

Polisi Coleg Penybont

Bridgend College Policy



Enw'r Polisi/Policy Name: Malpractice, Maladministration and Conflict of Interest Policy and Procedure

Cod y ddogfen/Document code (os yn berthnasol/if applicable) _____

Adran/Department: Curriculum and Quality

Awdur y Ddogfen/Document Author: Claire Flay-Petty

Teitl Swydd/Job Title: Head of Quality

Dyddiad Cymeradwyo/Date of Approval: March 2023

Dyddiad Adolygu/Review Date: March 2026

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Policy Checklist:

Policy Inception Requirement	Yes / No / N/A	Supporting information
Has an Equality Impact Assessment been completed? See form below.	Yes	
Has a Welsh Language Impact Assessment been completed? See form below.	Yes	
Has a Data Protection Impact Assessment been considered with regards to this policy? If yes, please contact the Information Services Manager in order to complete a Data Protection Impact Assessment.	NA	
Has the review taken account of the latest Guidance/Legislation?	NA	
Is legal advice required? If yes, please ensure you have taken the necessary steps to secure the appropriate legal advice before proceeding further.	NA	
Is staff training required? If yes, please ensure that the necessary training is arranged through the Learning & Development Advisor.	No	
Are there HR related issues that need to be considered? If yes, please contact the HR Manager to discuss further.	Yes	Role of HR in advising staff regarding Disciplinary Policy and potential outcomes of investigation
Are there financial issues? If yes, please contact the Finance Manager to discuss further.	No	

1. Pwrpas ac Amcanion/ Purpose and Objectives:

The College is committed to ensuring the integrity and validity of all learning programmes. Instances of malpractice, maladministration and conflict of interest have the potential to adversely affect learners, the reputation of the College and that of associated Awarding Organisations. The College takes allegations and incidents of malpractice and maladministration very seriously and will take all reasonable steps to prevent occurrences of this nature.

The Malpractice, Maladministration and Conflict of Interest Policy and Procedure is available for use by students, staff and the general public as part of the College's Curriculum and Quality framework. This Policy relates to Further Education, and Higher Education which is not delivered as part of a franchise arrangement with a University partner. Where Higher Education is delivered as part of a franchise arrangement with a University partner, please refer to the relevant University regulations and process.

This policy should be read and implemented alongside the relevant policies of the Awarding Organisations and Regulatory Bodies, including Qualifications Wales (QW) and the Joint Council for Qualifications (JCQ).

2. Manylion y Polisi/ Policy Details:

2.1 Overview

This policy sets out to:

- aid staff and learner understanding of, and therefore minimise the risk of, malpractice, maladministration and conflict of interest by providing definitions and illustrative examples of malpractice, maladministration and conflict of interest
- provide comprehensive information regarding the procedure for dealing with any alleged or suspected cases of learner or staff malpractice, maladministration or conflict of interest, and the potential outcomes and consequences
- meet the requirements set out by Awarding Organisations and Regulatory Bodies, with specific reference to the Joint Council for Qualifications (JCQ) policies, procedures and reporting mechanisms regarding malpractice and maladministration (see <https://www.jcq.org.uk/exams-office/malpractice/>)

2.2 Definitions

Malpractice is a term used to describe an action, practice or activity which deliberately contravenes regulations, occasions prejudice to candidates, and compromises the integrity of the internal or external assessment process or the validity of certificates. Malpractice may or may not relate directly to sitting an examination.

Maladministration relates to the neglect, default or other practice that results in non-compliance with the requirements of the College, the associated Awarding Organisation and/or the Regulatory Body. This could include the occurrence of persistent mistakes, poor administration, lack of care, inattention or incompetence. Recurrent maladministration constitutes malpractice and may be treated as such.

Acts of malpractice or maladministration can compromise the integrity of a regulated qualification, and the credibility and reputation of the College and/or the Awarding Organisation.

Malpractice and maladministration may be carried out by learners, staff members, or anyone else involved in the delivery, administration or certification of a regulated qualification. This policy covers acts of malpractice and maladministration by both learners and staff members. For the purposes of this document suspected malpractice/maladministration means all alleged or suspected incidents of malpractice/maladministration.

A **Conflict of Interest** may occur when an individual, or organisation, has competing interests or loyalties that may compromise (or appear to compromise) their decision-making ability if not properly managed. An example of a potential conflict of interest is where a member of staff is teaching and assessing the work of a family member or friend. All staff members have a duty to report any potential conflict of interest.

