

# **QA Malpractice and Maladministration process**

2026

## Version Control

Document Information			
V1	Sept 2018	David Hannah	First release
Revision History			
Version	Issue Date	Author	Description of Change
V1.02	Sept 2019	David Hannah	Updated link to new SQA Verification doc. Updated personnel details for LO and DH
V1.03	Sept 2020	David Hannah	Updated with SQA statement Investigation Appeals – Learner and Record keeping
V1.04	27/10/22	Liz Ogilvie	Standardisation of document design
V1.05	22/02/23	Liz Ogilvie	Updated link and SQA Criterion 1.5 in line with SQA requirements
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V1.06	20/11/23	Fiona Jarvis	AI updated and formatting done.
V1.07	22/8/24	Fiona Jarvis	Annual review of documents  Updated job descriptions for DH & LC.  Changed “skills coach” to “DLC”
V1.08	20/1/25	Fiona Doak	Re-branded document
V1.09	9/4/25	Fiona Doak	Added procedure for reporting to EAL any actual or suspected malpractice.
V1.10	21/7/25	Fiona Doak	Annual review of documents. AI overview and word document updated. Criterion 1.5 updated
V1.11	27/1/26	Fiona Doak	Annual review of documents.  QUALIFICATIONS SCOTLAND changed to Qualifications Scotland.

Document Approval		
Name	Position	Viewed / Comments
David Hannah	Head of Delivery	First release

# Contents

Statement of Endorsement.....	1
The Purpose .....	1
The use of AI under assessment methods and the generation of evidence .....	3
For Centre Staff .....	4
For Learners .....	4
Confidentiality and whistle blowing .....	5
Conflict of interest .....	5
Responsibility for the investigation .....	5
Notifying relevant parties.....	5
Investigation timelines and process.....	6
Investigation report outcome .....	6
Investigation outcomes and sanctions.....	6
Investigation Appeals – Learner .....	7
Investigation Appeals – Centre Staff .....	7
Record Keeping.....	7
The Awarding Body (Qualifications Scotland) may also: .....	7

## Statement of Endorsement

The following document has been created by David Hannah (Senior Delivery Manager Apprenticeships), and endorsed by Louise Clark (VP Apprenticeships)

## The Purpose

This policy refers to all centre staff involved in the delivery of our qualifications who are suspected of or proven to have committed malpractice or maladministration. It also refers to all learners who are involved in suspected or actual malpractice/ maladministration in line with Qualifications Scotland verification guide requirements. The Qualifications Scotland definition of malpractice can be found below from the Systems Verification Criteria: Guidance for centres - [Quality assurance documentation](#)



**Criterion 1.5: Suspected candidate or staff malpractice must be investigated and acted on, in line with Qualifications Scotland requirements.**

In your introduction, make clear what is meant by malpractice. Your procedures must cover both candidate and centre malpractice and state that all concerns of possible malpractice (by candidates or centre staff) will be taken seriously. You may wish to include this information within a broader assessment policy. If you deliver qualifications with external assessment, you may have a separate section or separate procedure on malpractice in external assessment.

More information is available in:

[Malpractice: Information for centres](#)

[Malpractice policy and procedures for QS Qualifications regulated by Ofqual and / or Qualification Wales](#)

**Definition of malpractice**

Your policies and procedures for malpractice must use the following definition:

'Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of Qualifications Scotland requirements, including any act, default or practice which:

- compromises, attempts to compromise, or may compromise the process of assessment, the integrity of any Qualifications Scotland qualifications, or the validity of a result or certificate; and/or damages the authority, reputation or credibility of Qualifications Scotland or any officer, employee or agent of Qualifications Scotland.

'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 Qualifications Scotland requirements, or carelessness or neglect in applying the requirements (maladministration).'

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.

This policy should also be of use by staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner. It sets out the steps to follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases. This policy includes centre staff suspected of malpractice and maladministration as well as learners suspected of malpractice.

Malpractice or maladministration refers to any act, action (including unintentional) or deliberate intention to compromise or corrupt the outcomes of assessment decisions or the assessment environment. Malpractice or maladministration also refers to any situation where our processes, and as such Qualifications Scotland's qualifications and certification, are damaged, reputational, or otherwise.

