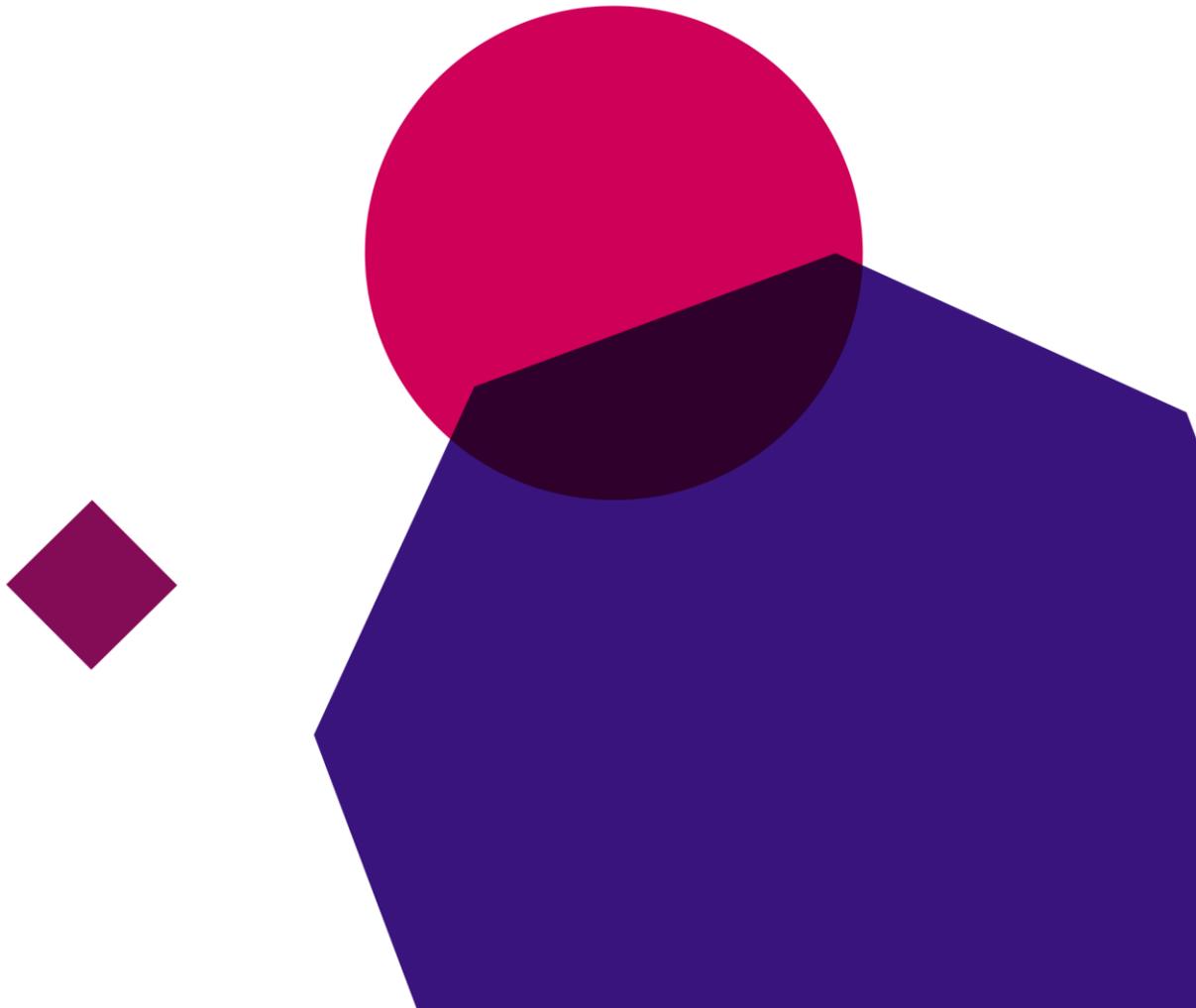


# Managing cases of suspected malpractice in examinations and assessments

Version 7.1  
September 2020



## Document change history

This is an amended version of the City & Guilds document '*Managing cases of suspected malpractice in examinations and assessments*'. This version replaces all previous ones, and it is each Centre's responsibility to ensure that all staff involved in the provision of City & Guilds qualifications and/or assessments familiarise themselves with this version of the document.

There have been some minor revisions to the content of this document from the October 2019, version 7 as shown in the table below.

This document is subject to revision and is maintained electronically. Electronic copies are version controlled. Printed copies are not subject to this control.

### Version 7.1 September 2020,

Section	Change
2.1.1/ 2.1.3	Additional example of malpractice.
2.2.3	Additional text and clarification relating to plagiarism.
3.1	Additional content relating to conflict of interests
3.1.3	Additional text related to the notification process.
4.2.3	Additional clarification of Malpractice Panel processes.
Appendix 1 & 4	Conflict of interest tick box added.

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# Introduction

## **Introduction to the City & Guilds ‘Managing cases of suspected malpractice in examinations and assessments’**

This document provides our requirements and guidance when dealing with, or wishing to report suspected malpractice. It covers the malpractice process for approved City & Guilds centres as well as providing guidance on the reporting and conducting of investigations.

This policy applies to City & Guilds and ILM. All references to ‘City & Guilds’ include City & Guilds and ILM unless otherwise stated. All references to “we”, “us” or “our” include ILM.

### **About us**

The City & Guilds Group is a leader in global skills development. Our purpose is to help people and organisations to develop their skills for personal and economic growth. It’s about more than skills, or qualifications, or jobs, we reinvest the money we make into the future of learning.

Made up of City & Guilds, ILM, Kineo, The Oxford Group, Gen2 and intertrain, we work with education providers, businesses and governments in over 100 countries, to provide skills education and training.

Backed by a Royal Charter, we have been shaping skilled workforces since we were founded by The City of London and 16 livery companies in 1878. Today, we set the standard for skills around the world.

# Section 1: Managing cases of suspected malpractice in examinations and assessments

## 1.1 Commitment to quality

City & Guilds is committed to providing high-quality qualifications which are assessed and awarded consistently, accurately and fairly. To this end we require everyone that is involved in the implementation, assessment and quality assurance of our qualifications and/or assessments to demonstrate honesty and integrity.

It is a centre's responsibility to ensure that all relevant staff involved in the management, assessment, invigilation, moderation or internal quality assurance of City & Guilds' qualifications are made aware of the contents of this document.

An electronic copy of this document and editable word versions of the learner and centre staff notification forms are available from City & Guilds' website [here](#).

To assist in interpretation, Section 2 of this document contains examples of malpractice by centre staff and learners. Please note that these examples are not exhaustive.

## 1.2 About this document

### 1.2.1 Scope of this document

This document is aligned with the '*Suspected Malpractice in Examinations and Assessments: Policies and Procedures*', document published by the Joint Council for Qualifications (JCQ), of which City & Guilds is a member.

This document is intended for centre staff, City & Guilds Associates, City & Guilds staff and those involved in the management and delivery of City & Guilds' qualifications. It includes examples of centre, staff and learner malpractice and explains the responsibilities of centre staff, City & Guilds staff and Associates to report malpractice, actual or suspected. City & Guilds may refer to the JCQ malpractice document, however the Managing Cases of Suspected Malpractice in Examinations and Assessments document is considered as the primary document when referring to malpractice and actions taken as a result of an investigation.

For detailed information regarding malpractice policies and procedures, reference should be made to the JCQ document. This can be accessed via the JCQ website ([www.jcq.org.uk](http://www.jcq.org.uk)).

### 1.2.2 Purpose of this document

The purpose of this document is to detail the requirements and procedures to be followed in relation to suspected or actual incidents of malpractice and the actions that centres and City & Guilds may take. It also sets out the sanctions that City & Guilds may apply in an instance of proven malpractice.

### 1.2.3 Review of this document

This document is reviewed and revised regularly in response to feedback from centre staff, Associates and the regulatory authorities, or changes in legislation. City & Guilds reserves the right, however, to make changes to this document as and when required.

