

Malpractice and Maladministration Policy and Procedure

Purpose

This Policy and Procedure sets out Gateway Qualifications' approach to reporting, handling, considering and investigating suspected malpractice and maladministration incidents.

Gateway Qualifications seeks to take all reasonable steps to prevent the occurrence of malpractice and maladministration. This Policy is supported by robust procedures and appropriate guidance for investigating and reporting on allegations and findings.

The aim of this Policy is to ensure that an incident does not lead to an [Adverse Effect](#) and can be prevented, corrected or mitigated.

Scope

This Policy applies to all Gateway Qualifications' key stakeholders involved in the development, delivery and award (e.g. the management, delivery, assessment, invigilation, quality assurance and administration) of all Gateway Qualifications' products and regulated qualifications, including Access to HE Diplomas and Apprenticeship Assessment which Gateway Qualifications makes available or proposes to make available.

It includes responsibilities for preventing, identifying, and responding to incidents of malpractice, maladministration, and academic misconduct. Academic misconduct includes plagiarism, collusion, contract cheating, impersonation, and misuse of generative artificial intelligence (AI). These responsibilities apply across all stages of the Learner journey and are aligned with relevant regulatory requirements.

Audience

This Policy is intended for the following audience:

- Recognised Centres ("Centres") in relation to the offer of qualifications including all Centre staff, associates, freelance staff and contractors
- Apprenticeship Training Providers ("Providers") in relation to End-point assessment – including all staff, associates, freelance staff and contractors
- Learners/Apprentices
- Gateway Qualifications' Board of Trustees and Committee members
- Gateway Qualifications' staff
- Gateway Qualifications' wider workforce – including consultants, qualification developers, assessment associates, External Quality Assurers, Markers, Assessors, Internal Quality Assurers, Centre and Subject Moderators

This Policy sets out the procedures to be followed if there is a concern that malpractice or maladministration has occurred, or where it has been identified; and how to report it to

Title: Malpractice and Maladministration Policy and Procedure

Gateway Qualifications. As such, it is the Centres'/Providers' responsibility to ensure that all relevant staff members are made aware of the contents of this document.

Definitions

Adverse Effect

An act, omission, event, incident, or circumstance has an Adverse Effect if it:

- (a) gives rise to prejudice to Learners or potential Learners, or
- (b) adversely affects –
 - (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,
 - (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - (iii) public confidence in qualifications.¹

Maladministration and Malpractice

“Malpractice and maladministration are two distinct, but related, concepts. In broad terms, maladministration generally covers mistakes or poor processes 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.”²

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. Malpractice could comprise of a conscious decision to do anything covered in the examples provided within this Policy. Bias or discrimination could also lead to malpractice.

Failure by a Centre to notify, investigate and report to Gateway Qualifications any allegation of malpractice, or suspected malpractice constitutes malpractice in itself.

Failure to take action as required by Gateway Qualifications, as detailed in this document, or to co-operate with a Gateway Qualifications' investigation also constitutes malpractice.

Gateway Qualifications recognises that whilst maladministration and malpractice are distinct, the two concepts can be on a spectrum. As such they will sometimes shade into one another. Sometimes, whether a particular incident is best classified as malpractice or maladministration will depend on the context, and it can be a matter of judgement.

- **Academic Misconduct** - Academic misconduct is a specific form of learner malpractice. It refers to any action by a learner intended to gain an unfair advantage or misrepresent their work. For the purpose of this Policy, academic misconduct is deemed malpractice. It includes, but is not limited to:
 - **Plagiarism** – presenting another person's work or ideas as one's own without proper attribution.

