



CIPD Malpractice and Maladministration Policy

1. Introduction

Malpractice and/or maladministration can cause reputational damage to the CIPD, CIPD qualifications and CIPD centres and threaten the integrity of award and the quality of the learner experience.

It is therefore essential to prevent malpractice or maladministration occurring wherever possible. Where it is not possible to prevent malpractice or maladministration it is essential to ensure that all cases, whether suspected or actual, are dealt with quickly, thoroughly and effectively.

As a recognised awarding organisation, CIPD is subject to external regulation and must meet the regulatory requirements¹ set by Ofqual, Council for Curriculum, Examinations and Assessment (CCEA) in Northern Ireland and Qualifications Wales. Condition A8 specifically relates to malpractice and maladministration and states the requirements in relation to malpractice and maladministration.

The purpose of this policy is to:

- provide operational definitions of the terms malpractice and maladministration with examples
- explain the actions the CIPD will take if malpractice or maladministration is discovered
- promote better understanding of roles and responsibilities in preventing malpractice and maladministration
- provide guidance on the steps to be taken if malpractice or maladministration is discovered.

2. CIPD jurisdiction

CIPD study centres are approved to offer CIPD qualifications² and CIPD accredited centres award their own qualifications that are accredited by the CIPD for membership purposes.³ All centres are required to meet CIPD performance criteria⁴ and as part of the approval and ongoing quality assurance, we check that centres have policies and procedures for the prevention and management of malpractice and maladministration particularly in relation to academic misconduct.

CIPD has jurisdiction to consider all cases of malpractice by all CIPD registered learners (whether at a study centre or an accredited centre) and where substantiated, the CIPD's Sanctions policy will be engaged.

¹ Ofqual (Office of Qualifications and Examinations Regulations), Qualifications Wales and CCEA's General Conditions of Recognition (The General Conditions of Recognition had their basis in the Apprenticeship, Skills, Children and Learning Act 2009 and are therefore legally enforceable).

² CIPD qualifications are subject to regulation by Ofqual, Qualifications Wales and the CCEA and are offered at centres with no qualification awarding powers.

³ CIPD accredited centres offer university awards or university validated awards.

⁴ Centre product licence agreement, schedule 2

However, it is important to highlight that academic misconduct by learners registered at CIPD accredited centres will firstly be fully considered and dealt with under the centre's own academic regulations and degree awarding powers before referral to CIPD as learner malpractice.

3. Definitions and types of malpractice

3.1 Malpractice

The term malpractice covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process
- the integrity of the qualification
- the validity of a result or certificate
- the reputation and credibility of the CIPD and its qualifications
- the reputation and credibility of the CIPD centre

Malpractice may include a range of issues from academic misconduct to failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

3.2 Types of malpractice

Malpractice can occur at different levels.

Centre malpractice

Malpractice at a centre may be committed by a member of staff or a contractor.

Examples include, but are not limited to:

- insecure storage of assessment instruments and assessment marking guidance
- misuse of assessments, including inappropriate adjustments to assessment decisions
- failure to advise CIPD of potential identified issues
- failure to comply with CIPD policy and procedures on reasonable adjustments
- failure to comply with requirements for accurate and safe retention of learner evidence, assessment and IV records
- failure to comply with CIPD procedures for managing and transferring accurate learner data
- excessive direction from assessors to learners on how to meet assessment standards
- deliberate falsification of records in order to claim certificates.

Learner malpractice (academic misconduct)

CIPD define learner malpractice (academic misconduct) as an attempt by a learner to gain unfair academic advantage and it can occur in:

- preparation and authentication of coursework and assessment evidence
- the compilation and authentication of portfolios
- the presentation of practical work
- conduct during internal and external assessment.