### 1.2.4 Definition

#### Malpractice

'Malpractice', means any act, default or practice which is a breach of the Regulations or which:

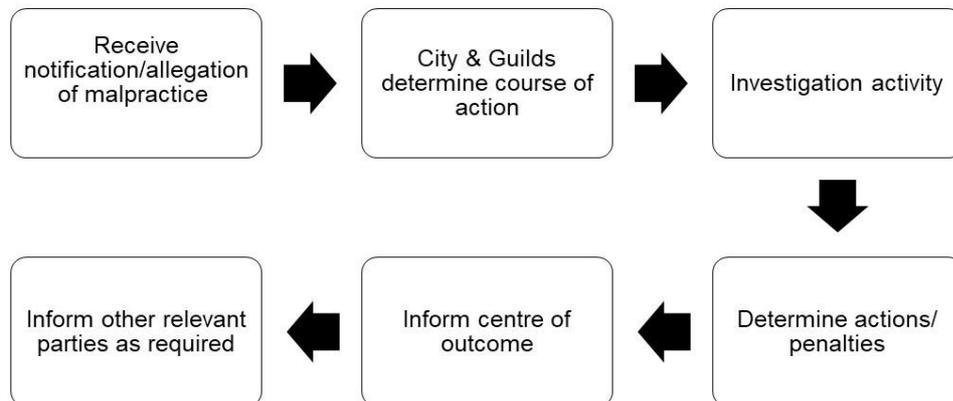
- gives rise to prejudice to learners; and/or
- compromises public confidence in qualifications; and/or
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.

Malpractice includes maladministration and instances of non-compliance with the regulations.

Maladministration is defined as any activity, practice or omission which results in centre or learner noncompliance with administrative regulations and requirements. For example, persistent mistakes or poor administration within a centre resulting in the failure to keep appropriate learner assessment records.

### 1.3 Process of investigation

Below is a brief overview of the process that is undertaken when City & Guilds receives a notification or allegation of malpractice. This content of this document explains, in detail, this process.



#### 1.4 Notifications to Regulators

The General/Standard Conditions of Recognition (Ofqual, Qualifications Wales and CCEA) includes two conditions which are particularly relevant to investigative activity: A8 - Malpractice and Maladministration and B3 - Notification to Ofqual of certain events. The SQA Accreditation's Regulatory Principles document (Principle 14) gives guidance on managing and preventing malpractice.

- Condition A8 sets out the requirements and procedures for preventing, investigating, managing the effects of and dealing with malpractice and maladministration.
- Condition B3 specifies the circumstances in which an awarding organisation must notify Ofqual of events which could have an 'adverse effect', it provides examples of adverse effects (see B3.2 (g) in particular) and it gives further information about the timing of notifications to Ofqual.
- Regulatory Principle 14 states that it is the awarding bodies responsibility to ensure it and its providers have safeguards to prevent and manage cases of malpractice and maladministration.

City & Guilds will consider the methodology and timing of reporting incidents to the regulators. It should be noted, however, that it is a requirement of SQA Accreditation that they are informed of any potential malpractice relating to their qualifications, not just confirmed cases. This includes any allegation for centre or learner malpractice.

It is a requirement of Qualifications Wales that they are informed of any potential centre or centre staff malpractice relating to their qualifications, not just confirmed cases.

## 1.5 Use of Data

We may process personal data if required by law or where processing is necessary to pursue our legitimate interests as a provider of training, assessment, and certification products and/or services. This includes processing in relation to our quality assurance processes, an investigation, appeal or complaint or to prevent and detect crime and/or assist with the apprehension or prosecution of offenders. With respect to special category data, such data may also be processed if necessary for reasons of substantial public interest, including for the prevention or detection of unlawful acts or in compliance with, or to assist third parties to comply with, any regulatory requirements relating to the investigation of unlawful acts, dishonesty or malpractice.

We may share personal data (including any special category data) with law enforcement or other authorities or agencies if required by law or where we otherwise deem it necessary for the purposes of our legitimate interests. This may include, without being limited to, responding to requests for information from such authorities or agencies, or sharing information with them in connection with our quality assurance processes, an investigation, appeal or complaint. In such circumstances, we may share personal data without informing the individual it relates to.

City & Guilds will retain in a secure manner any information or evidence related to an investigation for a period of seven years from completion of a relevant investigation, appeal or complaint process or, where an incident involves law enforcement or other authority or agency, such other period as may be required to ensure compliance with our legal and regulatory requirements.

A link to City & Guilds' Privacy Policy which sets out what we do with data provided to us can be found [here](#).

## Section 2: Examples of malpractice by centres and learners

The following examples of malpractice are not an exhaustive list and as such do not limit the scope of the definition set out in the document.

### 2.1 Centre staff malpractice

#### 2.1.1 Failure to meet City & Guilds' centre and qualification approval requirements

Examples of this would include:

- Inaccurate or deliberately misleading statements or submissions provided during the centre or qualification approval process, or at any time during the assessment process
- Failing to cooperate with investigations. Lying to/ misleading investigators during an investigation
- Failure to provide the staff, resources or systems needed to support assessment, internal quality assurance or certification claims
- Failure to maintain the quality assurance of sub-sites, alternative assessment sites, subcontractors, and satellite centres
- Failure to maintain accurate records relating to learners, assessment or internal quality assurance, or to retain such records for the required period of time
- Failure to provide City & Guilds with access to premises, people or records
- Failure to implement specified remedial actions
- Failure to notify the Head of Centre or/and City & Guilds of suspected malpractice
- Submission of an untrue or misleading declaration of conflict of interest.

#### 2.1.2 Influencing the assessment or certification process

Examples of this would include:

- The unauthorised obtaining, disseminating, or the facilitating of access to secure examination/assessment material
- Members of centre staff undertaking or amending learner answers for any examination on behalf of learner(s)
- Assisting or prompting learners in the production of answers to examination questions or assessment evidence, beyond that which is permitted
- Any action or inaction that allows learners to have an unfair advantage or disadvantage
- Falsification or fabrication of learners' marks, assessment evidence, observation records, certification claims or results documentation and any other records or documentation pertaining to City & Guilds qualifications

- Falsifying the signatures of learners, assessors, or IQA for the purpose of validating or authenticating any record pertaining to City & Guilds qualifications
- Claiming for certificates where there is no or insufficient evidence to support certification
- Manipulating learner/moderation samples for the purpose of external quality assurance/moderation. The sample should be representative of the standard of work across the rest of the cohort/qualification
- Failure of a member of centre staff to report any instances of malpractice or suspected malpractice as defined in section 1.2.4 to the appropriate person/team
- Soliciting money from learners in exchange for services whether rendered or not, relating to the assessment or delivery of City & Guilds qualifications
- Offering a bribe of any kind to an invigilator, a member of centre staff or City & Guilds
- Submission of investigation reports that are misleading or contain false information that may lead City & Guilds to an incorrect conclusion
- Destruction of evidence related to a malpractice investigation.

### 2.1.3 Failure to meet the requirements for the conduct of examinations or/and assessments

Examples of this would include:

- Breaches of any secure material, including examination papers or materials and their electronic equivalents
- Centre staff undertaking examinations for qualifications that they are teaching or assessing on
- Retention of material downloaded or produced by a learner during a live assessment
- Unauthorised changes to examination timetables
- Failure to issue learners with appropriate notices and warnings
- Non-adherence to, or ignorance of the invigilation requirements
- Failure to despatch scripts to examiners no later than the next working day
- Amendment of examination materials without permission
- Failure to provide access arrangements in accordance with City & Guilds' requirements
- Failure to store secure examination materials appropriately at all times
- Failure to effectively and continuously supervise examinations and/or learners.

## 2.2 Learner malpractice

### 2.2.1 Breach of examination or assessment rules, regulations and requirements

Examples of this would include:

- Falsification of assessment evidence or results documentation
- Plagiarism of any nature
- Collusion with others
- False declaration of authenticity in relation to the contents of a portfolio or coursework
- The submission of a piece of work purchased from a third party. For example, from an essay or assignment writing service
- Copying from notes provided by another learner (including the use of ICT to aid copying), or allowing work to be copied
- Deliberate destruction or tampering with a learner's work or assessment records
- The removal of secure exam material from the examination room
- Obtaining or attempting to obtain secure examination/assessment material
- Disseminating secure examination/assessment material
- Impersonation
- Offering a bribe of any kind to an invigilator, a learner, a member of centre, or City & Guilds staff
- Forging another learner(s) and/or staff signatures.

