



# Malpractice and Maladministration Policy

June 2023

Policy authorised by Responsible Officer

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## 1.0 Introduction

One of the key roles of OTHM as a regulated Awarding Organisation is to secure standards for those qualifications it certifies. As part of our commitment to quality assuring standards and therefore protecting stakeholders, we aim to provide guidance and support to help Centres and their learners to achieve learning and development goals. We also ensure that any regulatory requirements our regulators impose on us are met, and in turn we support centres to meet those requirements. Therefore, our regulatory policies are integral to our methodology, and we aim to articulate in a consistent way how we meet our regulatory requirements.

Regulations require OTHM to establish and maintain procedures for dealing with malpractice and maladministration on the part of learners, OTHM approved staff or any others involved in providing the qualifications, and to take appropriate action to maintain the integrity of OTHM qualifications.

## 2.0 Scope of policy

This policy is designed to define malpractice and maladministration, clarify the roles and responsibilities of Centres, learners and OTHM and outline the procedures that will be followed when there are issues of suspected malpractice within a Centre.

## 3.0 Definition of Malpractice and Maladministration

**Malpractice:** Malpractice is any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or the validity of certificates. Malpractice can include criminal offences such as bribery or falsifying of assessment records (fraud). Other examples would include failing to maintain the security of an assessment (e.g. by giving away exam questions or marking schemes), assisting learners in the production of projects and assignments so that the submission is not the learner's own work, and redacting or changing examination questions or assignment tasks, thus compromising the integrity of the assessment. Malpractice can extend to employing AI models, such as ChatGPT, to generate or complete assignments on behalf of learners, thereby violating academic integrity by submitting work that is not genuinely the learner's own effort, compromising the authenticity and credibility of the assessment process.

**Maladministration:** The term maladministration relates to any activity, neglect, default or other practice that results in the OTHM Centre or learner not complying with the specified requirements for delivery of the qualifications as set out in the relevant policies and procedures where applicable.

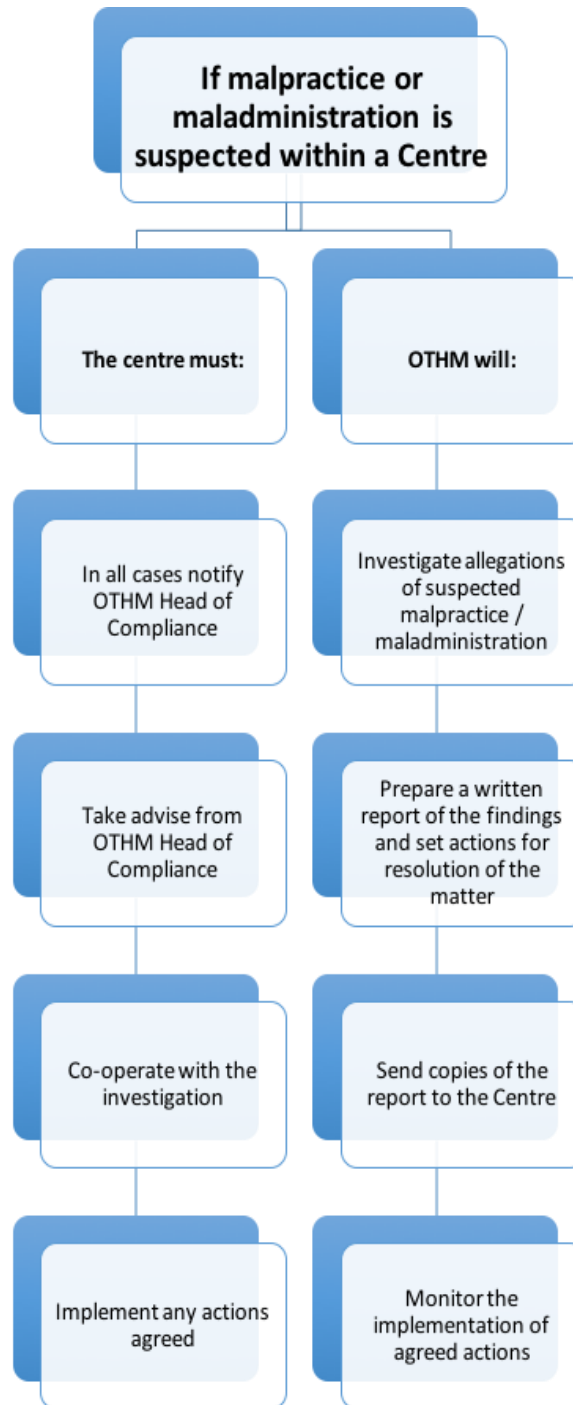
**Centre Staff Malpractice:** Malpractice committed by a member of staff or contractor at a Centre, or an individual appointed as a practical assistant to a learner.

