

UHI | INVERNESS

Malpractice Procedure

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Lead Officer	Vice Principal – Curriculum, Student Experience & Quality
Review Officer	Quality Manager
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Overview

UHI Inverness expects staff and students to act with honesty and integrity, and behave considerately, at all times. UHI Inverness is committed to the highest standards of integrity and to ensuring it adheres to and promotes best practice.

This procedure is designed to provide staff and students with a clear framework within which to work and sets out the definition of malpractice at UHI Inverness, what it is and how it may arise, and what to do should malpractice be suspected.

The scope of this procedure is Further Education provision delivered by UHI Inverness. This typically includes SVQs and some awards at SCQF L7 from other Awarding Bodies. The procedure applies to all Awarding Body qualifications, and the Awarding Body shall be notified of all suspected cases of malpractice where this is an Awarding Body requirement.

This procedure also relates to UHI Inverness Skills Registers (Type 2).

Cases of suspected malpractice relating to the Higher Education provision at UHI Inverness will be dealt with in accordance with the current University of the Highlands and Islands' Academic Standards and Quality Regulations and relevant Awarding Body requirements.

Where there is a requirement to notify a PRSB, the quality team will work with the curriculum team to support them with this.

Consideration will be given for students with a predisposition to behavioural issues as identified in a personal learning support plan (PLSP).

This procedure aims to ensure that UHI Inverness deals fairly, promptly and transparently with

students (FE) and staff who are believed to have committed a breach of UHI Inverness regulations.

Definition

Student and Centre malpractice, which includes maladministration and noncompliance, means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of awarding body assessment requirements and / or which:

compromises, attempts to compromise or may compromise the process of assessment, the integrity of any awarding body qualification or the validity of a result or certificate

and / or,

damages the authority, reputation or credibility of the awarding body or any officer, employee or agent of any awarding body.

Malpractice can arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance)
- some incidents arise due to ignorance of awarding body requirements, carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both deliberate non-compliance with awarding body requirements and maladministration in the assessment and delivery of awarding body qualifications. It is necessary to investigate any suspected instances of malpractice, whether they are intentional or not, to protect the integrity of the qualification and to identify any wider lessons to be learned.

Notification to the relevant awarding body of suspected cases of malpractice will be made by the UHI Inverness Quality team.

Student Malpractice

UHI Inverness will notify the relevant awarding body of student malpractice concerns for internal assessment if:

- the concern came to the centre's attention after submission of internal assessment marks
- the concern relates to student malpractice for any regulated qualification
- there are other exceptional circumstances e.g. the centre believes that the malpractice case involves a criminal act.

The following are examples of malpractice, and is not limited to:

- breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment — including the early and unauthorised removal of a question paper or answer booklet from the examination room
- breaching the defined conditions of an assessment (e.g. completing work outside of controlled conditions)
- collusion — working collaboratively with other candidates beyond what is permitted
- copying from another candidate (including using ICT to do so), OR allowing work to be copied (for example posting written coursework on social networking sites prior to an examination / assessment)
- frivolous content — producing content that is unrelated to the assessment
- misconduct — inappropriate behaviour in an assessment room that is disruptive and/or

disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language in the examination room

- offensive content — content in assessment materials that includes vulgarity and swearing that is out with the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidates' rights to freedom of expression.
- personation — assuming the identity of another candidate, or a candidate having someone assume their identity during an assessment
- plagiarism — failure to acknowledge sources properly and/or the submission of another person's work as if it were the student's own
- exchanging, obtaining, receiving, passing on information (or attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication
- allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework
- bringing into the examination room notes in the wrong format (where notes are permitted in examinations) or inappropriately annotated texts (in open book examinations)
- bringing into the examination or assessment room unauthorised material as detailed by the awarding bodies, for example, notes, study guides and personal organisers, own blank paper, calculators, dictionaries (where prohibited), instruments which can capture a digital image, electronic dictionaries and devices, mobile phones, reading pens, translators

Please note individual Awarding Bodies have further examples. Please contact the quality team for further information.

Centre Malpractice

Any suspected cases of centre malpractice must be reported to the relevant awarding body.

Awarding bodies require centres to bring any suspected concerns of centre malpractice to its attention as soon as the centre has undertaken an initial scoping exercise to establish the nature of the concern. This must be completed within any required timeline, for example, City & Guilds require this to be completed within 10 days of awareness of the allegation.