If suspected malpractice in learner work is identified, centres and learners should be aware that City & Guilds will consider learner work submitted for assessment electronically via an e-portfolio or by any other electronic means as having been declared as authentic by the learner.

### 2.2.2 Inappropriate conduct during an examination/assessment session

Examples of this would include:

- Introduction of unauthorised material or devices into the examination room/assessment session
- Misuse or attempted misuse of examination/assessment material
- Obtaining, receiving, copying from or passing on unauthorised or confidential examination or assessment material
- Disruptive, violent or offensive behaviour
- Any form of communication with other learners (written, verbal, gestures, expressions, pointing etc.)
- Entering obscene words or pictures on to an examination paper
- Failure to abide by the instructions of an invigilator or supervisor
- Non-adherence to, or ignorance of the invigilation requirements.

### 2.2.3 Plagiarism

Learner plagiarism is defined as the practice of learners submitting any work for assessment that is not their own. This could be **any** percentage of work that has not been referenced correctly and has been copied from published work, the internet, or any other sources.

Examples of plagiarism include:

- The use of downloaded content including text, images, diagrams etc. from the internet without acknowledgement of the source
- copying and pasting extracts or whole texts from another's work, published or unpublished, without the use of quotation marks and/or acknowledgement of the source
- Use of diagrams, images, course notes without acknowledgement of the source
- Paraphrasing/summarising extensively the work of another or using their ideas without an acknowledgement of the source
- The use of purchased essays submitted as a learner's own work.

It is the responsibility of the centre to ensure that learners are aware of what constitutes plagiarism and to take adequate steps to prevent and detect it.

City & Guilds will **only** investigate incidents of learner plagiarism when a declaration of authenticity has been signed by the learner. City & Guilds will consider learner work submitted for assessment electronically via an e-portfolio or by any other electronic means as having been declared as authentic by the learner. Centres who discover plagiarism should follow the process detailed in Section 3 of this document.

If plagiarism, collusion or cheating is suspected, submissions of replacement work for the unit in question should not be accepted by the centre until the malpractice case has been resolved.

Plagiarism found in learner work that has not been declared by the learner as their own, will **not** be investigated by the Investigation & Compliance team and should be managed by the centre. There may be occasions where numerous incidents of learner plagiarism may indicate centre maladministration, malpractice or ineffective Internal Quality Assurance systems. External Quality Assurers who suspect **centre** malpractice must follow the process as described in Section 3.2 of this document.

Detailed information on how to prevent and detect plagiarism, and how to appropriately reference within assignments can be found in JCQ's 'Plagiarism in Assessment, Guidance for Teachers/Assessors' which can be found [here](#).

#### 2.2.4 Collusion

Collusion is defined as two or more learners who collaborate on a piece of work, beyond the level that is permitted. Collusion can take the following forms:

- Two or more learners collaborating to produce a piece work together with the intention that it is submitted as their own, individual work. Or with the intention of at least one learner submitting it as their own, individual work. In some circumstances, learners may work together on projects, however we expect learners to write up the assignment individually and reflect on their own learning from completion of the joint project. Any materials shared within the project must be acknowledged in order to avoid plagiarism and where possible content should be created independently to avoid this occurring.
- A learner submitting the work of another learner (with their consent) as their own, individual work. In such cases, both learners would be deemed to have committed collusion
- Unauthorised co-operation between a learner and a third party in the production of a piece of work that will be submitted as the learners own.

## Section 3: Responsibilities to report malpractice

### 3.1 Centre staff

Centre staff who discover or suspect malpractice must **immediately** report this to the Head of Centre. For the purpose of this document we will refer to individuals with the relevant level of authority to report suspected malpractice as Head of Centre. This will encompass roles such as Head of Quality, Quality Manager, Examinations Manager etc. with a senior level of authority and independence from the day to day activities relating to the delivery of City & Guilds qualifications.

#### 3.1.2 Conflict of interest

A conflict of interest is defined as a situation where an individual's vested interests raise a question of whether their actions, judgment, and/or decision-making can be unbiased. For instance, a member of staff with a personal relationship or direct line management responsibility for the individual they are investigating.

If a conflict of interest cannot be avoided, for instance, where the centre is a small training provider with few staff, then the Investigation & Compliance team must be notified so that an alternative investigation strategy can be considered.

#### 3.1.3 Notification

The Head of Centre is required to notify the City & Guilds, Investigation & Compliance team of all allegations or incidents of malpractice, actual or suspected within 10 working days of it being reported to them and **prior** to the commencement of any internal investigation activity. Failure to report incidents of suspected malpractice within 10 working days may result in the application of a centre sanction or a change to the centre risk rating.

Malpractice guidance for customers delivering End Point Assessment can be found [here](#).

City & Guilds expects centre staff to co-operate fully with any investigations into cases of suspected or actual malpractice. Failure to report suspected malpractice and/or co-operate with follow up activity can be construed as malpractice and may lead to qualifications not being awarded, certificates not being issued, future entries and/or registrations not being accepted or withdrawal of qualification and/or centre approval.

The following centre actions may be considered malpractice:

- **Failure to notify City & Guilds Investigation & Compliance team of any incidents or allegations of suspected malpractice**
- **Failure to take action as required by City & Guilds or to co-operate with a City & Guilds investigation**

- **Failure to respond to communication or provide all facts, circumstances, and documentation requested by the Investigation & Compliance team.**

The notification forms, together with the notification form checklist, available from our website, must be used for this purpose. Notification in letter format will be accepted provided the information given covers the same points as the form. For further details, refer to Sections 4.1 and 4.2 of this document.

Please send the appropriate notification form and checklist to the following.

### **UK and international centres**

Investigation & Compliance

City & Guilds

Giltspur House

5-6 Giltspur Street

London

EC1A 9DE

Email: [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com)

## 3.2 Associates

### 3.2.1 External Quality Assurers

City & Guilds' Associates, including EQA's, Moderators, ILM Assessors, IEPA's who discover or suspect malpractice in examinations or assessments when visiting centres, or when sampling learner evidence, must **immediately** contact the appropriate City & Guilds' Quality Delivery team to discuss the suspected malpractice. Staff there will liaise with the Investigation & Compliance team and a decision will be made as to how to proceed.

The remit of the Associate undertaking an External Quality Assurance visit is to provide an accurate and detailed account of the facts of the suspected malpractice which must be clearly documented in the Centre Activity Report (CAR) form (i.e. what has been found on the visit that has led them to suspect that malpractice has occurred). However, conclusions should not be drawn at this point as to whether or not malpractice has occurred, nor should conclusions be recorded in the report.

Associates who discover suspected malpractice must notify the centre that the Quality Delivery team have been or will be informed of their findings and that further action may be taken.

Associates who receive malpractice allegations from centre staff should refer the individuals to this document and to contact the Investigation & Compliance team malpractice [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com).

Associates should also contact the appropriate City & Guilds' Quality Delivery team to discuss the allegations received. Staff there will liaise with the Investigation & Compliance team and a decision will be made as to how to proceed.

Associates who are informed of malpractice by learners should advise the individual(s) to refer to the *Policy for Individuals reporting allegations of suspected malpractice*, which is available from City & Guilds' website [here](#). Associates should also contact the appropriate City & Guilds' Quality Delivery team to discuss the allegations received. Staff there will liaise with the Investigation & Compliance team and a decision will be made as to how to proceed.

Associates who discover learner plagiarism in work which has been authenticated by the learner, should report this on the CAR form. The Associates should detail the plagiarism and generate an action point for the centre to provide a malpractice notification form to: [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com).

The Investigation & Compliance team may contact External Quality Assurers who have reported suspected malpractice to discuss the contents of the CAR form after it has been submitted to the Quality Delivery team.

### 3.2.2 Examiners

City & Guilds' Examiners who discover evidence of suspected or actual malpractice in the marking of examination papers must **immediately** report their findings to the Investigation & Compliance team.