1 Definition source: [Ofqual Handbook, Section J](#)

2 Definition source: [Ofqual Handbook, Section A](#)

Title: Malpractice and Maladministration Policy and Procedure

- **Collusion** – unauthorised collaboration between learners on individual assignments.
- **Contract cheating** – submitting work completed by a third party, including essay mills or paid services.
- **Impersonation** – arranging for someone else to take an assessment on one’s behalf.
- **Misuse of generative AI** – using AI tools to produce work that does not reflect the learner’s own understanding or failing to acknowledge AI assistance.
- **Apprenticeship Assessment** – The assessment of an apprentice against the requirements of an apprenticeship standard, as set out in the relevant assessment plan. This includes:
 - **End-point Assessment (EPA)** delivered under legacy assessment plans; and
 - **Assessment** delivered under reformed apprenticeship assessment arrangements.
- **Centre** - An organisation approved by Gateway Qualifications to deliver qualifications and/or apprenticeship assessment. This includes organisations delivering:
 - qualifications; and
 - apprenticeship assessment under reformed standards.
- **End-point Assessment (EPA)** - A form of apprenticeship assessment used in legacy apprenticeship standards, typically undertaken at the end of the apprenticeship to assess competence against the standard. EPA is being phased out under apprenticeship reforms.
- **Learner** - An individual pursuing a qualification or apprenticeship offered by Gateway Qualifications. For the purposes of this policy, the term learner includes apprentices, and the term learner will be used throughout unless specific distinction is required.
- **Provider** - An organisation delivering apprenticeship training. In the context of this policy, Providers interact with Gateway Qualifications in relation to End-Point Assessment (EPA) under legacy apprenticeship standards.

Unless otherwise specified, references to **Centres** in this policy include organisations delivering apprenticeship assessment under reformed standards.

References to **Providers** apply specifically to organisations involved in End-Point Assessment (EPA) under legacy apprenticeship standards.

Responsibilities

Centre Responsibilities

Gateway Qualifications’ Recognised Centres (“Centres”) are required to have a Malpractice Policy and procedure to be followed where malpractice, including academic misconduct, or maladministration concerns, allegations or incidents are reported or occur.

Centres must adopt and ensure compliance with an up-to-date policy and procedure, complementary to this Policy, that allows for the identification of, and aims to reduce, the risk and incidents of malpractice, maladministration, and academic misconduct occurring. The Centre’s policy should also outline the actions the Centre might take if such issues are found in relation to their staff, contractors, or learners. Centres must provide their policy to Gateway Qualifications when requested to do so. For End-point assessment, Providers are

Title: Malpractice and Maladministration Policy and Procedure

not required to have a Policy but are required to have a procedure in place to meet the responsibilities below.

Knowledge and Awareness

It is important that all Centre staff involved in the management, assessment and quality assurance of our regulated qualifications and their learners/apprentices, are fully aware of and understand the content of this Policy. Learners/apprentices should have the content of this Policy explained to them in terms of what malpractice and academic misconduct mean, what might constitute Learner malpractice or misconduct, and what action will be taken where it is suspected.

Centres/Providers and their 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.

Centres/Providers are recommended to have training in place as part of staff induction and on-going training to raise awareness of malpractice and maladministration and how to prevent it.

Notification and Handling

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

- a) Take all reasonable steps to prevent such incidents from recurring
- b) Promptly notify Gateway Qualifications of any incidents
- c) Cooperate fully with Gateway Qualifications in respect of an investigation and any action taken by Gateway Qualifications which may include onsite visits
- d) Deliver all actions required to manage and rectify any incidents of malpractice, maladministration and academic misconduct which come to the attention of the Centre
- e) Comply with the requirements relating to malpractice and maladministration set out in the Gateway Qualifications' Centre Agreement (terms and conditions)
- f) Have the capability and competence to investigate any case of malpractice, maladministration or academic misconduct where required.

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 or penalties](#) being imposed. including termination of any agreements in place with a Centre/Provider.

Conflict of Interest

If a conflict of interest is identified relating to a suspected case of malpractice, the Centre must inform Gateway Qualifications immediately so that an alternative investigation strategy can be considered. An example of a conflict of interest in this regard might be that a member of staff has a personal relationship or direct line management responsibility for the individual they are investigating.

Gateway Qualifications Responsibilities

Where malpractice or maladministration is suspected by Gateway Qualifications or allegations are received from another person, Gateway Qualifications is required to establish whether or not maladministration or malpractice has occurred and take all reasonable steps to prevent any Adverse Effect..