The following are examples of centre malpractice, and is not limited to:

- managers or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award
- deliberate falsification of records in order to claim certificates
- excessive direction from assessors to candidates on how to meet national standards
- failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards
- failure to comply with SQA requirements in the preparation, quality assurance and submission of estimated grade information
- failure to apply specified awarding body assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments, including any amendments to permitted conditions
- misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions
- failure to recognise and apply appropriate measures to manage potential conflict of interest in assessment or quality assurance
- failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements
- failure to comply with awarding body requirements in relation to appeals processes
- insecure storage, transmission or use of assessment instruments, materials and marking instructions, resulting in a breach of assessment security
- failure to comply with requirements for safe retention of candidate evidence, and safe and accurate maintenance of assessment and internal verification records

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- failure to comply with awarding body procedures for managing and transferring accurate candidate data failing to register candidates within a qualification's accreditation period
 - making late registrations to the awarding body for qualifications in their lapsing period
 - requesting late certification of learners after the certification end date
 - for all awarding body qualifications, failure by a centre to promptly notify, investigate and report concerns of potential centre malpractice to the awarding body
 - failure to promptly notify an awarding body of a finding of centre malpractice, maladministration or an equivalent or similar finding by another awarding organisation
 - withholding information about circumstances that may compromise the integrity of any awarding body qualification or the credibility of an awarding body
 - failure to notify an awarding body promptly if another awarding body removes approval from the centre, regardless of the reason given for this withdrawal
 - failure to take action required by an awarding body or to co-operate with an awarding body investigation into concerns of malpractice
 - for qualifications subject to regulation by SQA Accreditation, Ofqual or Qualifications Wales, failure by a centre to notify, investigate and report to SQA concerns of potential candidate malpractice.

Please note individual Awarding Bodies have further examples. Please contact the quality team for further information.

Responsibilities

- Students and staff will be made aware of the Malpractice Procedure at induction. It is the responsibility of all staff to ensure the integrity of any qualification being delivered and to follow the reporting procedure outlined in this procedure if they suspect there has been student or centre malpractice.
- Managers are responsible for ensuring that staff are aware of their responsibilities under the procedure. For suspected centre (inc. staff) or student malpractice, staff should contact their relevant curriculum manager, who will in turn contact the quality team.
- Any student who suspects malpractice, by either a fellow student or member of staff, should report their suspicions to, for example, the delivering lecturer, their Professional Development Advisor (PDA) or other member of teaching staff or related support staff.
- Teaching and related support staff, e.g. invigilators, have a responsibility to ensure that students are aware of their responsibilities under this procedure.
- Student Records team support the procedure by:
 - timely notification of any change to result requests to the quality team, where results have already been submitted to the awarding body
 - pausing resulting of specified candidates or cohorts when notified by the quality team
- Where an allegation of malpractice is received relating to a student on an Apprenticeship programme, the Quality team will inform Business Solutions who will liaise directly with the employer. Where applicable, the Quality team in liaison with the Curriculum Lead will ensure the managing agent to be notified.
- Where an allegation of malpractice concerns a member of staff, the quality team will notify the relevant line manager and the HR team.
- Where an allegation of malpractice concerns a member of staff, the line manager will put in place support for that member of staff. This could include sharing the allegation of malpractice.
- The Quality Manager will notify the relevant Awarding Body of any incident of suspected

malpractice, where this relates to a regulated qualification. For all suspected cases of malpractice, resulting will be put on hold pending the outcome of any investigation and potential subsequent appeal.

Investigating possible malpractice

UHI Inverness take all concerns of possible malpractice seriously, and any investigation will be fair, robust and in proportion to the nature of the concern.

Student

The PDA will work initially with the student to determine any cause for further investigation, at which point the CL or nominated DCL will be involved as per the procedure (minor).

If the formal procedure is invoked, the TEL, in liaison with the CL will nominate an investigating officer as per the formal procedure (serious).

Investigations will include the review of assessment evidence and records, seeking opinion from technical experts, interviewing students and members of staff.

Centre

The Quality Manager (QM) or nominated quality officer will conduct any investigation related to centre malpractice in line with awarding body requirements.

Investigations will include the review of assessment evidence and records, seeking opinion from technical experts, interviewing students and members of staff.

Where the allegation involves a member of staff, the QM will work closely with the HR team as required. This may mean that investigations may be conducted in conjunction with HR under the Staff Disciplinary Policy and Procedure.

Communicating the outcome of the investigation

The outcome of the investigation will be communicated to the student or those involved in writing.

The detail, including the timescales for this can be found in the relevant process document (ie centre or student).

There may be other parties to whom the outcome should be notified, including student records team, line manager, DCL, Business Solutions team, HR team. The Quality team will provide advice on a case-by-case basis.