An account of the suspected malpractice should be emailed and include the following:

- Examination date and qualification number
- Centre name and number
- Full nature of the malpractice, particularly noting any urgent/high risk concerns
- Learners involved
- Examiner's name.

The Investigation & Compliance team will inform the Head of Centre of the details required so that an investigation can be undertaken.

Examiners should report the suspected malpractice by completing and submitting the notification form provided in Appendix 8 of this document. Reports should be sent to [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com).

Further details can be found in the guidance document provided separately to Examiners.

### 3.2.3 Moderators

City & Guilds' moderators/Principal Moderators who discover evidence of suspected or actual malpractice during moderation activities must report their findings to the Technical Moderation Support team ([moderationssupport@cityandguilds.com](mailto:moderationssupport@cityandguilds.com)) who will discuss the suspected malpractice with the Investigation & Compliance team. A decision will then be made as to how to proceed.

The Investigation & Compliance team may contact Moderators/Principal Moderators who have reported suspected malpractice to discuss the concerns in more detail or to discuss the explanation provided by a centre before a conclusion is reached.

**Moderators should not adjust marks to reflect their suspicions. The work is to be marked as normal.**

An account of the suspected malpractice should include the following:

- Full nature of the malpractice, particularly noting the specific policy/qualification requirement the concerns are in breach of
- Extent of the suspected malpractice including learner enrolment numbers
- Examination date and unit number or specific AOs/tasks/ sections/pages in the work submitted in the synoptic assignment this relates to
- Centre name and number
- Moderator's contact details.

Moderators should report the suspected malpractice by completing and submitting the notification form provided in Appendix 6 of this document.

### 3.2.4 Assessment Service Assessor

If an Assessment Service assessor suspects plagiarism, collusion or cheating in a learner's assignment or exam, they will check to confirm the learner(s) have signed declarations of authenticity and if they have reported the suspected malpractice to the relevant Lead Assessor. Once the assessor's findings have been verified the incident will be reported to the Investigation and Compliance team for review at [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com).

An account of the suspected malpractice should include the following:

- Full nature of the malpractice, particularly noting the areas which are believed to have been plagiarised
- Extent of the suspected malpractice including learner enrolment numbers
- A copy of the results and learners assignment
- Centre name and number
- Assessor's contact details.

If plagiarism, collusion or cheating is suspected no marks will be attributed to any piece of work under suspicion and the result sheet, that includes the comments, will be returned to the centre. Further work from the learner will not be accepted by the Assessment Service until the malpractice case has been resolved.

The Investigation & Compliance team will inform the Head of Centre of the details so that an investigation can be undertaken.

### 3.2.5 City & Guilds staff

City & Guilds staff who discover or suspect centre or learner malpractice in carrying out their day-to day responsibilities must immediately report their concerns and provide an account that should include the following:

- Centre name and number
- Full nature of the malpractice, particularly noting any urgent/high risk concerns
- People involved
- Date(s) malpractice occurred
- Qualification(s) affected.

Reports should be sent to [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com).

### 3.2.6 Members of public

Members of public who wish to notify us of malpractice should refer to the Policy for individuals reporting allegations of suspected malpractice which can be found [here](#). A summary of the concerns should be reported to [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com). A member of the Investigation & Compliance team will acknowledge the email and arrange a telephone interview with the person who reported the malpractice to gather more information.

We will endeavour to keep an individual's identity confidential where asked to do so. However, those disclosing information should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure. Information received in disclosures may be shared with third parties where necessary.

Anonymous disclosures will be considered but it may not always be possible to investigate them.

We will normally ask to be provided with as much evidence as possible to support the disclosure. Each disclosure will be considered sensitively and carefully to ensure that appropriate action will be taken. It should be noted, however, that our ability to investigate allegations will be dependent on the availability of documentary evidence. This becomes more difficult to produce and authenticate after a considerable amount of time has elapsed. Therefore, we encourage anyone who suspects malpractice to notify us as soon as possible.

The Investigation & Compliance team cannot disclose to an informant the outcome of an investigation or any action that is taken as a result of an investigation.

## Section 4: Investigations into suspected malpractice

### 4.1 Centre staff and learner malpractice

Following the guidance in the previous section relating to the centre's responsibility to notify City & Guilds of malpractice. Details of the suspected malpractice must be provided using the malpractice notification reporting forms in the appendices of this document and submitted to the Investigation & Compliance team.

Unless a learner is being continuously disruptive or acting in a way that could disadvantage other learners or cause harm, the invigilator **must** wait until the end of an examination to address the incident and speak to the learner.

Centres **must not** disallow a learner's result or cancel/dispose of a learner's examination paper as a result of an incident of examination malpractice.

Learners who are subject to penalties as a result of assessment or examination malpractice should not be permitted to re-sit an examination or continue with their qualification until City & Guilds have advised that the learner may be permitted to do so.

We expect, in instances of either learner or staff malpractice that the centre will not inform learners of the results of examinations or qualifications that are under investigation. Certificates **must not** be released to learners until City & Guilds has concluded the investigation.

#### 4.1.1 Who will undertake the investigation

Once notification of malpractice has been received, City & Guilds will determine whether it is appropriate for the Head of Centre to undertake the investigation into the allegation/incident or whether the Investigation & Compliance team will undertake the investigation.

City & Guilds reserves the right to undertake unannounced investigation visit activity. **Centres must not undertake internal investigations into suspected malpractice without first notifying City & Guilds Investigation & Compliance team.**

#### 4.1.2 Investigation undertaken by a centre

Once it is determined that it is appropriate for a centre to investigate an incident or allegation of malpractice, the allocated Case Manager will contact the centre and confirm this decision. The Head of Centre will be provided with the Guidance to Centres on conducting investigations document, (Appendix 5). This document sets out, in detail, what is expected of a centre who is asked to investigate an incident or an allegation of malpractice on behalf of City & Guilds.

The Head of Centre is required to:

- notify City & Guilds of all incidents of malpractice, actual or suspected within 10 working days of it being reported to them and prior to the commencement of any investigation activity
- Confirm on the malpractice notification form that any individual involved in the investigation of the incident of suspected malpractice does not have a conflict of interest in doing so
- supervise the investigation personally or delegate the investigation to an appropriate senior member of staff
- establish the full facts, circumstances and scale of the irregularities
- provide a report and all relevant evidence to City & Guilds when the investigation has been completed
- pass on to the individuals concerned any decisions, warnings or notification of penalties.

Heads of Centres should consider that both staff and learners can be responsible for malpractice. For this reason, investigations into malpractice **must not** be delegated to the manager of the section, team or department involved in the suspected malpractice. Conflicts of interest which arise in this situation may compromise the investigation. To safeguard the integrity of City & Guilds qualifications, Heads of Centre may wish to consider suspending staff implicated in an incident of malpractice from the involvement and administration of City & Guilds qualifications.

Individuals accused of malpractice must be informed by the Centre, in writing of the:

- Allegation made against them
- Evidence that supports the allegation
- Possible consequences including the actions or penalties that City & Guilds may take should malpractice be proven.

City & Guilds reserves the right to suspend any claims for certification or applications for qualification approval submitted by the centre, either on notification of malpractice (suspected or actual), or at any time during the investigation to protect the integrity of the qualification(s) in question and to prevent the possibility of certificates being issued erroneously.

Full details of the procedures which should be followed when investigating cases of suspected malpractice can be found in the JCQ publication '*Suspected Malpractice*

*in Examinations and Assessments: Policy and Procedures'*, available on the JCQ website [www.jcq.org.uk/](http://www.jcq.org.uk/).