Examples of malpractice by a learner include (but are not limited to):

- Plagiarism
 - passing off work of others or AI technology such as Chat GPT as their own
 - quoting from published or unpublished work of other persons, including other learners, without crediting the source and referencing in accordance with scholarly academic convention
 - dishonestly presenting another learner's results from experiments, research, interviews or observation as their own, whatever the medium.
- Collusion
 - colluding with one or more learners to produce assessment evidence and submitting it as their own.
- Copying
 - copying or attempting to copy the assessment evidence of another learner
- Impersonation
 - impersonating another learner or allowing him/herself to be impersonated
- Cheating
 - getting someone else or using AI technology such as Chat GPT to produce part or all of the evidence submitted for assessment
 - using unauthorised aids during assessment/examination
 - communicating or attempting to communicate with another learner or individual who is neither an invigilator or member of centre staff
- Falsification
 - resubmitting their own previously assessed/graded assessment evidence
 - fabricating results from experiments, research, interviews or observations
- Inappropriate behaviour during internal/external assessment that causes disruption to others
- Inclusion of inappropriate material in assessment evidence, this includes any material of a discriminatory nature.

3. Definitions and types of Maladministration

Maladministration is any activity, neglect, default or other practice that results in failure to meet the specified requirements for the development, delivery or award of CIPD qualifications or relevant codes of practice where applicable.

3.2 Types of maladministration

Maladministration at a centre may be committed by a member of staff or a contractor. Examples include but are not limited to:

- persistent failure to adhere to learner registration and/or certification procedures.
- unreasonable delays in responding to CIPD communications and requests for information
- failure to use current assessment materials
- inaccurate claims for certification
- failure to maintain auditable records
- failure to advise CIPD of errors or suspected issues.

3 Preventing and dealing with malpractice and maladministration

3.2 Roles, responsibilities and reporting

It is always preferable to prevent malpractice or maladministration than to deal with it once it has occurred, therefore, the CIPD will take all reasonable steps to:

- prevent, wherever possible, malpractice or maladministration
- provide procedures for the investigation of suspected or alleged malpractice or maladministration
- keep under review centre arrangements for preventing, investigating and reporting malpractice and maladministration
- provide guidance to centres (upon request) as how best to prevent, investigate and deal with malpractice and maladministration
- identify and share good practice amongst centres to encourage and support high quality delivery and assessment
- assess the risk posed by each centre relating to the potential for malpractice/maladministration and take appropriate steps in response to that perceived level of risk
- investigate suspected or alleged malpractice or maladministration
- take appropriate and proportionate action, with the cooperation of third parties as appropriate, against those who are responsible for the malpractice/maladministration
- promptly take all reasonable steps to prevent or mitigate any Adverse Effects⁵ arising from the malpractice/maladministration
- carry out or oversee investigation of cases (or suspected cases) of malpractice/maladministration to establish whether it has occurred
- apply appropriate sanctions consistent with CIPD's published policy
- inform centres and other awarding organisations of the malpractice/maladministration as appropriate
- report the incidence of malpractice to the relevant regulatory authorities
- taking steps to prevent malpractice or maladministration from reoccurring.

Centres and centre staff are responsible for:

- taking all reasonable steps to prevent malpractice/maladministration arising
- using assessments in a manner that does not encourage malpractice
- being vigilant to possible instances of malpractice/maladministration
- complying with this policy (as updated from time to time)
- advising learners of this policy
- requiring learners to authenticate work as their own and evidence submitted for assessment
- implementing systems and procedures to record all suspected instances of malpractice/maladministration and making this information available to CIPD
- notifying the CIPD of any incidents of malpractice/maladministration promptly
- co-operating with CIPD malpractice/maladministration investigations
- carrying out investigations of malpractice as required by the CIPD
- implementing any actions required by CIPD during and after investigations into a case of malpractice
- taking action required by CIPD to prevent the recurrence of malpractice/maladministration.

⁵ 'Adverse Effect' as defined in the Ofqual GCR, condition J1.8

Failure by a Centre to deal with an identified issue may in itself constitute malpractice.

4 Dealing with cases of suspected, alleged or actual malpractice

CIPD will act upon reports of suspected or actual cases of malpractice promptly and in accordance with data protection legislation and in line with the stages of this procedure as appropriate.

Centre staff should act upon suspected or actual cases of malpractice promptly and in accordance with centre internal policies and procedures and with the stages of this procedure as appropriate.

Guidance for centres on dealing with cases of cheating or plagiarism is included as appendix 1.

5.1 Identification

Allegations about malpractice or suspected malpractice may be raised by centres, centre staff, learners, CIPD quality assurance representatives, whistle-blowers or other stakeholders or by the CIPD itself.