If a complaint is submitted either against or by a party that is currently under investigation for maladministration or malpractice—or if such concerns are raised within the complaint itself—the complaint will be placed on hold until the investigation is concluded. Once the investigation is complete, the complaint will be processed in accordance with our Complaints Policy and Procedure.

Gateway Qualifications is responsible for managing all reports of investigations into, sanctions and actions as a result of malpractice or maladministration throughout the lifecycle of a qualification or end point assessment to ensure there are no Adverse Effects. The Policy therefore applies across the stages of design/development, delivery (whether Centre assessed or directly assessed), award, quality assurance and continuous improvement.

Gateway Qualifications utilises a range of methods to prevent malpractice and maladministration occurring during the qualification lifecycle. For example:

- Centre Agreement Terms and Conditions and the operation of a Centre Assessment Standards Scrutiny strategy
- Specifications detailing the requirements for each assessment
- Training assessors and IQAs on policies, including that of malpractice and maladministration
- Learner identification guidance and checks in relation to external assessment
- Invigilation guidance for assessments
- Security, functionality and accessibility checks of IT systems
- Centre guidance and handbooks
- Artificial Intelligence (AI) guidance

Related Policies and Documents

This Policy should be read alongside:

Gateway Qualifications

- Gateway Qualifications' terms and conditions (centre agreement)
- Appeals Policy
- Access to HE Diploma Learner Appeals Policy
- Complaints Policy and Procedure
- Conflicts of Interest Policy and Procedure
- Sanctions Policy
- [Artificial Intelligence AI and Use in Assessment Guidance](#)
- [Fees and Charges](#)

Other documentation

- [JCQ Malpractice Policy and Guidance](#)

Equity, Diversity and Inclusion Statement

Throughout the development of the policies and processes cited in this document, we have given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it.

Examples

Malpractice

The examples provided below do not constitute an exhaustive list. If unsure of whether something might constitute malpractice, please contact Gateway Qualifications for advice on centre.compliance@gatewayqualifications.org.uk. The examples in the table below relate to the design, delivery and awarding of qualifications which Gateway Qualifications makes available or proposes to make available.

Learner Malpractice
<p>Plagiarism³</p> <ul style="list-style-type: none"> • Copying or using work from another Learner. • Submitting purchased essays, assignments, or portfolios as one's own. • Copying and pasting extracts or whole texts without proper referencing. • Paraphrasing or summarising another's work without acknowledgement. • Using diagrams, images, or course notes without citing the source. • Submitting AI-generated content without appropriate acknowledgement. • Failing to acknowledge the use of AI tools as sources of information. • Submitting work with intentionally incomplete or misleading references. <p>N.B: Centres/Providers should ensure that their learners/apprentices are fully aware of the requirements around referencing published sources in their work and what constitutes plagiarism.</p>
<p>Contract Cheating</p> <ul style="list-style-type: none"> • Submitting work completed by a third party (e.g. essay mills or paid services).

³ Definition adopted from the Joint Council for Qualifications:

“unacknowledged copying from or reproduction of published sources or incomplete referencing”.

Impersonation

- Arranging for someone else to take an assessment on one's behalf.

Collusion

- Allowing another Learner to copy work.
- Unsanctioned collaboration on individual assignments.
- Submitting the work of another Learner (with their consent) as their own.

N.B: Learners may work together on projects in some circumstances; however, they must write up the assignment individually and reflect on their own learning from the completion of the joint project. Any materials shared within the project/group must be acknowledged in order to avoid plagiarism and where possible content should be created independently to avoid this occurring.

Misuse of Generative AI

- Copying or paraphrasing AI-generated responses so the work is no longer the Learner's own.
- Using AI to complete parts of the assessment that should reflect the learner's own analysis or evaluation.
- Failing to disclose the use of AI tools where required.
- Providing poor or misleading acknowledgement of AI sources.