#### 4.1.3 Report of investigation undertaken by centre

The Head of Centre must submit a full written report of the investigation to City & Guilds. The report must include the following, as appropriate:

- A detailed account of the circumstances of the alleged malpractice and of the investigation carried out by the centre (this should include but is not limited to: the full investigation report with any noted appendices, and any preventative and punitive actions that have been taken)
- A written declaration that staff members involved in the investigation of the malpractice incident have no conflict of interest in doing so
- Signed and dated written statement(s) or transcript(s) of interviews from the Invigilator(s), Assessor(s), Internal Quality Assurer(s) or other staff involved
- Signed and dated written statement(s) or transcript(s) of interviews from any learner(s) who is/are involved
- Any work of the learner(s) involved and any associated material and, if relevant, any mitigating factors
- We may consider mitigating circumstances supported by appropriate evidence
- Ignorance of regulations and requirements will not, by itself, be considered a mitigating factor e.g.: refusing to taken notice of regulations or failing to consider requirements
- The findings/conclusions that the centre have come to and the evidence that supports this conclusion.

Please note, that the malpractice notification form in Appendix 1 and 2 does not constitute a malpractice report. Reports must follow the guidelines laid out in Appendix 5 of this document.

The centre should aim to complete the investigation, including the report, within 15 working days of being requested to undertake it. The centre must inform the Investigation & Compliance team if this timescale cannot be met. Centres are expected to make clear references to the evidence which provides justification for their investigation findings. The evidence must be made available for independent scrutiny by City & Guilds and other agencies, as required. For further guidance on the requirements of the report, please see the Guidance to Centres on conducting investigations document, (Appendix 5).

#### 4.1.4 Investigation undertaken by City & Guilds

When it is decided that City & Guilds will undertake an investigation into suspected malpractice, we will consider the most appropriate method to do so effectively. The Case Manager will notify the centre at an appropriate time to discuss the allegations and provide detail of the activities that will be undertaken in order to investigate. We will endeavour to ensure that those responsible for managing and carrying out investigations are independent of the management of normal working relationships

with the centre involved or with the External Quality Assurers associated with that centre.

Investigations generally involve information and intelligence gathering, including data research and interviews. The initial stage of this process will usually include the review of Centre Activity Report (CAR) forms to provide background information on the centre's performance against requirements at a point in time. However, due to our regulatory obligations, investigation activity will still be undertaken to investigate any allegations of malpractice brought to our attention regardless of the outcome of any monitoring activities.

City & Guilds will aim to complete the investigation with minimal inconvenience and in the shortest possible time. The centre's ability to provide all the information requested as quickly as possible will help to ensure this aim is met. On conclusion of the investigation, the Head of Centre will be informed of the outcome.

#### 4.1.5 Report of investigation undertaken by City & Guilds

City & Guilds will produce a report outlining the findings of the investigation. This will be sent to the Head of Centre. Information concerning the investigation and its outcome may also be shared with the regulatory authorities including Regulators as specified in section 1.4.

### 4.2 Conclusion of investigation

#### 4.2.1 City & Guilds' actions

City & Guilds will consider all of the available evidence in determining the appropriate actions. If malpractice is established, City & Guilds will determine the sanction or penalty to be applied, considering the least severe sanction/penalty first. Examples of the sanctions/penalties that may be imposed are detailed in 4.2.2. These penalties/sanctions may be applied individually or in combination.

If a member of staff has left the employ of the centre, City & Guilds will still consider the application of a penalty. The centre may be requested to contact the individual in order to obtain a statement. If the individual cannot be contacted, or does not respond to a request for a statement, a decision will be made on the available evidence. Centres must use a traceable method to contact these individuals, such as recorded delivery, signed for, or in the case of electronic communication, a delivery and read receipt. These may be requested by City & Guilds as evidence that the individual has been given an opportunity to make a statement.

It is the centre's responsibility to communicate any penalties to the individual in question. Additionally, the centre may be asked to inform the Investigation & Compliance team if they receive information that this individual is employed in another centre.

We expect that centres who are in possession of invalid certificates as a result of penalties applied as part of an investigation are responsible for their return. We ask

that in these instances, the certificates are securely returned within 15 days of the conclusion of the malpractice outcome.

Centres should be aware that Condition A8.7 of the Ofqual General Conditions of Recognition requires City & Guilds to notify other affected Awarding Organisations of any investigations into centres. City & Guilds will do so if there is sufficient substantive evidence to support a case of malpractice or if the findings of an investigation have led to a penalty being applied that will adversely affect the delivery of qualifications, such as withdrawal of qualification approval or centre approval and when sanctions/penalties are applied against centre staff.

City & Guilds may also notify the regulator and any other appropriate authorities, if it is found through investigation that certificates issued from the centre are invalid.

#### 4.2.2 City & Guilds sanctions/penalties

Below are examples of the sanctions and penalties that City & Guilds can apply. These penalties may be applied individually or in conjunction with others. Please note, this is not an exhaustive list.

#### **Learner malpractice/maladministration**

- **Written warning**  
The learner is issued with a warning that if a further offence of a similar nature is committed within a period of two years, more serious sanctions/penalties may be applied.
- **Assessment evidence will be disallowed**  
Submitted evidence from the learner is disallowed and marks are lost (or the learner must submit new evidence for the relevant section of the unit).
- **Results will not be issued, or will be cancelled**  
Results and/or certificate(s) will be withheld or cancelled, if there is evidence to prove, or on the balance of probabilities it is found that the results/certificate(s) issued to the learner is invalid.
- **Disqualification from the unit**  
The learner is disqualified from a unit of a qualification for a set period of time. The learner can only resubmit work for this unit after the set period of time has elapsed.
- **Disqualification from the whole qualification**  
The learner is disqualified from the whole qualification for a set period of time. The learner may only re-enter for the qualification after the set period of time has elapsed.

- **Barred from entering City & Guilds' qualifications or examinations for a set period of time**

The learner will be barred from entering any City & Guilds examinations or qualifications at any centre for a set period of time. The learner may only register for City & Guilds qualifications after the set period of time has elapsed.

### **Centre staff malpractice/maladministration**

- **Written warning**

The member of staff is issued with a warning that if a further offence a similar nature is committed within a period of two years, more serious sanctions/penalties may be applied.

- **Training**

The member of staff is required, as a condition of future involvement in City & Guilds qualifications, its assessments and/or examinations to undertake specific training or mentoring, within a particular period of time, and a review process at the end of the training.

- **Imposition of conditions on the individual's involvement in City & Guilds' examinations and/or assessments**

Special conditions are imposed on the member of staff's future involvement in City & Guilds' qualifications, examinations and/or assessments. This can include the internal assessment, the conduct, supervision or administration of its assessments or examinations.

- **Suspension of individual from involvement in City & Guilds' examinations and/or assessments for a set period of time**

The individual(s) is barred from involvement in the delivery or administration of its qualifications, examinations and/or assessments for a set period of time.

### **Centre malpractice/maladministration**

- **Written warning**

A letter to the Head of Centre or an appropriate member of centre staff, advising of the breach (including the report) and advising of the further action that may be taken (including the application of penalties and special conditions) should there be a reoccurrence of this breach, or subsequent breaches at the centre.

- **Action plan**

The Head of Centre or an appropriate member of centre staff will be required to review the centre's procedures for the conduct or administration of a particular examination/assessment, or all examination/assessments in general.

The Head of Centre or an appropriate member of centre staff will be required to report back to City & Guilds on improvements or procedural changes implemented by a certain date.

Alternatively, an action plan will be agreed between City & Guilds and the centre. Failure to implement the action plan will likely impact a centre's risk rating and may lead to further, more serious sanctions/ penalties.

- **Additional monitoring for a set period of time**

An increase in the normal level of monitoring that takes place in relation to the qualification(s) in question for a set period of time.

- **Suspension of registration and certification for a set period of time**

A suspension of the centre's ability to register and/or certificate learners for a qualification(s) for a period of time, if there is a significant concern or risk to the validity of certificates being issued from that centre.

- **Withdrawal of approval for specific qualification(s)**

The withdrawal of approval for any number of qualifications for a set period of time, if there is found to be a significant breakdown in the quality assurance or management of the qualification(s) in question that has or may endanger the validity of certificates issued by the centre.

- **Withdrawal of centre approval**

The withdrawal of centre approval for a set period of time. This means that, the centre will not be able to deliver or offer City & Guilds qualifications until the period of time detailed in the withdrawal letter has elapsed.