All staff should be aware of potential conflicts of interest, and any such situation should be managed to ensure that the conflict of interest does not detrimentally impact on the standards of the qualification or service provided to learners. Any potential conflicts of interest must be brought to the attention of the Curriculum Manager and the Quality Team. All instances should be documented and recorded, including the measures taken to ensure fairness, and copies of this documentation must be stored centrally by the Curriculum Manager and copies provided to the Quality Team. **Failure to report a conflict of interest can constitute malpractice/maladministration.**

Should a conflict of interest be declared and/or identified, any assessment that has taken place should be reviewed and internally verified by a different member of staff, and countersigned by the Curriculum Manager.

The relevant Awarding Organisation and Regulatory Body guidance on declaring and resolving any potential conflicts of interest must be followed alongside this policy.

2.3 Examples of Learner Malpractice

Learner malpractice may take place in relation to any form of assessment, including examinations, controlled assessments, coursework or other non-examination assessments, the presentation of practical work, and the compilation of portfolios of assessment evidence.

Instances of learner malpractice can be minor or serious and, depending on the severity of the incident, may result in several possible actions ranging from providing additional explanation and guidance, to the implementation of the Disciplinary Process outlined in the Citizenship Code.

Example of learner malpractice can include, but are not limited to:

- plagiarism (i.e. unacknowledged copying from, or reproduction of, published sources or incomplete referencing)
- collusion by working collaboratively with others to produce work that is subsequently submitted as individual learner work
- making a false declaration of authenticity in relation to the authorship of assessed work
- misuse, or the attempted misuse, of examination and assessment materials
- facilitating malpractice on the part of other learners
- allowing others to contribute to the production of assessed work
- impersonation in an assessment or exam situation
- fabrication of results and/or evidence
- failing to abide by the instructions or advice of an assessor, supervisor, invigilator or other College representative in relation to the assessment or examination rules, regulations and security
- the alteration of any results document, including certificates
- cheating to gain an unfair advantage
- use of essay mills to produce material that is subsequently presented as original learner work

- use of artificial intelligence (AI) tools, including Large Language Models (LLMs), to produce any part of an assessment **which is subsequently presented as original learner work**. At Bridgend College, we will not prohibit the use of these tools. Since it is highly likely that future academic and professional workplaces will make use of AI, staff and learners will be supported to access it effectively, ethically and transparently. Further guidance on this, including a list of AI tools currently available, can be found in the guidance document [Effective and ethical use of AI at Bridgend College](#) and, in relation to assessment practice, the JCQ guidance on [Artificial Intelligence \(AI\) Use in Assessments: Protecting the Integrity of Qualifications](#).

Lecturers and course teams should take steps to avoid instances of learner malpractice, including but not limited to:

- making learners aware of the Malpractice, Maladministration and Conflict of Interest Policy and Procedure, including the potential consequences, during induction, and reminding learners of this periodically throughout the duration of the course of study
- making learners aware of the requirements and expectations when using artificial intelligence (AI) as a secondary source in assessments, including the guidance issued by the JCQ on [Artificial Intelligence \(AI\) Use in Assessments: Protecting the Integrity of Qualifications](#)
- where appropriate, requiring learners to complete statements of authenticity declaring that their work is their own
- providing guidance to learners on what constitutes plagiarism, and demonstrating/signposting accepted referencing formats

2.4 Examples of Staff Malpractice and Maladministration

An occasion of alleged staff malpractice or maladministration may result in the implementation of the Disciplinary Policy while the College investigates the alleged offence.

Examples of staff malpractice and maladministration can include, but are not limited to:

- repeated errors or omissions, or inadequate administrations within the Centre resulting in inadequate learner assessment records
- inaccurate recording of learner assessment decisions resulting in invalid claims for certification
- non-compliance with relevant Awarding Organisation policies and procedures

- failing to keep mark schemes secure
- alteration of Awarding Organisation mark scheme and assessment and grading criteria
- assisting learners in the production of work for assessment which has the potential to influence the outcomes of assessment beyond that required for effective learning, for example where the assistance involves staff producing work for the learner
- producing falsified witness statements, for example for evidence the learner has not generated
- allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assignment/task/portfolio/ coursework
- misusing the conditions for special requirements, for example where learners are permitted support, such as a reader or scribe. This is permissible up to the point where the support has the potential to influence the outcome of the assessment
- breaches in security, including failing to keep learner electronic files secure
- falsifying record/certificates, for example by alteration, substitution, or by fraud. This includes fraudulent certificate claims, that is, claiming for a certificate prior to the learner completing all the requirements of assessment
- failing to keep assessment/examination/test papers secure prior to the assessment/examination/test
- obtaining unauthorised access to assessment/examination/test material prior to an assessment/examination/test
- failure to cooperate with an investigation
- not disclosing any conflict of interest

Recurrent or repeated maladministration will be treated as malpractice.