The Professional Development Director at CIPD is the Responsible Officer for Ofqual, CCEA and Qualifications Wales reporting purposes and is in charge of dealing with reports of malpractice and maladministration. Reports should be submitted to the CIPD at centrequality@cipd.co.uk using the malpractice and maladministration reporting form.

Centre level identification

- through centre internal quality assurance monitoring activities
- through learner or staff complaints and feedback, or other intelligence received.

CIPD level identification

- through quality assurance monitoring activities
- through complaints, feedback or other intelligence received from learners, centre staff, whistle-blowers or other stakeholders
- through intelligence received from other Awarding Organisations or relevant external agencies
- through social media alerts.

Regulatory authority level identification

- through intelligence, complaints or feedback received.

Where suspected malpractice/maladministration is brought to CIPD's attention we may:

- make basic checks to establish the veracity of the allegation
- seek permission to use the name of the person making the allegation (where permission is not granted and the allegation still merits investigation CIPD will strive to preserve anonymity, however the scope of the investigation may be impaired)
- communicate the details of the allegation to the relevant parties
- where applicable, establish whether a centre's internal procedures have been utilised effectively and exhausted
- request the allegation is presented in writing before instigating a full investigation.

CIPD will review the information provided and decide whether it is appropriate to either:

- take no further action
- instigate an investigation
- determine whether to notify the relevant regulatory authorities.

The rights of individuals

Where an individual is suspected of malpractice they should be:

- informed of the allegation made against them and the evidence that supports the allegation
- provided with the opportunity to seek advice and respond to the allegation and submit a written statement
- informed of what the possible consequences could be if the malpractice is proven (this includes the possibility that other parties may be informed, that is: the regulators; the police; the funding agency and professional bodies)
- informed of the appeals process.

5.2 Investigation

The fundamental principle of investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant information is considered without bias. Therefore the investigator will necessarily be someone of appropriate competence with no personal interest in the outcome of the investigation.

CIPD expect centres and the CIPD quality assurance community to cooperate fully with any investigation into suspected malpractice/maladministration.

CIPD may decide to:

- instruct the relevant senior manager at the centre to conduct an investigation
- conduct an investigation in the case of alleged fraud or where there is a case of serious threat to integrity of qualification certification
- nominate a third party to carry out an investigation on behalf of CIPD.

Where CIPD require a centre to carry out the investigation, the investigation should be carried out by the relevant senior manager or their nominee as quickly as possible. CIPD reserves the right to approve a nominee.

If CIPD nominates a third party to investigate the suspected malpractice they should be independent of normal or day-to-day working relationships with the centre or individual(s) concerned.

Objectives of investigation

The investigation will aim to:

- establish the facts, circumstances and scale of the alleged malpractice
- identify the cause of the irregularities and those involved
- identify, and if necessary, act to minimise the risk to current learners and requests for certification
- evaluate any action already taken
- determine whether any remedial action is required to reduce the risk to current learners and to preserve the integrity of the qualification
- ascertain whether any action is required in respect of certificates already issued
- obtain evidence to support any sanctions to be applied to the centre, and/or individuals, in accordance with our policies and procedures
- identify any patterns or trends
- identify any changes that need to be made to CIPD/centre policy or procedure or their operation.

Conducting the investigation

The following stages involve generic key activities; however, not all of these would be implemented in every case.

Stage 1: Briefing and record keeping

- investigators must be given a clear brief and a full understanding of their role
- investigators must maintain an auditable record of their investigations and related actions
- by their very nature, investigations usually necessitate access to information that is confidential to a centre or individual(s). All material collected as part of an investigation must be kept secure and not normally disclosed to third parties (other than the regulators or other authorities where appropriate).

Where an investigation may lead to a criminal prosecution or civil claim records and documentation should be retained for the required period after the case and any appeal has been heard.

Stage 2: Establishing the facts

Investigators should review evidence and associated documentation, including CIPD guidance on qualifications and quality assurance, to establish factual accuracy.

The investigation will seek to determine:

- the nature of the suspected or alleged malpractice
- why, when and where it occurred
- what parties were involved
- what action, if any, has already been taken
- the evidence available.