If the centre wishes to recommence the delivery of City & Guilds qualifications after the period of time has elapsed, they must apply for approval as a new centre. The centre is required to inform City & Guilds that previous approval had been withdrawn. Centres which have had approval withdrawn should not assume that re-approval will be granted. Centres are required to disclose at the application of (re)approval if their approval has been removed by another Awarding Organisation.

#### 4.2.3 Malpractice Panel

The Case Manager may refer any decision regarding the application of penalties to a Malpractice Panel. This could include where there is conflicting evidence, or when the application of high level penalties is under consideration. A high level penalty is defined by the Investigation & Compliance team, as an action that will prohibit an individual or a centre's involvement with City & Guilds qualifications.

When seeking to withdraw centre or qualification approval, the case will be presented to the monthly Quality Board, who will make up the malpractice panel. The Quality Board will consider the proposed penalty/sanction based on all of the available evidence, including any statements from the centre.

The key principles underpinning the purpose of a Malpractice Panel is that it ensures that;

- correct procedures have been followed throughout the investigation
- individuals/centres facing potential penalties/sanctions have been given the opportunity, where possible, to consider what the panel will be provided with, and to make a statement
- sanctions/penalties are proportionate, applied fairly and are standardised across the team
- the investigating Case Manager is supported in the decision making process.

#### 4.2.4 Appeals against City & Guilds' decision to impose sanctions/penalties

If a centre wishes to appeal against City & Guilds' decision to impose sanctions/penalties as a result of the identification of malpractice, details should be requested from:

Regulatory Policy and Audit  
City & Guilds  
Giltspur House  
5-6 Giltspur Street  
London  
EC1A 9DE  
email: [policy@cityandguilds.com](mailto:policy@cityandguilds.com)

Additional information related to appeals can be found on the City & Guilds website, [here](#).

# Appendix 1: Suspected learner malpractice

## Notification form – Confidential

Centres may use either form JCQ/M1, which can be found in the JCQ malpractice policy document ([www.jcq.org.uk/](http://www.jcq.org.uk/)), or the form below to notify City & Guilds of suspected learner malpractice in examinations or assessments. For guidance on how to complete the form, please see page 27. Please note, **this notification form does not constitute a malpractice report**. Reports must follow the guidelines laid out in the Guidance to Centres on conducting investigations.

1. Date of incident	<input style="width: 95%;" type="text"/>	Time	<input style="width: 95%;" type="text"/>
2. Centre number	<input style="width: 25px; height: 25px;" type="text"/>	Centre Suffix (if applicable)	<input style="width: 50px; height: 25px;" type="text"/>
3. Centre Name	<input style="width: 100%; height: 40px;" type="text"/>		
4. Country	<input style="width: 100%; height: 40px;" type="text"/>		
5. Examination/assessment details			
Qualification number	<input style="width: 25px; height: 25px;" type="text"/>	Title	<input style="width: 100%; height: 30px;" type="text"/>
Assessment/ component/ unit number	<input style="width: 25px; height: 25px;" type="text"/> <input style="width: 25px; height: 25px;" type="text"/> <input style="width: 25px; height: 25px;" type="text"/>	Title	<input style="width: 100%; height: 30px;" type="text"/>
6. Is this a Technical Qualification?			<input style="width: 25px; height: 25px;" type="text"/> Yes <input style="width: 25px; height: 25px;" type="text"/> No
7. Date incident was reported to the Head of Centre	<input style="width: 100%; height: 40px;" type="text"/>		
8. Details of learner(s) involved			
<b>Enrolment Number</b>	<b>Learner name</b>		
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>		
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>		
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>		


9. Details of invigilator(s)/assessment personnel or other witnesses

Role	Name

10. Describe the nature of the suspected malpractice, including details as to how it was discovered, by whom and when.

11. Describe how the learner(s) was made aware of the examination or assessment regulations.

--

12. If the incident involved disruptive behaviour, did the learner's behaviour cause disturbance to other learners?

Yes	
No	

13. If the answer to the above question is 'yes' and you wish to request special consideration for other learners, please submit and application for special considerations in the normal way.

Yes	
No	

14. If the incident involved the introduction of unauthorised material, is the unauthorised material enclosed?

Yes	
No	

If the answer to the question 14 is 'no', please give details below of the nature of the unauthorised material.

--

15. Has this learner previously been involved in an incident of malpractice that was reported to City & Guilds?

Yes	
No	

16. If the case involves plagiarism, please provide full details (ie title, author, edition, website etc) of the material plagiarised and include copies if possible.

--

17. Had the learner(s) been issued with a declaration of authentication (where applicable)?

Yes	
No	

18. Had the learner(s) signed the declaration of authentication stating that all work completed was the learner's own (where applicable)?

Yes	
No	

19. To be completed in the case of written examinations and online tests only

a. Was the 'Warning to Candidates' displayed outside the examination room? (See JCQ document *Instructions for conducting examinations* – [www.jcq.org.uk](http://www.jcq.org.uk) – Appendix 4).

Yes	
No	

b. Had the learner(s) been issued with a copy of the 'Information for candidates' (either electronically or in hard copy paper format) prior to signing the declaration of authentication? (See JCQ Instructions for conducting examinations, Appendix 5/6 as appropriate).

Yes	
No	

c. Was the 'Mobile Phones' poster displayed outside the examination room? (See JCQ Instructions for conducting examinations, Appendix 7).

Yes	
No	

d. Were learners reminded of examination regulations at the beginning of this particular examination?

Yes	
No	

20. Other information

If there are any other details you feel are relevant to this allegation, including mitigating circumstances, please give further information below.

--

## 21. Supporting information and materials

Please check (X) the appropriate boxes to indicate the supporting information and materials submitted with this form.

Information/materials submitted with this form	Yes	No
	X	X
Procedures for advising learner(s) of the examination/assessment regulations		
Statement(s) from invigilator(s)		
Statement(s) from tutor/head of subject/assessor/internal quality assurer		
Statement from examinations officer		
Statement(s) from learner(s)		
Statement from employer		
Seating plan of the examination room		
Question paper and script(s) or other learner evidence		
Copies of plagiarised material		
Unauthorised material		
Assessment and internal quality assurance/moderation records		
Other (please give details)		

If a statement(s) from the learner(s) is not enclosed, please check (X) this box to indicate that the learner(s) has been given the opportunity to make a statement but has chosen not to do so. If **no** statement is included, please provide a reason why in the text box in '20 – Other information'.

## 22. Conflict of Interest

I confirm that members of staff undertaking investigation activities, or that may undertake investigation activities, do **not** have a conflict of interest.

Yes	
No	

If no, please provide details below:

\* Section 3.1 of the Managing Cases of Suspected Malpractice document provides additional clarification of what constitutes a conflict of interest.

23. To be completed by the Head of Centre

Head of Centre Name (please print)	
Job title	
Tel no	
Email	
Signature*	
Date	

\*Submission by email from the centre's registered email address will be accepted in place of a signature. When submitting the form by email, all supporting documents should be scanned and attached (preferably as PDF documents) to the same email, and the originals retained by the centre. Notification forms which require the inclusion of lengthy documents or learner work should be sent by post. Please do not submit the same form with both methods.

Please submit the form to [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com)

## Appendix 2: Suspected learner malpractice: guidance notes

### What information should be included on the form?

This form should be used by the Head of Centre to notify City & Guilds of an instance of suspected malpractice by a learner in the conduct of examinations or assessments. In order to prevent the issue of erroneous results and/or certificates, it is essential that instances of suspected malpractice are reported as soon as possible. The checklist in Appendix 4 should also be completed and submitted.

Information must include:

- a detailed account of the circumstances surrounding the malpractice including, in the case of disruptive behaviour, an indication as to whether or not the
  - behaviour continued after warnings were given
  - learner was removed from the examination room/assessment situation
- the procedures for advising learners of the regulations concerning the conduct of examinations and/or assessments
- the procedures for advising learners of the plagiarism policy and guidance on submitting evidence
- signed and dated statements from the staff concerned on the centre's official letterhead paper
- signed and dated statements from the learner(s) concerned or a clear indication that they have been given an opportunity to make a statement; in circumstances which make it inappropriate to obtain statements, the centre should discuss the case in confidence with City & Guilds
- a signed and dated statement from the learner's employer (if applicable)
- seating plan of the examination room showing the exact position of the learners in the room
- Internally marked question papers and script(s) or other relevant learner evidence
- copies of plagiarised material (as applicable)
- unauthorised material removed from the learners/found in the examination room or during assessment
- assessment and internal quality assurance /moderation records
- name and contact details of the Head of Centre.