Breach of Assessment Rules

- Alteration of any results document, including certificates.
- Offering a bribe to anyone involved in the administration or delivery of assessment.
- Use of unauthorised material or devices during an assessment.
- Removal of confidential assessment material from the assessment/classroom.
- Obtaining or attempting to obtain secure examination/assessment material.

Inappropriate Conduct During Assessment

- Disruptive, violent, or offensive behaviour.
- Communication with other learners/apprentices during assessment.
- Entering obscene words or pictures onto an examination paper.
- Failure to adhere to the instructions of an invigilator or supervisor.

Centre Staff and Wider Workforce

Breach of conduct of assessments and/or examinations and influencing the assessment or certification process

- Breach of confidentiality and/or security of assessment materials (during design or delivery)
- Breach of personal data
- Breach of controlled assessment conditions
- Replacing learners'/apprentices' work with alternative work
- Tampering with learners'/apprentices' work prior to submission for assessment, and/or assessment records

Title: Malpractice and Maladministration Policy and Procedure

- Fabrication of learners'/apprentices' work
- Improper support or over-assisting learners/apprentices during assessment
- Failure to carry out assessment in accordance with Gateway Qualifications' policies and procedures, and assessment regulations
- Fraudulent registration and/or claims for certificates, for example, claiming certificates for learners/apprentices who have not yet completed their units/assessments/qualification
- Persistent instances of maladministration
- Infringements identified during Gateway Qualifications monitoring, sampling or observation activities
- Recontextualising examination questions for learners/apprentices when acting as a reader
- Use of Learner details who have entered for qualifications in the past without their knowledge

- Action or inaction that gives rise to a Learner having an unfair advantage or causes a Learner to be disadvantaged, including incorrect application of reasonable adjustments
- Members of centre staff undertaking or amending learners'/apprentices' assessments
- Prompting learners/apprentices in the production of answers to an assessment
- Manipulating Learner samples for the purpose of external quality assurance/moderation
- Falsifying the signatures of learners, assessors, or IQAs for the purpose of validating or authenticating any qualification or records
- Misleading or false submissions of investigation reports
- Destruction of evidence including relating to a malpractice investigation

Failure to meet Gateway Qualifications' centre and qualification approval requirements

- Failure to store accurate records relating to learners/apprentices, assessments or internal quality assurance activities, or failure to maintain these records for the required period of time
- Failure to provide the staff, resources or systems needed to support the delivery, assessment, internal quality assurance or certifications claims
- Failure to operate sufficient processes to ensure the accuracy of certification claims
- Failure to inform Gateway Qualifications of changes in resources, staff and provisions to approved qualifications, where these differ from the time of approval
- Delivering qualifications that have not been subject to approval by Gateway Qualifications
- Delivering and/or making claims on expired qualifications after certification end date
- Inaccurate or deliberately misleading statements or submissions provided during the centre or qualification approval process, or at any time during the assessment process
- Failing to operate a Centre maladministration and malpractice policy and procedure
- Failure to respond to reasonable requests for information relating to an investigation
- Failure to provide Gateway Qualifications with access to premises, people or records for the purposes of conducting quality assurance and monitoring activity.
- Failure to implement specified remedial actions

Title: Malpractice and Maladministration Policy and Procedure

- Submission of an untrue, misleading or absence of conflict of interest declaration
- Failure to accurately market or promote qualifications, such as the Access to HE Diploma, resulting in misleading information about their recognition, status, or funding eligibility.

