

# Malpractice and Maladministration

Guidance for Recognised Centres

Version 1.2

 gateway  
qualifications

*learning your way*

## Revision History

Version and Date	Summary of changes	Section/Page number
1.2 October 2023	Included link to The Joint Council of Qualifications and associated guidance.	1.1.1 (page 4)
	Updated to include additional information on Artificial Intelligence.	2.2.4 (page 6,7)
	Added further information on Learner Plagiarism.	2.2.6 (page 7,8)
1.1 June 2023	Updated to include reference to artificial intelligence.	2.2.1 (page 5) 2.2.4 (page 6) 2.2.5 (page 7)
1.0 March 2022	New document	

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# 1 Introduction

This document sets out Gateway Qualifications' guidance to Centres to preventing, identifying and reporting any suspected incidents of malpractice and maladministration.

This guidance should be read in conjunction with the [Gateway Qualifications' Malpractice and Maladministration Policy and Procedure](#) and the Gateway Qualifications Centre Agreement Terms and Conditions

Any failure to report suspected or actual malpractice or maladministration cases, or failure to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on a Recognised Centre, such as those outlined in the [Gateway Qualifications' Sanctions Policy](#).

## 1.1 Definitions

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Gateway Qualifications has adopted Ofqual's definition of Malpractice and Maladministration:

"Malpractice and maladministration are two distinct, but related, concepts. In broad terms, maladministration generally covers mistakes or poor process where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude, or may result from carelessness or inexperience."

Whilst malpractice will generally involve some form of intent, it may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions.

### 1.1.1 Further Information

For further information refer to:

Ofqual General Conditions of Recognition and associated guidance [Section A - Governance - Ofqual Handbook: General Conditions of Recognition - Guidance - GOV.UK \(www.gov.uk\)](#)

The Joint Council of Qualifications and associated guidance [Malpractice - JCQ Joint Council for Qualifications](#)

## 2 Centre Responsibilities

Centres and Centre staff have a responsibility to take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the delivery and assessment of the qualifications. It is important that all Centre staff involved in the management, assessment and quality assurance of our regulated qualifications, units or courses, and their learners, are fully aware of the Gateway Qualifications Malpractice and Maladministration Policy.

Centres must:

- ensure they meet the requirements set out in the Gateway Qualifications Centre Agreement terms and conditions, which can be located within Prism
- take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the delivery of qualifications
- have an up-to-date policy and procedure that allows for the identification of, and aim to reduce, the risk and incidents of malpractice or maladministration occurring
- take all reasonable steps to monitor for risks and suspected incidents of malpractice or maladministration, and notify Gateway Qualifications of such risks and incidents as soon as practicable
- cooperate and assist Gateway Qualifications in respect of the investigation of any such risks or incidents

### 2.1 Centre Policy

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Gateway Qualifications requires Centres to have in place a Policy which is complementary to Gateway Qualifications' Policy. Centres must provide their malpractice policy to Gateway Qualifications when requested to do so. Gateway Qualifications EQAs and Moderators will review Centre Malpractice & Maladministration policy and procedures, and adherence to the requirements.

#### 2.1.1 Centre Policy Checklist

The Centre Malpractice and Maladministration Policy should:

- outline the actions the Centre might take if malpractice or maladministration is found in relation to their staff, contractors or learners
- include definitions of malpractice and maladministration, along with examples that could occur by either Centre staff or learners, including the use of Artificial Intelligence (AI) in assessment.
- include that the Centre has the capability and competence to investigate any case of malpractice or maladministration where required
- include that any suspected or confirmed malpractice or maladministration must be notified to the awarding organisation promptly
- apply to all those involved in the delivery of regulated qualifications at the Centre, and those that undertake activities connected with regulated qualifications, irrespective of their role. Therefore, the Policy must apply to all individuals including staff and contractors such as tutors, assessors, IQAs, administration and management staff and those involved in governance

## 2.2 Staff Training

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All Centre staff and contractors must be fully informed of the contents of both Gateway Qualifications' and the Centre's policy and procedures for malpractice and maladministration. Centres are recommended to have in place training as part of staff induction and on-going training to raise awareness of malpractice and maladministration and how to prevent it.

