

Malpractice and Maladministration Policy



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1. Purpose

- 1.1 This policy supports compliance with the applicable regulatory requirements, including, where relevant:
- Ofqual General Conditions A6, A7 and A8, concerning the identification and management of risks, management of incidents, and malpractice and maladministration;
 - Conditions B1, B3, B4 and B6, concerning the role of the Responsible Officer, regulatory notification, provision of information and cooperation with Ofqual;
 - Conditions C1 and C2, concerning arrangements with third parties and Centres;
 - Condition D3, concerning review of BIIAB's approach;
 - Conditions G4 and G8, concerning assessment confidentiality and reasonable adjustments;
 - Condition I1, concerning appeals; and
 - the corresponding requirements of Qualifications Wales and Qualifications Scotland Accreditation.
- 1.2 BIIAB / SEG Awards is committed to offering access to fair assessment for all learners, to protecting the integrity of the qualifications which we award, and to being fully compliant with the expectations of our Regulators.
- 1.3 To meet this objective, this policy defines malpractice and maladministration, clarifies our role and the roles of Centres and learners, and signposts the procedures to be followed when suspected malpractice or maladministration is identified.

2. Scope

- 2.1 The malpractice and maladministration policy applies to:
- All approved Centres that deliver BIIAB and Skills and Education Group (SEG) Awards qualifications
 - All qualifications regulated by relevant UK regulators, including Ofqual, Qualifications Wales and Qualifications Scotland Accreditation.
 - All geographic areas that BIIAB and SEG Awards are delivered
 - All learners / candidates
 - All Centre staff
 - All contractors (including External Quality Assurers, Markers, Moderators)



- All BIIAB / SEG Awards staff

2.2 This policy covers:

- Malpractice or maladministration by learners / candidates, Centre staff or any other party involved in the delivery and assessment process.
- The disclosure by whistle-blowers of any acts or behaviours that are considered to undermine the integrity of our qualifications or place learners in danger or at a serious disadvantage.

3. Definitions

3.1 Malpractice will be any act of dishonesty or any practice that is wilfully negligent, which compromises or threatens to compromise the validity of the assessment process and either gives rise to, or has the potential to give rise to, an adverse effect. (see Appendix for some examples of malpractice). Malpractice may include deliberate wrongdoing, or reckless or negligent behaviour which compromises:

- The integrity of the assessment
- The validity of a result or certificate
- Public confidence in qualifications

3.2 Maladministration means any act, omission, or practice which:

- Results from a failure to comply with specified requirements and;
- Has the potential to lead to an Adverse Effect

Maladministration may be unintentional, but if not addressed, may escalate into malpractice.

3.3 Adverse Effect

For qualifications regulated by Ofqual, an act, omission, event, incident, or circumstance has an Adverse Effect where it:

- gives rise to prejudice to learners or potential learners;
- adversely affects BIIAB's ability to undertake the development, delivery, or award of qualifications in accordance with its conditions of recognition;
- adversely affects the standards of qualifications or;
- adversely affects public confidence in qualifications.



Financial, operational, legal, safeguarding, or reputational consequences may be considered when assessing the seriousness and potential impact of an incident, even where they do not independently meet the regulatory definition of an Adverse Effect.

- 3.4 We seek to ensure the avoidance of malpractice in every aspect of the assessment process, and to undertake a careful review of any reports of malpractice / maladministration. We will take robust action to resolve any proven cases and prevent any adverse effects that may subsequently impact learners/candidates or standards.