Providers or Employers – End-point Assessment

Tampering with submitted work, including projects, portfolios and assignments

- Manufacturing evidence of competence;
- False applications for special considerations and assessment adjustments
- Inaccurate or falsified evidence to justify assessment readiness
- Aiding the apprentice to answer questions in their assessments or producing assessment evidence beyond what apprenticeship assessment requirements allow

Gateway Qualifications' Staff and Wider Workforce

Apprenticeship Assessment

- Inappropriate behaviour during an assessment that causes offence to parties involved
- A breach of security such as a failure to keep assessment material secure and safe
- Deliberate destruction of, tampering with or adjusting submitted work, to include projects, portfolios and assignments
- Inadequate or incomplete guidance and advice regarding apprenticeship assessment requirements
- Inaccurate assessment recording that prevents accurate grade recording
- Failure to complete assessments as specified in the relevant assessment plan and standard specification
- Inaccurate presentation of occupational competence
- Inaccurate invigilation procedures followed.
- Aiding the apprentice to answer questions in their assessments or producing assessment evidence beyond what requirements allow
- Deliberately giving false assessment evidence, results and/or other documents relating to the assessment
- Infringements identified at quality assurance observations

Examples of Maladministration

Maladministration events may also constitute malpractice, depending on the circumstances and evidence brought to bear during an investigation. For example, multiple occurrences of maladministration could constitute malpractice.

Whilst not an exhaustive list, the following are some examples of Centre maladministration:

- Avoidable delay (e.g. failure to respond to requests in line with service level agreements)
- Mistakes arising from inattention
- Inadequate procedures

Title: Malpractice and Maladministration Policy and Procedure

- Failure to follow correct Policies and procedures
- Poor record keeping
- Inadvertent failure to take action
- Poor communication
- Inadvertently giving misleading or inadequate information
- Adaptations to our documentation without prior approval

Procedure for investigating and reporting on malpractice/maladministration

Reporting

Malpractice or maladministration can be identified or reported at any stage, for example, it could be during design/development, delivery/award, or via quality assurance of directly delivered or centre delivered assessments. It can be identified or reported by:

- Centres – including all Centre staff, associates, freelance staff and contractors
- Providers and employers (where applicable)
- Learners/apprentices
- Gateway Qualifications' staff members
- Gateway Qualifications' wider workforce
- Gateway Qualifications' Trustees and Committee members

Reporting Malpractice and Maladministration

Gateway Qualifications requires all Centres to report suspected or confirmed incidents of malpractice or maladministration, along with the outcomes of any investigations. This includes academic misconduct, such as plagiarism or unauthorised use of generative AI.

Gateway Qualifications must be notified via our website form: [Suspected Malpractice Form – Gateway Qualifications](#).

Failure to report allegations of suspected malpractice or maladministration to Gateway Qualifications may itself constitute malpractice.

- This form should be completed in full, and details of the suspected malpractice/maladministration should include the following, where applicable: Learner ID/U LN
- Centre staff details involved in the allegation
- Gateway Qualifications' staff member/wider workforce details (name, job role) if they are involved in the allegation
- Details of the activity affected
- Nature of the suspected or actual maladministration/malpractice and associated dates
- If applicable, details and outcome of any initial investigation carried out by the Centre under their Malpractice and Maladministration Policy
- Details and outcome of any initial investigation carried out by the Centre under their Malpractice and Maladministration Policy.

In the case of an allegation or suspicion of malpractice or maladministration, in some circumstances Gateway Qualifications will carry out the investigation, in other cases the Centre may be required to undertake the investigation under the guidance of Gateway Qualifications

Resubmission opportunities for Access to HE learners following academic misconduct are detailed in the Provider Handbook, published on the Gateway Qualifications website.

Gateway Qualifications' staff, wider workforce and Trustees/Committee members reporting procedure

Gateway Qualifications' staff, wider workforce, Trustees and Committee members who come across a case of, or suspect malpractice/maladministration, must immediately contact Gateway Qualifications.

This can be done by email to centre.compliance@gatewayqualifications.org.uk using the subject line 'reporting malpractice', or phoning the office and asking to speak to the Centre Compliance Manager.

Investigation Procedure

Gateway Qualifications will ensure that the person(s) responsible for undertaking any investigations possess(es) the appropriate expertise and is/are competent to carry out the investigation. The person(s) responsible for any investigation will not have any association with the subject of the investigation i.e. there must be no conflicts of interest present.