### 2.2.1 In the Malpractice and Maladministration Policy

- make sure all staff, including admin staff and part-time staff understand what malpractice is, and who to report any suspicions to
- get all staff to read both the Gateway Qualifications and Centre Malpractice and Maladministration Policy
- have your Centre Malpractice and Maladministration Policy and procedures as part of staff induction and on-going refresher training

### 2.2.2 Discuss Malpractice and Maladministration

- talk about malpractice. Share examples of malpractice that you have heard about or read about. Better understanding of malpractice will help others to spot or stop the potential for malpractice occurring
- remind tutors and assessors that over-helping learners can also constitute malpractice
- get staff to help with identifying risks, where there is potential for malpractice

### 2.2.3 Externally Set Assessments

- make sure relevant staff fully understand the rules for running any externally set assessments. Information on these, also known as Controlled Assessments can be found in the [Centre Handbook](#)
- encourage tutors to familiarise themselves with learners' style of work, writing style and abilities to be able to authenticate the individual learner's work

### 2.2.4 The Use of Artificial Intelligence (AI) in Assessment

- ensure all staff understand the risks of AI use in assessments
- have a sufficient policy in place for educating their learners on this matter and managing any such cases

The potential use of AI in Assessments is relatively new, and so it is important that centres understand its nature and the risks it poses to assessments. The Joint Council for Qualifications has published guidance on protecting the integrity of qualifications and the information centre's need to know in order to effectively manage the use of AI in assessments: [JCQ-AI-Use-in-Assessments-Protecting-the-Integrity-of-Qualifications.pdf](#)

AI chatbots generate responses that are statistically likely to be relevant and appropriate. They can complete tasks such as (but not exclusively), answering questions, analysing, improving, and summarising text, writing computer code, generating new ideas, prompts, or suggestions for a given topic or theme. They can also produce text, images, video and voice recordings as well as reword sentences, which may prove difficult for standard plagiarism

tools to detect, as the wording and context will no longer explicitly match the original plagiarised work.

Any use of AI which means students have not independently demonstrated their own attainment is likely to be considered malpractice.

Examples of AI misuse include, but are not limited to, the following:

- copying or paraphrasing sections of AI-generated content so that the work is no longer the student's own
- copying or paraphrasing whole responses of AI-generated content
- using AI to complete parts of the assessment so that the work does not reflect the student's own work, analysis, evaluation or calculations
- failing to acknowledge use of AI tools when they have been used as a source of information
- incomplete or poor acknowledgement of AI tools
- submitting work with intentionally incomplete or misleading references or bibliographies.

To prevent misuse in AI, here are some considerations that can be taken:

- Consider restricting access to online AI tools on centre devices and networks
- Set reasonable deadlines for submission of work and provide reminders
- Consider whether it's appropriate and helpful to engage students in a short verbal discussion about their work to ascertain that they understand it and that it reflects their own independent work
- Consider using a plagiarism checker when assessing items of work.

### **2.2.5 Learner Induction**

- Help learners through induction to understand the potential consequences of malpractice in their work and explain the need for authentic work and not to copy or cheat in any way. This should reference the inappropriate use of AI in assessment.
- Learners should have malpractice explained to them in terms of what malpractice means, what might constitute learner malpractice and what they should do if they suspect malpractice.