### What should I do with the completed form?

The form may be submitted either by post or by email. If it is to be submitted by email, please refer to the instructions provided at the end of the form (under Head of Centre's signature). The completed form should be sent to the following, together with the completed checklist in Appendix 4:

**UK and Ireland centres**

Investigation & Compliance

City & Guilds

Giltspur House

5-6 Giltspur Street

London

EC1A 9DE

Email: [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com).

## Appendix 3: Suspected centre staff malpractice Notification form – Confidential

Centres may use either form JCQ/M2(a), which can be found in the JCQ malpractice policy document ([www.jcq.org.uk/](http://www.jcq.org.uk/)), or the form below to notify City & Guilds of suspected malpractice involving centre staff. Please note, this notification form does not constitute a malpractice report. Reports must follow the guidelines laid out in the Guidance to Centres on conducting investigations document.

1. Date of incident	<input style="width: 95%;" type="text"/>	Time	<input style="width: 95%;" type="text"/>				
2. Centre number	<input style="width: 25px; height: 25px;" type="text"/>	Centre Suffix (if applicable)	<input style="width: 40px; height: 25px;" type="text"/>				
3. Centre Name	<input style="width: 95%; height: 40px;" type="text"/>						
4. Country	<input style="width: 95%; height: 25px;" type="text"/>						
5. Examination/assessment details							
Qualification number	<input style="width: 25px; height: 25px;" type="text"/>	Title	<input style="width: 95%; height: 25px;" type="text"/>				
Assessment/ component/ unit number	<input style="width: 25px; height: 25px;" type="text"/> <input style="width: 25px; height: 25px;" type="text"/> <input style="width: 25px; height: 25px;" type="text"/>	Title	<input style="width: 95%; height: 25px;" type="text"/>				
6. Is this a Technical Qualification?	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Yes</td> <td style="width: 25%;"><input style="width: 95%;" type="text"/></td> <td style="width: 25%;">No</td> <td style="width: 25%;"><input style="width: 95%;" type="text"/></td> </tr> </table>			Yes	<input style="width: 95%;" type="text"/>	No	<input style="width: 95%;" type="text"/>
Yes	<input style="width: 95%;" type="text"/>	No	<input style="width: 95%;" type="text"/>				
7. Date incident was reported to Head of Centre	<input style="width: 95%; height: 40px;" type="text"/>						
8. Name(s) of centre staff involved							
Position	Staff name						
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>						
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>						
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>						
<input style="width: 95%; height: 25px;" type="text"/>	<input style="width: 95%; height: 25px;" type="text"/>						

9. Describe the nature of the suspected malpractice, including details as to how it was discovered, by whom and when.

10. Could the learner(s) have been unfairly advantaged or disadvantaged by the suspected malpractice? If so, please give details.

11. Has the individual been subject to any penalties, including a warning, from City & Guilds in the last two years? If so, please give details.

--

12. Conflict of Interest

I confirm that members of staff undertaking investigation activities, or that may undertake investigation activities, do not have a conflict of interest.

Yes	
No	

If no, please provide details below:

--

\* Section 3.1 of the Managing Cases of Suspected Malpractice document provides additional clarification of what constitutes a conflict of interest.

13. To be completed by the Head of Centre

Head of Centre Name (please print)	
Job title	
Tel no	
Email	
Signature*	
Date	

\*Submission by email from the centre's registered email address will be accepted in place of a signature.

Please submit the form to [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com)

## Appendix 4: Notification form checklist

### What is this checklist for?

This checklist is intended to assist centres when completing a notification of suspected malpractice by learners or staff.

Reference is made to the requirements contained in the JCQ document *Suspected Malpractice in Examinations and Assessments – Policies and Procedures*.

### Please indicate by ticking the appropriate box for the following points.

Staff members and learners have been informed of their rights (as outlined in section 6.1 of the above-mentioned document).

Yes	
No	

The individual, whether a learner or a member of staff accused of malpractice:

- has been informed (preferably in writing) of the allegation made against him or her

Yes	
No	
- knows what evidence there is to support the allegation

Yes	
No	
- knows the possible consequences or penalties that City & Guilds may apply should malpractice be proven

Yes	
No	
- has had the opportunity to consider their response to the allegation (if required)

Yes	
No	
- has had the opportunity to submit a written statement. If no statement is included, please provide a reason why in the text box in '9 – The nature of the malpractice'.

Yes	
No	
- has had the opportunity to seek advice (as necessary) and provide a supplementary statement if required

Yes	
No	
- has been informed of the applicable appeals procedures should a decision be made against him or her

Yes	
No	
- has been informed of the possibility that information relating to the malpractice may be shared with other Awarding Organisations, the regulators and/or other agencies.

Yes	
No	

**Please enclose the completed checklist with the notification form.**

# Appendix 5: Guidance to Centres on conducting investigations

This guidance is intended for centres who have been authorised by City & Guilds to conduct an investigation into an allegation of malpractice.

## 1. Introduction

- 1.1 Centres may be requested to undertake an investigation following the receipt of a notification of suspected malpractice from a centre, an allegation of suspected malpractice from an informant or as a result of information from City & Guilds own staff or consultants.
- 1.2 The Investigation & Compliance team will determine whether it is appropriate for the centre to investigate the suspected malpractice or whether City & Guilds will lead the investigation.
- 1.3 When City & Guilds requests that a centre undertake an investigation, the Case Manager will contact the Head of the Centre, or relevant quality person to inform them of the allegation and the next steps.
- 1.4 Centres are advised to thoroughly read through and refer to this document whilst undertaking investigations, in order to understand the content and evidential requirements of the report.
- 1.5 Malpractice may include a range of issues that have been detailed in section 2 of this document. City & Guilds may also consider a failure to conduct a thorough investigation into malpractice, as malpractice.
- 1.6 At any point during an investigation, City & Guilds may decide to use its own personnel to investigate malpractice. This is in addition to, and not a substitution for, the requirement for centres to provide any requested information and evidence.
- 1.7 In cases where the centre has undertaken an investigation, City & Guilds may be required to conduct follow up activities in order to validate the centre's findings.
- 1.8 Your centre must not communicate results with the affected learners and must hold their certificates until the investigation has been concluded.
- 1.9 To safeguard the integrity of City & Guilds qualifications, Heads of Centre may wish to consider suspend staff implicated in an incident of malpractice from the involvement and administration of City & Guilds qualifications.

## 2. Objectives of an investigation

- 2.1 To establish the facts relating to of the suspected malpractice in order to determine whether any malpractice or non-compliances have occurred.
- 2.2 To identify the cause of the malpractice and those involved.
- 2.3 To establish the scale of the malpractice.
- 2.4 To determine whether any action is required to preserve the integrity of the qualification and reduce the risk of the malpractice occurring in the future.

### **3. Establishing the facts**

- 3.1 The fundamental principle of investigations is to conduct them with integrity, and in a fair, objective and professional manner, ensuring that all relevant facts and circumstances are considered without bias. It should not be assumed that, because an allegation has been made, it is true.
- 3.2 Those undertaking investigations should review the evidence and associated documentation, including City & Guilds' guidance on the delivery of the qualification concerned and related quality assurance arrangements. The following facts should be determined:
- what occurred (the nature of the malpractice or the substance of the complaint/allegation)
  - when it occurred
  - where it occurred (there may be more than one location)
  - how the malpractice occurred
  - why the malpractice occurred
  - who was responsible for the malpractice
  - who was involved in the malpractice. This may include learners, as well as members of centre staff.