4. Risk-based Approach

BIIAB / SEG Awards will:

- 4.1 Ensure that we take all reasonable steps to prevent the occurrence of any malpractice or maladministration. We have policies and procedures in place that aim to reduce the risk of malpractice and maladministration, to safeguard the integrity of the qualification / assessment and to protect the interests of Centres and learners/candidates.
- 4.2 Support our External Quality Assurers / Examiners / End-point Assessors and Centres in dealing with suspected cases.
- 4.3 Acknowledge and act upon the information given by whistle-blowers and protect their anonymity as far as is possible.
- 4.4 Perform all our duties in line with our procedures and without undue delay.
- 4.5 Protect the confidentiality of information as far as reasonably possible, while recognising that information may need to be disclosed for the purposes of an investigation, regulatory notification, safeguarding, law enforcement, legal proceedings or the protection of learners and the public.
- 4.6 Take appropriate and proportionate action against those responsible for malpractice or maladministration by applying appropriate sanctions in line with our Sanctions Policy.
- 4.7 BIIAB / SEG Awards will notify the relevant regulator at the earliest appropriate opportunity where it has cause to believe that an incident has occurred, or is likely to occur, which could have an Adverse Effect or otherwise meets that regulator's notification criteria.



Notification will not be delayed solely because BIIAB/SEG Awards' initial assessment or investigation has not been completed.

For qualifications regulated by Qualifications Scotland Accreditation, suspected as well as established malpractice will be notified to the assigned Regulation Manager at the earliest opportunity and preferably before a full investigation begins.

The Responsible Officer, or appropriately authorised regulatory lead, will determine:

- which regulator or other authority must be notified;
- the timing and content of the notification;
- whether further updates are required;
- whether another awarding organisation, public body, employer, licensing authority, or professional regulator needs to be informed; and
- whether any information sharing restrictions apply.

4.8 BIIAB / SEG Awards will take all reasonable steps to:

- prevent malpractice and maladministration in the development, delivery and award of its qualifications and assessments;
- identify and detect suspected malpractice and maladministration;
- ensure that allegations and suspicions are investigated rigorously and effectively;
- establish the relevant facts and, where appropriate, the scale and impact of the incident;
- take appropriate and proportionate action against any person or organisation responsible;
- correct or mitigate any Adverse Effect;
- protect learners who are not responsible for the incident, as far as this can be achieved without compromising qualification standards;
- prevent the incident from recurring; and
- review whether any aspect of the design, delivery, assessment, quality assurance, or award of a qualification needs to be changed.

4.9 Preventive arrangements may include staff and Centre training, contractual controls, secure assessment arrangements, risk-based monitoring and sampling, data and trend analysis, qualification risk



assessments, checks on third parties, assessment-security controls and review of previous incidents and intelligence.

5. Centre Responsibilities

- 5.1 All approved Centres are accountable for assessment arrangements that lead to the achievement of regulated unit(s) and qualifications or Apprenticeship Standards and are responsible for all staff or persons who contribute to and take part in the assessment process.
- 5.2 Centres must ensure that all staff are aware of their responsibilities to prevent malpractice and follow their own and our procedures regarding the delivery of both internal and independent assessments.
- 5.3 Centres must report all actual or suspected malpractice or maladministration affecting the development, delivery, assessment, quality assurance, award or certification of a BIIAB/SEG Awards qualification immediately after becoming aware of it. Centres must not delay reporting while undertaking internal enquiries. This must be in writing, immediately after they are discovered, using Form MM2 - Notification of suspected Malpractice to:
 - BIIAB – complianceandregulation@biiab.co.uk
 - SEG Awards - complianceandregulation@skillsedugroup.co.uk
- 5.4 Centres must cooperate fully with BIIAB/SEG Awards, including responding to requests for information and evidence, facilitating visits, and making relevant Centre personnel available for interview. In accordance with any instructions issued by BIIAB/SEG Awards, Centres must keep affected staff and learners/candidates appropriately informed. A Centre must not communicate information where doing so could compromise the investigation, evidence, safeguarding action, or the confidentiality of any person involved.

6. Dealing with cases of suspected Malpractice

- 6.1 Once a potential case of malpractice has been identified we will review the information available and determine which of the following courses of action will be taken:
 - Take no further action.

- Ask the Centre's Quality Manager to provide information that may provide evidence to support / refute the alleged malpractice.
- Report the incident to the appropriate Regulators and other stakeholders as required by law.
- Conduct a full investigation, through an Investigating Officer appointed by BIIAB/SEG Awards.