Stage 3: Interviews

It is probable that individuals will need to be interviewed to gather information on the alleged malpractice and therefore the rights of individuals should be respected.

Thorough preparation is needed prior to any interview. Face-to-face interviews should normally be conducted by two people, one acting as interviewer and the other as note-taker. Those being interviewed should be informed that they may be accompanied by a colleague and that they do not have to answer questions. CIPD reserves the right to record interviews (audio or visual).

Where the centre is conducting the investigation and their staff members are being interviewed these interviews should be carried out in line with centre policies and procedures, e.g. disciplinary. Accurate records should be kept and may be required by the CIPD.

Where a learner is to be interviewed consideration should be given to having the permission and presence of a parent, guardian, carer or legal representative where it is appropriate.

Stage 4: Supplementary information and documentary evidence

In some cases other individuals may need to be contacted for facts and information. Responses should be recorded in writing as part of confirmation of the evidence, including the number of attempts made to contact an individual.

Receipts should be given for any documentation received or removed from a centre. Wherever possible, documentary evidence should be authenticated by reference to the author. This may include asking individuals to confirm handwriting, dates and signatures. Independent expert opinion may be obtained for comment on the authenticity of evidence and the validity of documents.

Stage 5: Conclusions and report

Once the investigators have collated and reviewed all relevant evidence a decision is made on the outcome. The investigators' conclusions and decisions should be evidence based and they should submit a report.

Where the investigation has been carried out by the centre, the relevant senior manager or their nominee should submit a written report to CIPD. CIPD reserves the right to disclose the report to the regulatory authorities and, other third parties as deemed necessary or appropriate.

Where the investigation has been carried out by the CIPD, or by a third party on behalf of the CIPD, the nominated investigator should provide a written report to the CIPD.

Where a centre has been investigated by CIPD directly, the relevant senior manager should be provided with the opportunity to comment on the factual accuracy of the investigation report before it is finalised.

In all cases, the report should be accompanied by the following information/documentation:

- a statement of facts and a detailed account of the circumstances and any investigations carried out
- written statements from the individuals who have been interviewed as part of the investigation
- relevant learner work, assessment evidence, internal and external quality assurance records, claims for certification
- any remedial action taken to ensure the integrity of the qualification, now or in the future
- any mitigating factors to be considered.

6. The decision

CIPD will convene a panel to review the report of the investigation and to arrive at a final decision on the malpractice investigation. The panel will comprise the appropriate CIPD qualifications manager, the Chief External Quality Adviser or Chief Moderator, and the Head of Qualifications.

The decision stage aims to:

- identify the regulatory/CIPD criteria which it is alleged has been compromised
- consider the facts of the case and decide whether malpractice or maladministration has occurred
- establish who is responsible if criteria have been compromised
- determine an appropriate level of remedial action to be applied.

Where malpractice by a learner is proven, CIPD will consider and advise on the appropriate remedial action to be taken by the CIPD/centre.

In all other cases of proven malpractice, CIPD will consider what action needs to be taken to:

- minimise or prevent all Adverse Effects
- make a complaint under the CIPD Code of Professional Conduct where appropriate
- advise the regulatory authorities of the outcome where relevant
- maintain CIPD's standing and reputation.

All decisions will be communicated to any individuals concerned, at the CIPD's reasonable discretion.

6.1 Sanctions and penalties

CIPD may impose action plans, sanctions and penalties where malpractice has been proven; these will be in line with CIPD's published sanctions policy.

Where maladministration has been identified rather than malpractice, actions to address the shortcomings and for improvement should be determined and their implementation monitored to the point of completion. Sanctions may or may not be appropriate.

All proven cases of academic misconduct will be pursued as malpractice on the part of the learner and, where it is proven, action plans, penalties and sanctions will be imposed.

Sanctions will be in line with the CIPD published sanctions policy and the sanction to be applied will depend on whether the qualification is awarded or accredited by the CIPD, and the nature and scale of the learner malpractice.

In the case of qualifications awarded by the CIPD, the CIPD will decide whether existing grades and certification can stand.