Notification of the conclusion of the investigation will be completed as outlined in the centre process or student process document.

Retention of records relating to malpractice investigations

Where an investigation of suspected malpractice is carried out, UHI Inverness will retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications.

Records will include any work of the student, and assessment or verification records relevant to the investigation.

In the case of an appeal to an awarding body against the outcome of a malpractice investigation, assessment records will be retained for six years.

In the case where an investigation has had HR involvement, the records will be retained in line with the record retention schedule for this classification.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation will be retained for six years after the case and any appeal has been heard. If there is any doubt about whether criminal or civil proceedings will take place, we will keep records for the full six-year period.

These requirements are in line with UHI Inverness record and retention schedule.

Student Malpractice Process

Stage 1 Minor

All curriculum staff have a role to play in preventing academic malpractice by:

- advising students about acceptable and unacceptable forms of work, and making them aware of the referencing standards, which they will be expected to use. This must be completed as part of the induction process.
- encouraging students to develop study techniques that allow them to clearly identify sources used and ideas acknowledged.
- repeating advice about academic malpractice prior to submission deadlines for projects, coursework and dissertations.

The difference between minor and serious cases of student malpractice is judged according to the overall risk to the integrity of the assessment process and whether there have been repeated examples. Contact the quality team for further guidance.

The PDA (or nominated lecturer) will meet with the student and discuss the impact of the alleged malpractice and caution against any further repetition of the offending action. The PDA will then make a brief record of the discussion and

1. If satisfied, will take no further action. Record discussion on PDA record **OR**
2. If a support need is identified or disclosed, then refer to the relevant Student Support department if there has been a need identified using the Referral form **OR**
3. If not satisfied, refer to the DCL who would meet with the student and if necessary, issue a verbal warning to the student. This will be confirmed to the student in writing by the DCL and will be issued immediately after the meeting with a requirement that the student sign to indicate acceptance of the verbal warning.

The student's PDA will be informed and will make a note on the student's record. This note will be removed after 6 months provided there is no further instance of malpractice.

If the student refuses to accept the verbal warning or disputes the issue in any way, the matter should be referred to the formal procedure and an investigation should take place.

Where action 1 or 3 is taken, the quality team must be notified on quality.ic@uhi.ac.uk.

Student Malpractice Process – Stage 2 (Serious Malpractice)

In the case of a more serious allegation of malpractice, persistent repetition of minor acts of malpractice or refusal to accept a verbal warning as described above, a more formal Stage 2 of the procedure will be implemented.

Responsibility for invoking Stage 2 lies with the CL. Referral to the CL should be in person by the relevant member of staff e.g. the PDA, lecturer, assessor, followed by an email for recording purposes.

Upon receipt of information concerning an allegation of serious malpractice, the CL will:

1. inform the TEL who will appoint an Investigating Officer. This will normally be the CL of the curriculum area that the student is enrolled in but, if necessary, another appropriate person may be appointed.

Another appropriate person is defined as a member of staff familiar with this procedure and completely independent and objective i.e. with no connection to the student concerned or involvement, even peripherally, with the alleged offence.

2. Notify the quality team of the escalation to stage 2 of the procedure

Investigation

As good practice, UHI Inverness follows the principles laid out in the guidance set by SQA: [Malpractice: Standards for Devolved Investigations \(sqa.org.uk\)](https://www.sqa.org.uk/malpractice-standards-for-devolved-investigations)

It should be noted that any Awarding Body instruction following notification will supersede this process.

The Investigating Officer will meet separately with the staff, students and any other witnesses involved in the incident.

The investigation will be conducted within 5 working days of notification wherever possible.

The letter template 'Invitation to an Investigation Meeting' is used to inform a student or witness about an investigation meeting.

The Investigating Officer is also responsible for collecting any other relevant evidence such as UHI Inverness records, information from social media sites etc. that may be required by a Malpractice Hearing Panel.

Throughout the investigation, all staff and students involved will be reminded that the proceedings are confidential, and that due care should be taken regarding information of a sensitive nature. If the investigation involves reviewing of CCTV footage, then contact must be made to the Data Controller to ensure correct permissions obtained and that the footage is kept securely for the timeline of the investigation process and then disposed of appropriately.

The student who is the subject of the investigation can be accompanied by a supporter of his or her choosing and should be advised to seek a supporter. The Students' Association can offer support to students involved in a malpractice process and, where possible, will provide a supporter to attend meetings with the student if requested by the student. Under this procedure, the definition of 'friend'

or 'supporter' does not include members of the legal profession engaged to act in their professional capacity.