The categories listed below are examples of centre staff and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice internal verification in accordance with our requirements.

- Deliberate failure to adhere to our learner registration and certification procedures.
- Failure to maintain appropriate auditable records, e.g., certification claims.
- Persistent instances of maladministration within the centre
- Fraudulent claim for certificates
- Forgery of evidence
- Collusion or permitting collusion in exams.
- Learners still working towards qualification after certification claims have been made.
- Contravention by our centres and learners of the assessment arrangements we specify for our qualifications.
- Insecure storage of assessment materials
- Plagiarism of any nature by learners
- Unauthorised amendment, copying or distributing of assignments and assessment evidence.
- Inappropriate assistance to learners by centre staff (e.g., unfairly helping them to pass a unit or qualification)
- Submission of false information to gain a qualification or unit.

## **The use of AI under assessment methods and the generation of evidence**

The Scottish Awarding Body Qualifications Scotland has provided guidance that makes clear, that the use of GenAI is only acceptable when it does not compromise (or attempt to compromise) the integrity of Qualifications Scotland course assessments or certification. Where a candidate and DLC have discussed how generative AI could be included in their research or evaluations of certain knowledge or performance assessment criteria. This would be deemed acceptable, as long as the candidate is clear and transparent that they're using elements of generative AI to give examples and context, around using it to provide supplementary, supportive, and relevant evidence. As long as it's been used proactively by candidates, and in agreement with DLC.



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Process for making an allegation of malpractice or maladministration.

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately report their findings to the Quality Manager, Liz Ogilvie. In doing so they should put them in writing/email and enclose appropriate supporting evidence. This should then be reported to EAL so that they can report to Qualifications Scotland accreditation. This includes suspected or actual cases of malpractice or maladministration by centre staff or learners.

Alternatively, members of staff, customers and learners have the right to report suspected malpractice directly to the awarding body organisation Qualifications Scotland in accordance with their own malpractice policies. When an allegation is being made against a centre staff member or learner the following information should be provided:

### **For Centre Staff**

- Staff member name
- Job title
- Employee number (if known)
- Date(s) of suspected malpractice
- Full nature of the suspected or actual malpractice
- Written statements and testimonies, including signatures from those involved or making the allegation

### **For Learners**

- Learner's name and registration number
- Centre personnel's details (name, job role) if they are involved in the case.
- Title and number of the course/qualification affected, or nature of the service affected.
- Date(s) suspected or actual malpractice occurred.
- Full nature of the suspected or actual malpractice
- Written statements from those involved in the case, date of the report and the informant's name, position, and signature.

Where QA conducts an investigation, it will, before submitting allegations to the awarding body authority Qualifications Scotland, provide the following communications to those involved in the malpractice or maladministration:

- Ensure that staff leading the investigation are independent of the staff/learners/function being investigated.
- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes.
- Submit the findings of the investigation with the report.
- Inform those accused of any sanctions placed against them if they have been deemed to have committed a deliberate or other serious act of malpractice or maladministration.

## **Confidentiality and whistle blowing**

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. However, it is always preferable to reveal your identity and contact details, and if you are concerned about possible adverse consequences request us not to divulge your identity. At all times we will investigate such allegations from whistle-blowers in accordance with relevant whistle blowing legislation.

## **Conflict of interest**

Fairness and transparency of process in assessment are very important. For example, the DLC and IQA are responsible for ensuring that there is no potential for a conflict of interest to arise when learners are undertaking an assessment. QA has a clear conflict of interest policy, which should be referred to for full details of this criteria.

## **Responsibility for the investigation**

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly, and all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulator. All suspected cases of malpractice and maladministration will be thoroughly investigated whether the accused is a member of centre staff or a learner on programme. The organisation will provide a transparent and fair investigation of all allegations without fear or favour.

Where necessary the awarding body Qualifications Scotland will be informed in a timely and effective manner. For referral to Qualifications Scotland please see the end section of this procedure.

## **Notifying relevant parties**

In all cases of suspected or actual malpractice, the DLC involved in the allegation and/or the learner suspected of malpractice will be notified of the investigations in writing. There will also be the opportunity for cases to be heard, evidence to be reviewed and narrative to be given by all concerned parties.