2.5 Procedure for investigating suspected or alleged malpractice or maladministration

STAGE 1: NOTIFICATION

- Any incidents of suspected or alleged malpractice/maladministration must be reported to the Curriculum Manager and the Quality Team at the earliest opportunity. The Quality Team will inform the Head of Centre and, where an allegation has been made regarding alleged staff malpractice/maladministration, Human Resources.
- The College will advise the learner/staff member against whom the allegation has been made in writing at the earliest opportunity of:
 - the nature of the alleged malpractice/maladministration
 - the evidence provided to support the allegation

- the possible consequences should the allegation be proven
 - the opportunity to state their case
 - for staff members, that this will be considered in conjunction with the Disciplinary Policy and Procedure and the EWC Code of Professional Conduct and Practice, and that they have the right to be accompanied by a Trade Union representative or a work colleague of their choice
 - the right to appeal against any disciplinary penalty imposed
- Any incidents of suspected or alleged malpractice/maladministration must be reported to the relevant Awarding Organisation and/or Regulatory Body using the required paperwork, as specified by the Awarding Organisation and/or Regulatory Body. Particular heed must be made to the JCQ policies, procedures and reporting mechanisms regarding malpractice.

STAGE 2: INVESTIGATION

- Investigations will be carried out in a prompt and timely manner in line with this policy, and will be commensurate with the nature of the malpractice allegation.
- An appropriate, trained and competent member of staff (hereafter referred to as the investigator) will be allocated to conduct the investigation, who has no personal involvement in the case or outcome. The purpose of the investigation is:
 - to establish if malpractice or maladministration has occurred
 - to review the supporting evidence
 - to make recommendations on consequences, including, for staff members, whether the investigation outcomes meets the threshold for consideration in a disciplinary hearing
 - to recommend the implementation of actions to prevent recurrence
- The investigation will be carried out in line with the specifications of the Awarding Organisation and/or Regulatory Body and, for staff members, in line with the College's Disciplinary policy and procedure.

STAGE 3: DECISION

- The investigator will consider all of the available evidence in determining the appropriate actions, and will make a recommendation to the Head of Quality. If on investigation it is evident that malpractice/maladministration has taken place, one or more of the following actions may be taken:

- implementation of an agreed action plan for the affected Curriculum Area
 - staff and/or learner training/guidance to prevent the recurrence of malpractice/maladministration
 - implementation of the learner Citizenship Code or staff Disciplinary Process
- The investigator will submit a written report to the Quality Team, and, for staff members, to HR.
 - The learner or staff member against whom the allegation has been made will be informed of the outcomes of the investigation and their avenues for appealing against any judgements made, if applicable. The staff member will be informed that the investigation has now concluded and if the threshold has been met for the case to be considered at a disciplinary hearing. If the threshold has not been met, potential outcomes will be as per the Disciplinary Policy and Procedure.
 - Confirmed cases of malpractice/maladministration will be reported to the associated Awarding Organisation and/or Regulatory Body, in line with published guidance.

3. Cyfrifoldebau (os yn berthnasol)/ Responsibilities (if applicable):

All responsibilities are outlined in section 2.

4. Dogfennau Cysylltiedig (os yn berthnasol)/ Related Documents (if applicable):

[JCQ regulations on Malpractice and Maladministration](#)
[JCQ guidance on Artificial Intelligence \(AI\) Use in Assessments: Protecting the Integrity of Qualifications](#)
[Citizenship Code](#)
[Disciplinary Policy](#)
[Education Workforce Council Code of Professional Conduct and Practice](#)
[Effective and ethical use of AI at Bridgend College](#)