Notes will be taken at witness investigation meetings (either by the Investigating Officer or by a member of administration staff delegated to undertake the task) and will be given to the witnesses for an accuracy check.

The template is used to record the witness statement. Witnesses will be required to respond within 5 working days. Failure to respond will be taken as agreement.

The Investigating Officer will make this clear to the staff, students and other witnesses at the conclusion of the meeting.

Should the allegation of malpractice be serious enough to warrant it, the student may be suspended from UHI Inverness, pending investigation. A letter will be sent to the student to inform them of the suspension. The VP – Curriculum, Student Experience and Quality will confirm the suspension during investigation.

When the investigation is complete, a meeting will be held between the Academic Administration and Quality Enhancement Lead, the investigating CL and the Quality Manager. This group – the Malpractice Hearing Panel – will consider the evidence provided and decide whether a Malpractice Hearing is necessary or whether the matter should be referred to the CL for a verbal warning.

Malpractice Hearing must be convened if any outcome other than a verbal warning is considered necessary.

The investigating CL will not form part of the hearing panel.

The Chair of the Panel will write to the student giving details of the date, time and location of the malpractice hearing, and the right to be accompanied by a supporter. Under this procedure, the definition of 'friend' or 'supporter' does not include members of the legal profession engaged to act in their professional capacity.

As a result of the hearing if disciplinary action be necessary, the malpractice hearing will issue one of the following penalties:

- The issue of a first written warning,
- The issue of a final written warning.
- Exclusion from the UHI Inverness, which will terminate the student's studies.

These penalties are usually applied in sequence should offences be repeated, however in cases of serious malpractice, action may be moved to Final Written Warning or Exclusion. The malpractice hearing may also impose conditions relating to the submission of work that was related to the malpractice.

The Chair of the Panel will write to the student and the investigating CL, normally within 5 working days of the date of the malpractice hearing, detailing the outcome of the hearing. The student has the right to appeal against the outcome of the hearing – See Student Appeals Process.

Student Appeals on Malpractice Outcome Process

Appeal Process for Verbal Warning, First Written Warning and Final Written Warning.

A student who wishes to appeal against disciplinary action (verbal warning, first written warning or final written warning) must do so, in writing to the Vice Principal – Curriculum, Student Experience and Quality (or other nominated Senior Manager), within 10 working days of the hearing. The appeal should be emailed to the Quality inbox: quality.ic@uhi.ac.uk.

Candidates have the right to appeal to SQA where:

- ◆ SQA has conducted an investigation and the candidate disagrees with the decision
- ◆ our centre has conducted an investigation, the candidate disagrees with the outcome and has exhausted our centre's appeals process
- ◆ SQA has asked our centre to conduct an investigation and the candidate disagrees with the outcome and has exhausted our centre's appeals process.

For regulated qualifications only:

- ◆ Our centre and our candidates have the right to request a review by the appropriate regulator (SQA Accreditation, Ofqual or Qualifications Wales) of the awarding body's process in reaching a decision in an appeal of a malpractice decision.

This notice must state what the grounds for appeal are. Appeals can be on one or more of the following grounds:

- That the penalty applied is more severe than the offence warrants.
- That new evidence has come to light which was not available at the hearing and which could have changed the outcome.
- That the malpractice investigation, or the stages leading up to it, were not conducted in a manner that ensured the student had a fair hearing.
- That the malpractice investigation, or the stages leading up to it, did not follow due process and that this prejudiced the outcome of the hearing.
- That the evidence relied upon at the malpractice investigation was factually incorrect and that the outcome of the hearing was flawed as a result.

Within 5 working days of receipt of an appeal, the Vice Principal – Curriculum, Student Experience and Quality (or other nominated Senior Manager) will arrange an Appeals Hearing Panel meeting and will inform, in writing, both the student and the investigating CL of the date, time and location for the Appeals Hearing Panel meeting. The student will be reminded of their right to seek advice and assistance from a suitable supporter (e.g. an officer from the Student Association), who may accompany the student to the appeals hearing if the student wishes. Under this procedure the definition of 'friend' or 'supporter' does not include members of the legal profession engaged to act in their professional capacity. A minimum 7 days' notice will be given of the date of the Appeals Hearing Panel meeting.

The Appeals Hearing Panel will consist of the Vice Principal – Curriculum, Student Experience and Quality (or other nominated Senior Manager) as Chair and two other members drawn from managers within the UHI Inverness, not involved in the malpractice investigation or hearing.

The Appeals Hearing Panel will be convened as soon as practicable, and normally within 15 working days of acknowledging receipt of the appeal.