6.2 The decision to escalate to a full investigation will be based on:

- The seriousness of the allegation
- The risk of an adverse effect
- The credibility of evidence

6.3 When assessing the seriousness of an allegation, BIIAB / SEG Awards will consider whether the qualification provides access to, or supports continued practice in, a regulated, licensed, safety-critical or public-protection role. Such cases may require urgent escalation and interim protective measures.

6.4 BIIAB / SEG Awards may impose temporary protective measures while an allegation is assessed or investigated. These measures are precautionary and do not constitute a finding of malpractice or maladministration.

6.5 Interim measures may include:

- suspending learner registration or certification;
- placing results or certification claims on hold;
- quarantining affected assessment outcomes;
- suspending an assessment event;
- recalling, replacing, or restricting access to assessment materials;
- requiring evidence and records to be secured and preserved;
- restricting the duties of named Centre personnel;
- requiring alternative assessment, invigilation, or quality-assurance arrangements;
- increasing monitoring, sampling, or external quality assurance activity;
- temporarily suspending the approval of a qualification, site, or assessment method; and
- taking urgent action to protect learners, qualification standards, or the public.



6.6 Interim measures will be risk-based, proportionate, documented and reviewed regularly. They will be removed or varied when they are no longer necessary.

6.7 Where an allegation indicates that a child or adult at risk may have suffered, or may be at risk of, harm, the concern will be referred immediately through the appropriate safeguarding arrangements. A malpractice or maladministration investigation must not delay action necessary to protect a person from harm.

BIIAB / SEG Awards will, where appropriate, coordinate with the relevant safeguarding authority, police, or other agency to avoid compromising an external investigation.

7 Investigations

7.1 Full details of the process are outlined within the Investigations Procedure. Initial enquiries and assessments will be undertaken by an appropriate member of BIIAB/SEG Awards staff. Where a full investigation is required, BIIAB/SEG Awards will appoint an appropriately competent and independent Investigating Officer to conduct the investigation on its behalf. The Investigating Officer may be a member of BIIAB/SEG Awards staff or an independent external investigator. A Centre will not be appointed to conduct BIIAB/SEG Awards' regulatory malpractice or maladministration investigation.

7.2 BIIAB / SEG Awards may specify:

- the scope and terms of reference;
- the evidence to be obtained and preserved;
- the individuals who should be interviewed;
- any restrictions on contacting learners or witnesses.

7.3 Any investigation will endeavour to determine the facts, and will be conducted in line with the following principles:

- Fairness and impartiality
- Proportionality
- Evidence-based decision making
- Timely progression
- Clear audit trail of decisions
- Avoidance of conflicts of interest



Individuals and Centres whose conduct is under investigation will be informed of the substance of the allegation and given a reasonable opportunity to respond and provide relevant evidence before a final decision is made. This may be delayed or restricted where disclosure would compromise the investigation, evidence, safeguarding, legal proceedings or the rights of another person. Any restriction and the reasons for it will be documented and kept under review.

- 7.4 Any individual involved in an investigation must declare any conflict of interest. Where a conflict exists, an alternative investigator will be appointed.
- 7.5 During an investigation, interviews may be required with Centre staff.
- 7.6 We may communicate directly with a learner / candidate if circumstances dictate this is required.
- 7.7 Investigations will be progressed without undue delay. BIIAB/SEG Awards will set a target completion date having regard to the nature, complexity, scale and risk of the case. Where an investigation cannot be completed within the original timeframe, affected parties will be informed of the reason for the delay and, where appropriate, given a revised target date. Interim measures will be reviewed at documented intervals while the investigation remains open.

BIIAB/SEG Awards will provide a written response within one month of completing the investigation, detailing the circumstances and scope of the alleged malpractice, conclusions as a result of the investigation, and any remedial action which needs to be taken.