Where applicable, the awarding body Qualifications Scotland Compliance and Risk Leader will inform the appropriate regulatory authorities of any investigation into suspected or actual cases of serious malpractice. For example, where there is evidence that certificates may be invalid due to gross malpractice the regulatory body, Qualifications Scotland, may lead the investigation.

## **Investigation timelines and process**

The aim is to action and resolve all stages of the investigation within 20 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, we'll advise all parties concerned of the likely revised timescale. The investigation may involve:

- a request for further information from the centre parties (staff member) or learner.
- interviews (face to face or by telephone) with parties involved in the investigation.
- arranging for authorised parties to carry out a centre visit.

Throughout the investigation the awarding organisation's Compliance and Quality Manager will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant internal and external parties.

## **Investigation report outcome**

After an investigation, there will be issued a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and the awarding body. The final report will be made available where applicable to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified the awarding centre of the suspected or actual case of malpractice, they will also be informed of the outcome – normally within 10 working days of making a decision.

## **Investigation outcomes and sanctions**

If the investigation confirms that malpractice or maladministration has taken place the centres risk category will be amended to red, along with the centres overall risk category.

- If the malpractice was conducted by a learner on programme QA retains the right to terminate the apprenticeship programme where malpractice has been proven.

Where the malpractice was conducted by a member of centre staff QA will follow all relevant internal policies on misconduct. Depending on the seriousness of the malpractice, confirmed this could result in:

- A verbal warning issued.
- A written warning issued.



- Immediate dismissal

## **Investigation Appeals – Learner**

Any learner has the right to appeal a malpractice decision against them. This will be carried out by a separate IQA designated to this task. However, there must be reasonable grounds for an appeal to take place. This will be the decision of the separate IQA allocated the appeal review.

Centres have the right to appeal a decision where a case of reported malpractice by the centre has been confirmed through investigation by Qualifications Scotland.

Centres also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by the centre to Qualifications Scotland.

Candidates have the right to appeal to Qualifications Scotland where:

- The centre has conducted an investigation; the candidate disagrees with the outcome and has exhausted the centres appeals process.
- Qualifications Scotland has conducted an investigation, and the candidate disagrees with the decision.

## **Investigation Appeals – Centre Staff**

Any member of centre staff has the right to appeal a malpractice decision by involving The People Team, if they feel they have been unfairly treated and sanctioned. The People Team will then investigate the case on the centre staff member from a contractual viewpoint and decide if the malpractice or maladministration has resulted in misconduct.

## **Record Keeping**

Where an investigation of suspected malpractice is carried out, the centre must retain related records and documentation for three years for nonregulated qualifications and six years for regulated qualifications. Records should include any work of the candidate and assessment or verification records relevant to the investigation.

In the case of an appeal to Qualifications Scotland against the outcome of a malpractice investigation, assessment records must be retained for six years.

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

## **The Awarding Body Qualifications Scotland may also:**

- Impose actions in relation to the centre with specified deadlines to address the instance of malpractice/maladministration and to prevent it from reoccurring.
- Have no alternative but to impose sanctions on the centre – if so, these will be communicated in writing in accordance with our sanctions policy along with the rationale for the sanction(s) selected.



- In cases where certificates and/or results are deemed to be invalid, inform the centre concerned and the regulatory authorities why they're invalid and any action to be taken for reassessment and/or certification. The affected learners will be informed of the action and that their original certificates are invalid.
- Amend aspects of our qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- Inform relevant third parties (e.g., funding bodies) of our findings in case they need to take relevant action in relation to the centre

In addition to the above, any lessons learnt from the investigation will be passed on to relevant internal colleagues to help prevent the same instance of maladministration or malpractice from reoccurring. This will be embedded through email communications and as agenda points delivered during standardisation meetings.

There is also the absolute requirement to report any instances of centre or candidate malpractice to Qualifications Scotland. Where such a referral is required, it is the responsibility of the Qualifications Co-Ordinator to inform Qualifications Scotland. The Qualifications Co-Ordinator details are as follows:

Quality Manager

- Liz.Ogilvie@qa.co.uk