### **4. Responsibilities**

- 4.1 In carrying out an investigation and writing a report, the person responsible for undertaking the investigation acts on behalf of City & Guilds. The person responsible for investigating is required to:
- supervise personally the investigation into the malpractice and ensure that it is conducted in a timely manner
  - ensure that, if it is necessary to delegate an investigation to a member of staff, the member of staff chosen must be at an appropriate level of authority. They must also consider any conflict of interest and ensure that the person is independent and not connected with the department involved in the allegation
  - respond speedily and openly to all requests for an investigation or information
  - cooperate and ensure their staff cooperate fully with the investigation, whether the centre is directly involved in the case or not
  - inform staff members and learners of their individual rights as set out in paragraph 5 of this guidance note. They must also ensure that, where possible, the person(s) found to be responsible for malpractice, have been given an opportunity to provide a statement
  - ensure that, where it is necessary to interview anyone as part of an investigation, the interview is conducted in accordance with the centre's own policies. A full transcript or detailed notes of interviews must be provided with the centre's investigation report
  - ensure that all information and evidence relevant to the investigation is included in the report. If information or evidence is required after a

report has been submitted to City & Guilds, it is likely to cause a delay in the resolution of the incident

- If formal disciplinary proceedings are undertaken all records/documentation/letters which are relevant to the malpractice must be provided to City & Guilds
- ensure compliance with any requests made by City & Guilds as a result of a malpractice investigation
- pass on to the individuals concerned any warnings or notifications of penalties. This may include members of staff or learners who are no longer at the centre or learners.

## **5. Rights of accused individuals**

5.1 Learners or members of staff suspected of malpractice must:

- be informed (preferably in writing) of the allegation made against them
- be informed of the City & Guilds '*Managing cases of suspected malpractice in examinations and assessments*' document
- know what evidence there is to support the allegation
- know the possible consequences should malpractice be proven
- have the opportunity to consider their response to the allegation (if required)
- have an opportunity to submit a written statement
- be informed that they will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Panel
- be informed of the applicable appeals procedure should a decision be made against them
- be informed that information relating to the malpractice may be shared with other Awarding Organisations, the regulators and other external agencies, as appropriate.

## **6. The report**

6.1 After an investigation, the person responsible for undertaking the investigation must submit a full written report. The report must include a detailed account of the circumstances of the alleged malpractice and details of the investigation carried out by the centre.

Where applicable, the report must be accompanied by the following:

- the procedures for advising learners and/or staff of the regulations concerning the conduct of examinations/assessments
- evidence that staff who are implicated in the alleged malpractice have been given the opportunity to make a statement
- transcripts of any interviews undertaken as part of the investigation process. These must be signed and dated

- written statements from the learner(s), Examination Officer(s), Invigilator(s), Assessor(s), Internal Quality Assurer(s) or other staff who have been involved in the investigation of the alleged malpractice. This should be signed, dated
- written statement from the learner's employer
- seating plan showing the exact position of each learner in the examination room
- any work of the learner(s) which is relevant to the investigation
- copies of plagiarised material
- assessment and internal quality assurance/moderation records
- any other material which is relevant to the investigation
- any mitigating factors (eg relevant medical reports)
- other relevant details which may be specific to the qualification or incident concerned, as requested by City & Guilds.

6.2 City & Guilds will give detailed consideration to the centre's investigation report and will aim to respond to it within 10 working days of receipt.

## Appendix 6: Technical Qualifications - Moderator notification of suspected malpractice

### Confidential

Moderators must complete and submit this form to the Technicals Quality team at [technicals.quality@cityandguilds.com](mailto:technicals.quality@cityandguilds.com) to notify City & Guilds of any incident of suspected malpractice relating to the delivery of Technical Qualifications. The form must include all relevant learner synoptic assignment(s)/moderator report as appropriate. The Technicals Quality team will review and discuss the notification form with the Investigation & Compliance team and a decision will then be made as to how to proceed.

<b>Date and time when the suspected malpractice was identified</b>					
<b>Centre number</b>		<b>Suffix</b>		<b>Centre name</b>	
<b>Qualification number</b>				<b>Assessment(s)/ Component(s) the concerns relate to</b>	
<b>Qualification level and title</b>					
<b>Description of the nature of the suspected malpractice</b> Please include the specific AOs/tasks/ sections/pages in the work submitted this relates to, as applicable					
<b>Specific requirement(s)/policy the concerns are in breach of</b> Please indicate the page/section and City & Guilds document in which the requirement is specified					
<b>Extent of the suspected malpractice</b> (contained to specific learners/across a cohort or entire centre)					
<b>Learner Enrolment number(s)</b>					
<b>Learner Name(s) and Surname(s)</b>					
<b>Has the <i>Declaration of Authenticity</i> been signed by the learner(s)</b>				Yes / No	
<b>Have the concerns been discussed with centre staff</b>				Yes / No	
<b>If so, please provide their name(s), position(s) and date</b>					
<b>Have the concerns been discussed with the Principal Moderator.</b> If so, please provide their name				Yes / No	

Notification form completed and submitted by:

<b>Name and Surname</b>		<b>Position/role</b>	
<b>Tel no</b>		<b>email</b>	
<b>Signature</b>		<b>Date</b>	

# Appendix 7: End-point Assessment – notification of suspected malpractice

## Confidential

Independent End-point Assessors (IEPAs) must complete and submit this form to [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com) to notify City & Guilds of any incident of suspected malpractice relating to the conduct of an End-point Assessment (EPA) within two working days of the EPA event. Further guidance on Malpractice and Maladministration can be found in the IEPA Manual.

<b>1 Date of incident</b>		<b>Time</b>	
---------------------------	--	-------------	--

<b>2 Customer number (inc. suffix if applicable)</b>							
--	--	--	--	--	--	--	--

<b>3 Customer name</b>	
------------------------	--

### 4 Apprenticeship standard

<b>Title and product number</b>	
---------------------------------	--

<b>EPA component - title and product code</b>	
---	--

**EPA activity the malpractice was found in – check the box as appropriate**

<b>Professional discussion</b>	<input type="checkbox"/>	<b>Interview</b>	<input type="checkbox"/>	<b>Assessment</b>	<input type="checkbox"/>	<b>Observation</b>	<input type="checkbox"/>
<b>Presentation</b>	<input type="checkbox"/>	<b>Synoptic or work-based project</b>	<input type="checkbox"/>	<b>Portfolio</b>	<input type="checkbox"/>	<b>Employee reference</b>	<input type="checkbox"/>

### 5 Details of apprentice(s) involved

Name	Apprentice enrolment no.

**6 Details(s) of Customer/Employer staff and/or witnesses involved**

Name	Position

**7 Describe the nature of the suspected malpractice, including details as to how it was discovered, by whom and when. Please note any high risk or urgent concerns. Ensure details are included of what sections, pages etc. the malpractice is present in.**

**In addition please ensure the supporting evidence of malpractice is attached with the completed form.**

**8 Could the apprentice(s) have been unfairly advantaged or disadvantaged by the suspected malpractice? If so, please give details.**

--

**9 IEPA details**

<b>Name (please print)</b>	
<b>Email</b>	
<b>Date</b>	
<b>Signature</b>	

**10 Additional details**

<b>LIEPA name</b>	
<b>LIEPA email address</b>	
<b>Has the LIEPA been made aware? (Y/N, date and how e.g. email)</b>	
<b>Has EPA Operations team been advised to hold results? (Y/N, date, whom, how e.g. email)</b>	

Please submit this completed form to [investigationandcompliance@cityandguilds.com](mailto:investigationandcompliance@cityandguilds.com) within two working days of the EPA event.

## Appendix 8: Examiner notification of suspected malpractice

To be used by Examiners reporting suspected malpractice in learner scripts.

<b>Marker Name</b>			
<b>Marker vendor no</b>			
<b>Team Lead</b>			
<b>Team Lead vendor no</b>			
<b>Learner Name</b>			
<b>Enrolment number</b>			
<b>Centre number</b>			
<b>Date of test</b>			
<b>Exam component</b>			
<b>Version</b>			
<b>Exam ref no (MM) or QP reference (evolve)</b>			
<b>Screenshots attached (MM / evolve)</b>	Please confirm that these are attached. Include: front sheet (MM), audit report (evolve), example of content		
<b>Detail of the malpractice.</b>			

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