- 7.8 Once a Centre or individual becomes aware of an actual or suspected incident, they must take all reasonable steps to secure and preserve relevant evidence. Relevant evidence may include:
 - original learner work and assessment evidence;
 - assessment materials and question papers;
 - audit trails, system records, and version histories;
 - emails, messages, and other correspondence;
 - identity-check and authentication records;
 - invigilation records, seating plans, recordings, and CCTV;
 - system access, login, and available technical records;
 - learner registrations, results, and certification records;
 - marking, moderation and internal quality-assurance records;

- reasonable-adjustment and special-consideration records;
- declarations concerning artificial intelligence or third-party assistance;
- photographs, audio, video, and associated metadata;
- witness statements, and;
- records held by subcontractors or third-party assessment providers.

No person may destroy, delete, conceal, fabricate, alter or retrospectively recreate evidence after becoming aware of an allegation or investigation. Such conduct may itself constitute malpractice.

- 7.9 Investigation reports and decisions will be subject to appropriate internal scrutiny and approved by the Responsible Officer or another person with equivalent authority who is independent of the matter. The person approving the final decision must not have undertaken the investigation or previously made a substantive decision on the merits of the allegation. The appeal decision-maker or panel must be independent of the investigation and original decision.
- 7.10 Investigation records will normally be retained for a minimum of seven years, or for another period specified in the applicable retention schedule, having regard to regulatory, contractual, limitation, safeguarding and legal requirements. Personal data will not be retained for longer than necessary unless continued retention is justified by law, regulatory request or ongoing proceedings.
- 7.11 All personal data will be processed in accordance with UK GDPR and Data Protection legislation.
- 7.12 Findings will normally be determined on the balance of probabilities. This means that, having considered the available and relevant evidence, the decision-maker considers it more likely than not that the alleged conduct or event occurred.
- 7.13 The seriousness of the potential consequence does not alter the standard of proof. However, a serious finding must be supported by sufficiently reliable and cogent evidence.
- 7.14 Where a Centre or individual does not cooperate or respond within the specified period, BIIAB / SEG Awards may reach a decision based on the evidence available. No adverse finding will be made solely because an individual has chosen not to respond.



8 Dealing with established Malpractice and Maladministration

8.1 Where malpractice or maladministration is established, we will endeavour to protect the interests of all learners/candidates who, through no fault of their own, have been caught up in an incident. This may be, for example, through:

- Re-assessment opportunities
- Certificate protection
- Alternative arrangements

8.2 Any actions taken will be:

- Risk-based
- Proportionate
- Consistent with the Sanctions Policy
- Designed to mitigate any Adverse Effect and prevent recurrence

We may:

8.2.1 Impose sanctions and apply conditions on the future involvement of any designated Centre personnel in the conduct, supervision, or administration of its assessments.

8.2.2 Not award certificates, and if already issued, may declare them invalid.

8.2.3 Revoke a Centre's qualification approval or recognition.

8.3 BIIAB / SEG Awards will report suspected or established malpractice or maladministration to the relevant regulator or other authority where the matter meets the applicable notification criteria.

8.4 Where there are reasonable grounds to suspect criminal activity, BIIAB/SEG Awards will consider whether the matter should be referred to the police, Action Fraud or another appropriate authority, taking account of legal, safeguarding, evidential and public-protection considerations.

Where a qualification supports entry to, or continued practice in, a regulated, licensed, safety-critical or public-protection role, BIIAB / SEG Awards will consider whether notification or other action is required in relation to:

- a statutory or professional regulator;

- a licensing authority
- an employer or apprenticeship party;
- another awarding organisation;
- a government department or agency;
- a qualification or assessment scheme owner;
- a funding body; or
- another organisation responsible for public, workplace, or transport safety.

Information will only be shared where there is an appropriate lawful basis and will be limited to what is necessary and proportionate.