In the case of qualifications accredited by the CIPD for membership purposes, the CIPD does not have the jurisdiction to disagree with centre decisions made under the centre's own academic regulations and awarding powers but will consider the reported academic misconduct as learner malpractice and make a complaint under the CIPD Code of Professional Conduct where appropriate.

In the case of CIPD qualifications **and** CIPD accredited qualifications, progression to or continuation of CIPD professional recognition will be determined following a disciplinary hearing under the CIPD Code of Professional Conduct as appropriate.

7. Appeals

There is a right of appeal against malpractice and maladministration decisions. CIPD will respond to all appeals in line with the published CIPD Appeals policy and procedure.

Notifying regulatory authorities and/or alerting other Awarding Organisation

Ofqual, CCEA and Qualifications Wales' General Conditions of Recognition require CIPD to notify them promptly where there is cause to believe that any event has occurred, or is likely to occur, which could have an Adverse Effect. In dealing with cases of malpractice CIPD will also consider whether it is appropriate to notify other awarding organisations.

Linked policies: CIPD reasonable adjustments; CIPD Sanctions; CIPD Appeals; CIPD Code of Professional Conduct.

Centre actions where academic misconduct is suspected:

- in centre marked assessments or examinations the learner should be allowed to complete the examination paper or submit the assessment evidence in which cheating or plagiarism is suspected; the paper and material evidence should be collected by the centre before proceeding with the centre's academic misconduct policy
- in the case of CIPD set and marked examinations, you should refer to the CIPD Plagiarism Policy for Online Remote Examinations
- all incidents should be reported to a senior colleague at the centre and to the CIPD external quality adviser as applicable
- the learner should be interviewed, and if after this preliminary interview it is clear that cheating or plagiarism has not occurred, no further action need be taken. The action and decision should be clearly documented and auditable.
- if there is any evidence of a *prima facie* case, then a formal investigation should be conducted and evidence of the *prima facie* case should be collected; in the interim the learner should normally be allowed to continue with any other outstanding assessment activities or examinations
- a report of the outcome of the investigation, including full details of the alleged academic misconduct and supporting material evidence should be submitted to the appropriate senior manager at the centre
- in all cases, the investigating officer should be independent and should determine the level of seriousness by assessing all the evidence and decide on the appropriate course of action
- in all cases, the centre should keep clear and auditable records of occurrences and outcomes
- the centre should communicate the outcomes of such investigations, whether the suspected cheating or plagiarism is proven or not, to the quality assurance manager at CIPD so that further action can be initiated by CIPD as appropriate.

A centre will need to decide how to differentiate between minor, moderate and serious cases of academic misconduct and must ensure there is consistency of approach in all cases.

Examples of academic misconduct levels and centre actions if academic misconduct is proven beyond reasonable doubt
Examples of minor cases could include a learner:
receiving undue help in good faith because instructions have been misunderstood
copying a couple of sentences from texts/articles without following scholarly academic convention
using someone else's diagrams
not referencing work properly
Centre action if a minor case is identified:
discuss with the learner in a tutorial and warn about future conduct
require the work to be re-done and re-submitted with a possible 'cap' on the grade (Advanced level only)
inform the external quality adviser (pre-2021 qualifications)
inform the CIPD Quality Assurance Manager
refer to a second stage if the academic misconduct has occurred before
Examples of moderate cases could include a learner:
copying from sources without acknowledgement which has the effect of making a significant contribution to the overall work
receiving a level of assistance within an individual piece of work which is deemed to be unreasonable
downloading limited information from the internet without crediting the source
repeating minor academic misconduct
Centre action if a moderate case is identified:
refer the work
refer the case to a second stage interview to decide on the appropriate sanction
inform the external quality adviser (pre-2021 qualifications)
inform the CIPD Quality Assurance Manager
Examples of serious cases could include a learner:
copying extensively from sources without acknowledgement
receiving undue help from outside the centre
using model internet answers
buying, selling or stealing of work
using past learner's work from previous years
repeating moderate academic misconduct
Centre action if a serious case is identified:
consider not grading the work
consider withdrawing the right for a learner to resit or be reassessed
disqualify the learner from the unit/module or whole qualification
inform the external quality adviser as applicable (pre-2021 qualifications)
inform the CIPD Quality Assurance Manager