Investigation procedure
<p>Centres/Providers</p> <p>When an allegation of malpractice or maladministration has been received, or suspicion identified, regarding a Centre/Provider, staff, employer or a Learner, Gateway Qualifications will determine the investigation type.</p>
<p>Gateway Qualifications' staff and wider workforce</p> <p>Allegations that relate to Gateway Qualifications' staff or wider workforce will be fully investigated and dealt with in line with Gateway Qualifications' internal policies and procedures.</p> <p>When an allegation of malpractice or maladministration has been received, or suspicion identified, regarding staff or a member of the wider workforce, the investigation will be undertaken by person(s) with appropriate expertise and competence who has no conflict of interest.</p>
<p>Access to HE Diploma provision</p> <p>Gateway Qualifications will follow QAA required procedures.</p>

The fundamental principle of all investigations is to conduct them in a fair, reasonable, proportionate and lawful manner, ensuring that all relevant evidence is considered impartially. In doing so, investigations will be based on the following broad objectives:

- Establish the facts relating to the allegation or suspicion to determine whether any irregularities have occurred. It is important to remember that just because an allegation has been made it should not be assumed that any irregularity has occurred
- Establish the facts, circumstances, and scale of the allegation
- Identify the cause of the irregularities and those involved
- Identify and, if necessary, act to minimise the risk to learners/apprentices and requests for certification

Title: Malpractice and Maladministration Policy and Procedure

- Evaluate any action already taken by the Centre
- Identify any patterns or trends
- Identify any changes which may be needed to Gateway Qualifications' policies and procedures.

An evidence checklist and investigation timeline will be set up immediately and an investigation plan prepared.

Gateway Qualifications will ensure that all information collected as part of an investigation is kept securely.

If additional activity is required to support the investigation, or as monitoring upon conclusion, this may be charged in line with Gateway Qualifications' Fees and Expenses as listed on our website.

Gateway Qualifications will ensure that the Head of Centre/Provider, or responsible person, or those subject to investigation if appropriate, is/are kept informed of progress with regards to any investigation.

Investigation Findings

The outcome of any investigation will depend on the nature of the allegation, whether the allegation is proven and what was found through the investigation process. The findings of any investigations conducted by Gateway Qualifications will be communicated to the affected parties.

Outcomes and Sanctions

The action Gateway Qualifications may take includes, but is not limited to:

- Imposing actions on a Centre with specified deadlines, in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- Imposing sanctions on a Centre wherein these will be communicated in accordance with the Gateway Qualifications' Sanctions Policy, along with the rationale for the sanction(s) selected
- In cases where certificates are deemed to be invalid, informing the Centre concerned and the regulatory authorities why they are invalid, and any action to be taken for reassessment and/or for the revoking of any certificates
- Amending aspects of our qualification assessment or monitoring arrangements, and associated guidance, to prevent the event from reoccurring
- Refusing to accept registrations and/or assessment bookings.
- Stopping access to or suspending delivery of an assessment.
- Termination of the Centre terms and conditions/EPA agreement.

Invalidate claims for an apprenticeship certificate. Examples of sanctions that may be applied to Centres/Providers where malpractice or maladministration is found can be found in Gateway Qualifications' Sanctions Policy.

Whistleblowing

Whistleblowing is a way in which an individual, usually a staff member within a Centre or Provider, can raise a concern about wrongdoing, non-compliance, risk or malpractice .

Whistleblowing is distinct from both complaints and employment disputes or grievances that an individual may have.

Concerns that may be raised include, but are not limited to:

- Malpractice or maladministration in the delivery or assessment of qualifications
- Breaches of regulatory requirements or awarding organisation standards
- Fraud, corruption, or dishonest practices
- Any actions that could damage the integrity or reputation of qualifications

Note: Whistleblowing does not apply to either making a complaint or an appeal.

Confidentiality, Anonymity and Protection

All concerns will be treated seriously and handled in confidence. Where a concern is raised anonymously, we will take all reasonable steps to protect the individual's identity.

We will never disclose your name or identifying details to those named in the allegation. Where appropriate, we will seek to substantiate concerns through alternative methods, such as independent evidence, monitoring, or audit. However, there may be instances where it is necessary to share details of the concern with the Centre as part of a fair and thorough investigation, though your personal details will not be disclosed.