5. Adolygiad dogfen/Document review:

EQUALITY IMPACT ASSESSMENT FORM

Enw'r Polisi / Gweithdrefn Name of Policy / Procedure	Malpractice, Maladministration and Conflict of Interest Policy and Procedure				
Perchennog y Polisi Policy Owner (to complete this EIA)	Claire Flay-Petty				
Nod(au) a Phwrpas y Polisi Aim(s) and Purpose of Policy	To define, provide illustrative examples of malpractice, maladministration and conflict of interest; to outline the procedure for dealing with alleged or suspected cases of malpractice, maladministration or conflict of interest; to meet the requirements set out by Awarding Organisations and Regulatory Bodies.				
Ar bwy mae'r polisi hwn yn effeithio? Who does the policy affect?	Dysgwyr Learners	<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>	Y Cyhoedd / General Public

Equality characteristic	Positive impact	Neutral impact	Negative impact	Reason/comment
Age		x		The policy is consistent in its approach to the conduct and behaviour expected of staff and learners regardless of age, in relation to malpractice, maladministration and conflict of interest
Disability		x		The policy is consistent in its approach to the conduct and behaviour expected of staff and learners regardless of disability, in relation to malpractice, maladministration and conflict of interest
Gender reassignment		x		The policy is consistent in its approach to the conduct and behaviour expected of staff and learners regardless of gender reassignment, in relation to malpractice, maladministration and conflict of interest
Marriage and civil partnership		x		The policy is consistent in its approach to the conduct and behaviour expected of staff and learners regardless of marriage and civil partnership, in relation to malpractice, maladministration and conflict of interest
Pregnancy		x		The policy is consistent in its approach to the conduct

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and maternity				and behaviour expected of staff and learners regardless of pregnancy and maternity, in relation to malpractice, maladministration and conflict of interest
Race		x		The policy is consistent in its approach to the conduct and behaviour expected of staff and learners regardless of race, in relation to malpractice, maladministration and conflict of interest
Religion or belief		x		The policy is consistent in its approach to the conduct and behaviour expected of staff and learners regardless of religion or belief, in relation to malpractice, maladministration and conflict of interest
Sex		x		The policy is consistent in its approach to the conduct and behaviour expected of staff and learners regardless of sex, in relation to malpractice, maladministration and conflict of interest
Sexual Orientation		x		The policy is consistent in its approach to the conduct and behaviour expected of staff and learners regardless of sexual orientation, in relation to malpractice, maladministration and conflict of interest


Date completed: 06.03.2023

Signed by Manager completing the assessment: C. Flay-Petty

Asesiad o'r Effaith ar y Gymraeg/ Welsh Language Impact Assessment

Enw'r Polisi / Gweithdrefn Name of Policy / Procedure	Malpractice, Maladministration and Conflict of Interest Policy and Procedure					
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Ar bwy mae'r polisi hwn yn effeithio? Who does the policy affect?	Dysgwyr Learners		Staff		Y Cyhoedd / General Public	

Safonau'r Gymraeg / Welsh Language Standards

Rhif/ No.	Math/ Type	Safon / Standard	Cadarn haol (gallai fod o fudd)	Negyddo I (gallai effeithio)	Dim Effaith
			Positive (could benefit)	Negative (could impact)	No Impact
94	Safonau Llunio Polisi Policy Making standards	Pan fyddwch yn llunio polisi newydd, neu'n adolygu neu'n addasu polisi sydd eisoes yn bodoli, rhaid i chi ystyried pa effeithiau, os o gwbl (pa un ai yw'r rheini'n bositif neu'n andwyol) y byddai'r penderfyniad polisi yn eu cael ar— (a) cyfleoedd i bersonau ddefnyddio'r Gymraeg, a (b) peidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg. When you formulate a new policy, or review or revise an existing policy, you must consider what effects, if any (whether positive or adverse), the policy decision would have on — (a) opportunities for persons to use the Welsh language, and			

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		(b) treating the Welsh language no less favourably than the English language.			
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Cynllun Gweithredu / Action Plan

Dylai camau gweithredu ddangos camau i'w cymryd i leihau neu, lle bo modd, ddileu unrhyw effaith negyddol ar y Gymraeg.

Actions should demonstrate steps to be taken to reduce or where possible, eliminate any negative impact on the Welsh Language.

Gweithred / Action	Pwy / Who	Erbyn Pryd / By When	Mesur Llwyddiant/ (sut y byddwn yn gwybod ein bod ni wedi cyflawni'r camau gweithredu) Success Measure (how will we know we have achieved the action)
This policy and associated process will be available in the medium of Welsh. Staff and learners will be able to undertake the process through the medium of Welsh and experience no detriment			

Dyddiad Cwblhau'r Asesiad / Assessment Completion Date: 06.03.2023