The Appeals Hearing provides the opportunity for the student and his/her supporter to lead written or verbal evidence in person to support the appeal. If new evidence has come to light that was not available at the original hearing, the Appeals Panel can accept written statements from suitable witnesses, or testimony in person, should the student wish to lead such evidence.

The Appeals Hearing also provides the opportunity for the panel to take evidence from the Chair of the Malpractice Hearing Panel. This part of the Appeals Hearing will follow separately from that of the student.

The outcome of the appeal will be one of the following decisions:

- That the appeal fails and the original decision stands.
- That the appeal is upheld, and in place of the original penalty, a specified lower penalty will be substituted (e.g. verbal warning instead of first written warning). The student's disciplinary record will be revised to show the change of outcome.
- That the appeal is upheld, with the original decision quashed completely and the penalty erased from the student's disciplinary record.

The outcome of the appeal will be notified in writing, from the Chair of the Appeals Panel to the student and to the original investigating CL, within 5 working days of the adjudication of the appeal. The letter will include a brief outline of the reasons for the decision

The decision made by the Appeals Panel is final. There is no further right of appeal against the appeal decision and the UHI Inverness will not engage in correspondence with any party over the outcome of the appeal

We have the right to appeal a decision in the case of suspected malpractice by a candidate reported by our centre to SQA.

Centre Malpractice Process

UHI Inverness may become aware of potential centre malpractice in a number of ways. The procedure will be followed in all cases.

On receipt of allegation, the quality team will log the details and contact student records to put a halt on any resulting / data amendments, resulting and continue to be held until confirmation given from the quality team that the results can be released.

Note – if invalid certificates have been issued awarding bodies must be notified immediately.

Initial Scoping

Quality team will carry out an initial scoping exercise to determine the extent of the potential malpractice.

During the initial scoping exercise all students and staff will be made aware of this malpractice procedure, their responsibilities, and their rights during and following an investigation into concerns of possible malpractice, such as their rights of appeal.

If the judgement is made that it is likely that malpractice has taken place the quality team will notify the relevant awarding body via the notification email address, ensuring all relevant information is provided.

Following notification to the relevant awarding body, UHI Inverness will commence an investigation in accordance with Malpractice: Standards for Devolved Investigations (SQA). [Malpractice: Standards for Devolved Investigations \(sqa.org.uk\)](https://www.sqa.org.uk/malpractice)

UHI Inverness will respond to any subsequent requests from the awarding body in relation to the alleged malpractice.

It should be noted that awarding bodies may request to carry out the investigation independently, but we will start an internal investigation to ensure evidence is gathered in a timely manner.

Upon completion of the investigation (if devolved), UHI Inverness will provide the awarding body with a report of our findings and any recommended actions in relation to assessment and quality assurance for the qualifications considered, supported by relevant documentation.

This may include:

- a statement of the facts and a detailed account of the circumstances relating to the malpractice concerns
- details of any investigation undertaken by the centre
- written statements from relevant candidates or staff members as appropriate
- details of any mitigating factors
- any work of the candidate(s) and any associated material (for example, source materials for coursework) that is relevant to the investigation

A review of related procedures will be undertaken to minimise the risk of future malpractice and implement any required corrective actions.

When notified of the awarding body's decision on the matter (subject to any successful appeal), UHI Inverness will implement any required actions for the centre.

During the investigation, individuals who are under investigation for potential malpractice will be provided with:

- information about the concern raised about them and information about the evidence there is to support that concern (unless there are compelling reasons not to)
- advise them how the investigation will be handled, how they will be kept updated and how we will share the allegation with them
- signpost the staff member/s to a contact person who can provide support and information on what to expect from the malpractice procedure (this will likely be their line manager)
- information about the possible consequences if malpractice is established
- the opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- the opportunity to identify any adjustments to meeting arrangements so that they can fully and fairly participate
- appropriate time to consider their response to the concern raised about them (if required)
- the opportunity to submit a written statement
- a written response providing the individual(s) with the outcome of the investigation
- information on any applicable appeals procedure

If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met.

Communicating the outcome of the investigation

The outcome of an investigation will be shared directly with the staff members line manager, in order for the line manager to provide any necessary support.

The outcome will be shared with the member of staff under investigation in writing within 10 working days of the outcome being finalised. This may be extended if there is a direct link to the disciplinary process.

We will communicate the outcomes of investigations to other interested parties once the outcome of the investigation has been shared with the member of staff concerned.

Centre Malpractice Appeal

We have the right to appeal a decision where a case of reported malpractice by our centre has been confirmed through investigation by SQA.