9 Whistle-blowing and reporting concerns

9.1 Whistleblowing is when an individual discloses information relating to malpractice or wrongdoing and / or the covering up of malpractice or wrongdoing. It is distinct from expressions of personal dissatisfaction, which must be addressed through our complaints and appeals procedures. Key examples of whistleblowing include:

- A worker for an awarding organisation making a disclosure about that organisation's malpractice or failure to comply with its conditions of recognition.
- A worker for a Centre making a disclosure about that Centre's malpractice.
- A worker for a Centre making a disclosure that the Awarding Organisation that approved the Centre is involved in malpractice or failed to comply with its Conditions of Recognition.
- A learner or parent / guardian making a disclosure about a Centre's malpractice.

9.2 We will act upon relevant disclosures received from BIIAB / SEG Awards staff, External Quality Assurers, End-point Assessors, approved Centre staff, learners, candidates, or members of the public who feel that any malpractice or maladministration has occurred.

9.3 Where applicable, statutory whistleblowing protection is governed by the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998. Whether a disclosure is legally protected will depend on the circumstances, including the status of the person making the disclosure, the nature of the information, the recipient and whether the person reasonably believes that the disclosure is made in the public interest.



- 9.4 BIIAB/SEG Awards will not subject a person to detrimental treatment for raising a genuine concern or participating honestly in an investigation
- 9.5 Any person who believes that an approved Centre, one of its staff or one of our External Quality Assurers / Examiners / End-point Assessor has committed an offence or has breached our procedures in the past, or is now or likely to in the future, may disclose information by contacting the relevant email address below, or by completing an MM4 Whistle-blower Report form;
- BIIAB – **complianceandregulation@biiab.co.uk**
 - SEG Awards - **complianceandregulation@skillsedugroup.co.uk**
- 9.6 Where information is provided over the telephone, we will request this is provided in writing and may ask for further information to enable a thorough investigation to take place.
- 9.7 Whistle-blower information will only be shared on a need-to-know basis and processed in accordance with UK GDPR and Data Protection legislation. Any disclosure will be dealt with, in confidence wherever possible, but we may need to disclose a whistle-blower's identity to:
- The police, fraud prevention, or other law enforcement agencies (to investigate or prevent crime, including fraud).
 - The courts (in connection with court proceedings)
 - Another person to whom we are required by law to make a disclosure, e.g. the Health and Safety Executive.
 - The LADO (local authority safeguarding staff).
 - The regulators responsible for regulating qualifications in England, Scotland, Wales, and Northern Ireland.
 - Any other agencies to which we have an obligation, e.g., the Charities Commission, QAA, Funding Agencies, Skills England.
- Whistle-blowers should also be aware that they may be identifiable by others due to the nature or circumstances of the disclosure.
- 9.8 We have a responsibility to all concerned with respect to confidentiality and may not be entitled to divulge the details of any ongoing investigation or its outcome to whistleblowers. We will, however, confirm that action has been taken where required.



10 Appeals against malpractice and maladministration decisions

- 10.1 A person or organisation directly affected by a malpractice or maladministration decision may appeal in accordance with the BIIAB/SEG Awards Appeals Policy. The appeal will be determined by a person or panel that was not involved in the investigation or original decision and has no personal interest in the outcome. Full details are outlined within the Appeals Policy.

11 Centre Monitoring following Malpractice or Maladministration

- 11.1 Where suspected malpractice or maladministration has been established, and the Centre has been allowed to retain its approval, monitoring activity will be proportionate to the level of risk and may include increased external quality assurance activity, sampling, mandatory action plans, or restrictions on certification.
- 11.2 There will be a requirement that Centres review relevant policies and procedures in light of any proven malpractice or maladministration and confirm that this review has taken place. Evidence of such a review may be requested immediately or during an external quality assurance activity at the Centre.

12 Quality Assurance and Continuous Improvement

- 12.1 This policy will be reviewed regularly to meet regulatory compliance or following any case of confirmed malpractice as required.
- 12.2 The Quality and Regulation team will review trends in malpractice and maladministration to identify systemic risks and inform continuous improvement.