**Learner Malpractice (Academic Misconduct):** OTHM adopts the following definition of Learner Malpractice, or Academic Misconduct:

*“Academic malpractice is any activity – intentional or otherwise - that is likely to undermine the integrity essential to scholarship and research. It includes plagiarism, collusion, fabrication or falsification of results, and anything else that could result in unearned or undeserved credit for those committing it.”*

*(University of Manchester 2014).*

## 4.0 Malpractice and maladministration flow chart



## 5.0 Duties and obligations

### Duties and Obligations of Centres

- It is the duty of Centres and their members of staff to report all suspected instances of malpractice and/or maladministration to OTHM.
- It is the duty of Centres and their members of staff to supply any further information required by OTHM in their investigations.
- Failure of a Centre to co-operate with a malpractice investigation may lead to penalties being imposed, according to OTHM's Centre Sanctions Policy.
- Centre staff are reminded that failure to disclose malpractice or maladministration is in itself a form of malpractice.
- Learners registered on OTHM qualifications are strongly encouraged to report all suspected instances of malpractice and/or maladministration to OTHM in confidence.

### Duties and Obligations of OTHM

In all instances where malpractice and maladministration has been alleged, OTHM will:

- Oversee all investigations into suspected or alleged malpractice
- Withhold results until the conclusion of the investigation
- Provide advice and guidance to Centres on how to avoid and investigate malpractice and maladministration as part of its Centre Training Programmes
- Take such action as is necessary to preserve the integrity of assessment
- Report the instances of malpractice to the regulators and other awarding OTHM organisations in accordance with the General Conditions of Recognition.

Where there is evidence that certificates may have been invalidated as a result of malpractice, OTHM will report the matter to the regulatory authorities and co-operate fully with them in any follow-up actions required. If there is deemed to be reasonable probability that an instance of malpractice involved the committing of a criminal act, OTHM will report the matter to the police.

## 6.0 Reporting Malpractice

Anyone intending to file an incidence of Malpractice or Maladministration may wish to view [Whistleblowing Policy](#). Anyone wishing to file a report of its occurrence please contact by email: [info@othm.org.uk](mailto:info@othm.org.uk) or by post:

OTHM Qualifications  
8 Waterside Court  
Galleon Boulevard  
Crossways Business Park  
Dartford  
DA2 6NX  
United Kingdom

## 7.0 Maintaining records

All material collected during this process including the original information and any documents relating to the investigation will be kept secure. Information will be retained for up to 5 years.

If the outcome leads to invalid certificates, criminal or civil prosecution, evidence will be held until such time as the case is completed and time allowed for any appeals to take place.

## 8.0 Alerting other awarding organisations

Regulations require that OTHM notify other Awarding Organisations of cases of malpractice/maladministration where these cases are likely to impact on the other Awarding Organisation(s). In dealing with cases of malpractice/maladministration OTHM must pay due regard to this requirement and notify other Awarding Organisations, as appropriate.

## 9.0 Centre policies on Malpractice and Maladministration

### Annual Compliance and Monitoring

Centres are expected to produce and maintain their own internal policies for the identification of malpractice and maladministration, as well as written procedures for reporting and investigating incidents internally. Centres must make such documents available as part of the Annual Compliance Monitoring by OTHM.

## 10.0 Regulatory reference

As part of its ongoing process of compliance, OTHM policies and procedures reflect the particular conditions and criteria they address. This policy addresses the following General Conditions of Recognition (GCR).

GCR Reference	GCR Section title
A8	Malpractice and maladministration
B6	Cooperation with Ofqual
C2	Arrangements with Centres
I1	Appeals Process

## 11.0 Policy review date

June 2024

## 12.0 Useful contacts

For more information on OTHM qualifications and services please visit the website: [www.othm.org.uk](http://www.othm.org.uk). Alternatively, call at: +44(0)20 7118 4243 or email at: [info@othm.org.uk](mailto:info@othm.org.uk)

End of policy