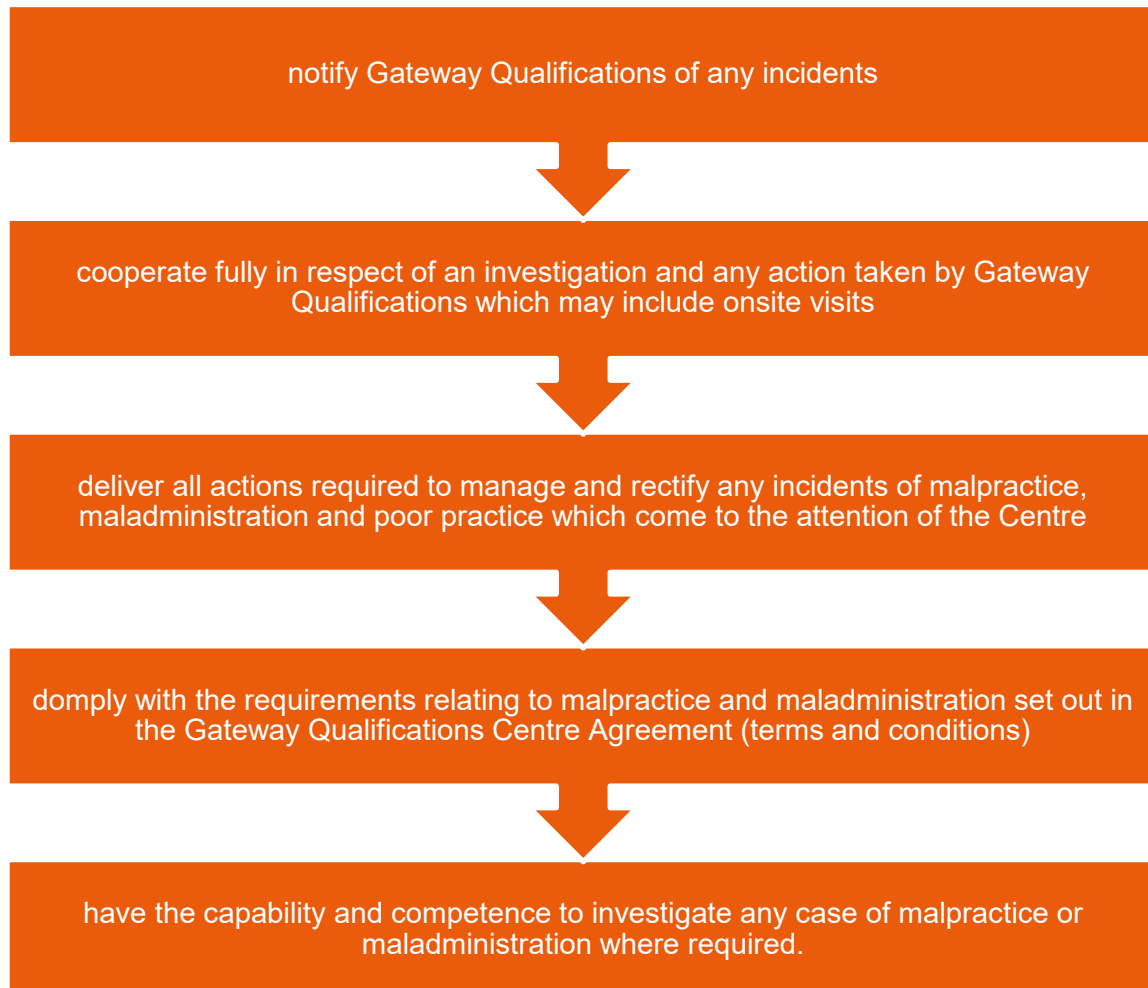
### **2.2.6 Learner Plagiarism**

Ensure staff are aware of learner plagiarism and how to identify and prevent it. Teachers and Assessors must authenticate the work which is submitted for assessment, ensuring that it has been produced by the learner concerned. In order to prevent plagiarism, Centre staff must:

- Ensure each learner is aware of what constitutes plagiarism, including the use of sources, including the use of quotations and the risks associated with using AI.
- Reinforce the importance of learner signatures against the work they are turning in.
- Must not accept work which is suspected of being plagiarised, without further investigation.

## 2.3 Reporting Malpractice and Maladministration

Where incidents of suspected or malpractice or maladministration are identified the Centre must:



Centres are required to cooperate fully with Gateway Qualifications' investigations and should promptly comply with requests for information or documents made by Gateway Qualifications or the Regulator(s) as stipulated within the Centre Agreement Terms and conditions. Failure to do so may lead to further maladministration and potentially malpractice.

### 2.3.1 Notifying Gateway Qualifications

At the soonest opportunity make sure you report any suspected or actual malpractice or maladministration. Please complete [this form](#) to report a suspected malpractice/maladministration incident.

Malpractice and maladministration events remain on Gateway Qualifications centre records.





[enquiries@gatewayqualifications.org.uk](mailto:enquiries@gatewayqualifications.org.uk)  
[www.gatewayqualifications.org.uk](http://www.gatewayqualifications.org.uk)

**Tel: 01206 911 211**

Gateway Qualifications, Gateway House,  
3 Tollgate Business Park, COLCHESTER CO3 8AB

Charity Registration No. 1114282.

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