13 Other Relevant Policies

13.1 The policies to be reviewed in conjunction with the Malpractice and Maladministration policy include:

- Investigation Procedure
- Conflict of interest policy
- IQA Policy
- EQA Policy
- Centre monitoring policy
- Whistleblowing policy
- Sanctions policy



Appendix 1

These lists are not exhaustive, but examples of Centre malpractice would include:

Centre / Staff Malpractice

- Deliberate falsification of CVs to gain qualification approval.
- Not maintaining the security of independent assessments.
- Inappropriate adjustments to assessments or assessment decisions.
- Deliberate / consistent failure to comply with our assessment requirements including the retention of assessment evidence and internal moderation records.
- Deliberately ignoring plagiarised / copied material.
- Prompting / assisting learners during assessments or giving the answers to such an extent that the evidence is no longer authentic and does not represent the learner's own achievement.
- Consistent failure to comply with our assessment procedures.
- Deliberate falsification of records to claim certification.
- Manufacture of evidence.
- Allowing reasonable adjustments without the appropriate evidence or without notifying us.
- Using AI to generate or alter learner evidence, assessment records, professional discussions, witness testimony, or IQA records.
- Relying solely on an AI-detection score to make a finding of malpractice without considering the complete evidence.
- Uploading confidential assessment material, learner personal data, or secure awarding-organisation content to an unauthorised AI system.
- Failing to communicate permitted and prohibited uses of AI to learners and staff.

Learner / Candidate Malpractice

- Plagiarism
- Collusion
- Copying
- Unauthorised aids during external assessment e.g. notes, mobile phone
- Inappropriate behaviour during assessments
- Inappropriate / abusive comments in assessment evidence
- Submitting material generated wholly or partly by artificial intelligence as the learner's own work where this is prohibited or has not been appropriately acknowledged.

- Using AI to rewrite, translate, paraphrase, or enhance work so extensively that the evidence no longer demonstrates the learner's own knowledge, skills or understanding.
- Fabricating sources, references, observations, witness testimony, workplace evidence, photographs, audio, or video.
- Using deepfake, voice-cloning or other synthetic media to misrepresent learner identity, attendance, or performance.
- Using unauthorised AI assistants, internet-enabled devices, smart glasses, watches, headphones, or software during controlled assessments.
- Contract cheating, commissioning another person or service to complete work, or using answer-selling services.
- Circumventing remote invigilation, browser-locking, identity verification, or other assessment-security controls.
- Sharing live assessment content through messaging services, social media, online forums, or file-sharing platforms.

Casual Workers (including Examiners who assess / mark, External Quality Assurers, Auditors)

- Deception
- Breach of security
- Improper assistance to candidates
- Failure to co-operate with an investigation
- Failure to comply with regulations / AO policies for Reasonable Adjustments or Special Consideration
- Examination competency
- Encouraging or instructing learners to use AI in a way that compromises authenticity.

Appendix 2

The list below is not exhaustive, but examples of maladministration would include:

- Avoidable delay
- Mistakes arising from inattention
- Faulty procedures
- Failure to follow correct procedures
- Poor record keeping
- Inadvertent failure to act
- Poor communication
- Inadvertently giving misleading or inadequate information.



The above has been taken from Ofqual's Guidance on malpractice and maladministration. Although maladministration and malpractice are distinct, the two concepts can be on a spectrum. Therefore, whether a particular incident is best classified as malpractice or maladministration will depend on the context, and it can be a matter of judgement. For example, behaviour that might start as maladministration could become malpractice if the person responsible fails to respond to advice to change their approach.

Qualifications Scotland Accreditation Guidance on malpractice and maladministration can be found at the following location: [SQA Accreditation - Regulatory Principles Guidance Notes](#)

Version	Description of change	Approval	Date of Issue
2024 v1.0	Overhaul of previous policy	SLT	December 2024
2024 v1.1	Amendments to 5.5	Scrutiny Group	October 2025
V1.2	Amendment to 2.1.7, 4.1 and Appendix 2 to include reference to SQA Accreditation	Scrutiny Group	December 2025
V1.3	Dual brand, review and update to Qualifications Scotland Accreditation and full review		March 2026