confidential to a centre or individuals. All materials collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators or the police, where appropriate)
- Rights of individuals- where an individual is suspected they will be:
 - Informed of the allegation made against them in writing and the evidence that supports the allegation
 - Provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to
 - Informed of what the possible consequences could be if the allegation is proven and of the possibility that other parties may be informed e.g. regulators, police, funding agencies and professional bodies, or other awarding organisations.
 - Given the appeals process
- During investigations it is probable that individuals will need to be interviewed to gather information on the allegations
- Where a teacher or examiner is interviewed during an investigation that is being carried out by the centre, they may request that they are accompanied by a friend or colleague
- Where a candidate is to be interviewed and they are a minor or vulnerable adult, they should consider the need to have a parent or guardian or carer present or to have the permission of a parent or guardian or carer prior to the interview taking place
- Where legal advisors are to be present during interviews, this must be made known to other parties involved to give them the same opportunity to be similarly supported
- Retention and storage of evidence and records- all relevant documents and evidence should be retained in line with the NATD's policy and procedures
- Decisions and action plans- all conclusions and decisions will be based on evidence. A course of proposed action will be identified, agreed between the parties involved, implemented and monitored by the NATD to the point of completion. The actions will address the improvements that are required to the NATD's policy and procedures as well as any action that is related to staff or other resources.
- Sanctions- any sanctions applied to the teacher, candidate or examiner by NATD will be commensurate with the level of non-compliance identified and evidenced during the investigation

5.4 The Investigation Report

The Quality Assurance Manager or designated panel member will produce a report which will be accompanied by the following documentation, as appropriate:

- A statement of the facts, a detailed account of the circumstances and details of any investigations carried out
- Written statements from individuals who have been interviewed as part of the investigation
- Any candidate work relevant to the investigation
- In the case of candidate malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future

- Any mitigating factors that should be considered

5.5 Making decisions about malpractice/maladministration

The investigation report will be submitted to Quality Assurance Panel for a final decision on the investigation. The investigation report and any recommended sanction will be discussed and agreement sought from the Council of Management.

The decision stage will aim to:

- Identify the regulatory criteria which it is alleged have been compromised
- Consider the facts of the case
- Decide on the facts whether malpractice has occurred
- Establish who is responsible if criteria have been compromised
- Determine an appropriate level of remedial action to be applied

The Quality Assurance Panel will consider action to:

- Minimise the risk to the integrity of certification now and in the future
- Maintain public confidence in the delivery and awarding of qualifications
- Discourage others from doing likewise
- Ensure there has been no gain from compromising our standards
- Advise the regulatory authorities of the outcome, where relevant

NATD's decision to take further action following the outcome of the investigation will be based only on the evidence available. The decision will be justifiable, reasonable and consistent.

NATD will impose sanctions and penalties on teachers, candidates or examiners where the allegations have been proven. These sanctions and penalties will aim to:

- Minimise the risk to the integrity of NATD's qualifications, both now and in the future
- Ensure that only candidates who have reached the required standards are awarded the qualification
- Maintain the confidence of the public in the delivery and awarding of qualifications
- Deter others from doing likewise

The sanction to be applied will depend on the nature and scale of the allegation but could include:

- The NATD member; candidate or Examiner is issued with a written warning
- The candidate's results are permanently withheld
- The NATD member or school may no longer have any involvement with the administration of any NATD examinations
- The NATD member or school may be barred from entering further candidates
- The Examiner's responsibility for assessing could be removed

In cases in which a previously issued certificate is deemed invalid, that certificate must be returned to the NATD. The examination result will be declared void to ensure that no duplicate certificate can be issued and the Regulatory authorities will be informed.

5.7 Maintaining Records of Investigations

In conducting an investigation, NATD will retain the following records and documentation in line with record retention requirements. In an investigation involving a criminal prosecution or civil claim, records

and documentation should be retained for the required period after the case and any appeal has been heard.

Records should include:

- A report containing a statement of the facts, a detailed account of the circumstances of alleged wrong doing, and details of any investigations carried out
- Written statements from any candidates, teachers or examiners involved
- Any candidate work relevant to the investigation
- Details of any remedial action taken to ensure the integrity of certification now and in the future.

6. Appeals against decisions

An appeal against a malpractice decision can be made to the Chief Executive who will take the appeal to the Council of Management for a decision. Members of the Quality Assurance Panel who are also members of the Council of Management will not take part in any decision making. The decision by the Council of Management will be given within 7 days of the decision being reached.

7. Alerting other Awarding Organisations

Regulations require that NATD notifies other Awarding Organisations of cases that could have an adverse effect and where these cases are likely to impact on the other Awarding Organisation. This will usually be appropriate where:

- A teacher may be entering candidates with an Awarding Organisation (for the same or different qualifications and the (suspected) wrong doing could potentially impact on the activities undertaken on behalf of that other Awarding Organisation
- An examiner may be working for another Awarding Organisation or may be entering candidates with another Awarding Organisation as a teacher and the (suspected) wrong doing could potentially impact on the activities undertaken on behalf of that other Awarding Organisation

8. Notifying regulatory authorities

NATD will notify the appropriate regulatory authority of the potential malpractice or maladministration and the progress and outcomes of investigations.