Whilst we will always do our best to preserve anonymity, individuals should be aware that, due to the nature or detail of some allegations, it may be possible for an approved Centre or others involved to make assumptions about the source of the concern. Where contact details are provided, personal information will be kept confidential and only shared where legally required.

Gateway Qualifications may need to disclose an individual's identity to:

- The police, fraud prevention agencies, or other law enforcement bodies.
- The courts, in connection with legal proceedings.
- Any other party where there is a legal obligation to disclose the identity.

How to Raise a Concern

Concerns can be raised confidentially via:

- Our online webform: [Suspected Malpractice or Maladministration Form - Gateway Qualifications](#)
- Email: Centre.compliance@gatewayqualifications.org.uk
- Phone: 01206 911 211

Reports should include as much detail as possible, such as:

- The nature of the concern

Title: Malpractice and Maladministration Policy and Procedure

- Names of individuals or Centres involved
- Dates, locations, and any supporting evidence

Investigation Process

All concerns will be assessed promptly and addressed in line with this policy. Substantiated allegations may result in corrective action, sanctions, or referral to regulators or external agencies.

Feedback

Where possible, we may provide feedback on the outcome. However, there may be limitations due to confidentiality or legal considerations.

Appeals

Centres and others have the right to make an appeal against Gateway Qualifications' decision to impose a sanction. Please refer to our Appeals Policy and Procedure or Access to HE Learner Appeals Policy.

Notifying relevant parties

Gateway Qualifications is required to report allegations of malpractice/maladministration to the relevant Regulator where there is a potential or actual Adverse Effect, or circumstances prescribe such a course of action. In such circumstances, the outcome of any investigation will be provided to the Regulator too.

Regulatory requirements also mean that where Gateway Qualifications has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence:

- may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and
- may affect another awarding organisation, it must inform that awarding organisation.
- may have applied an advantage or disadvantage to an apprentice or group of apprentices undertaking apprenticeship assessment.

Gateway Qualifications will immediately inform QAA of any significant incidents that occur where there is an actual or potential impact on students or an event may threaten the reputation of the Access to HE qualification, the Recognition Scheme or QAA, or that damages the goodwill or reputation in the Access to HE logo.

Gateway Qualifications may also inform other third parties, where appropriate (e.g. qualification funding bodies, student loan company) of our findings in case they need to take relevant action.

Where there is a credible allegation of suspected malpractice or maladministration that could constitute criminal activity, Gateway Qualifications will consider whether there is a requirement to notify the police or any other such relevant authority.

In all instances, Gateway Qualifications' will protect personal data and comply with data protection requirements, unless where it is legally required to do so.

Review arrangements and monitoring

Gateway Qualifications will periodically review this Policy and the associated procedures and revise as necessary. As part of the review consideration will be given to feedback received and regulatory/legislative requirements.

If you would like to feedback on any views on this Policy, please contact us via the details provided at the end of this document.

Gateway Qualifications' Quality and Standards and Access to HE Committees are responsible for monitoring the effectiveness of the application of this Policy. An annual summary is also submitted to the Board of Trustees for monitoring and ratification.

Legal and Regulatory References

UK regulators require all awarding organisations to establish and maintain their compliance with regulatory conditions and criteria. As part of this process, policies that relate to Gateway Qualifications' status as an awarding organisation will reference any conditions and criteria that they address.

This Policy addresses the following legislation and/or regulatory requirements:

Regulator or Relevant Governing Body	Reference Details	Legislation/Regulatory Reference
Ofqual	General Conditions of Recognition	Condition No: A4: Conflicts of Interest A8: Malpractice and maladministration B3: Notification to Ofqual of certain events C2: Arrangements with Centres D4: Responding to enquiries and complaints procedures G4: Maintaining the confidentiality of assessment materials, including the conduct of specified training
Qualification Wales	Standard Conditions of Recognition	Condition No: A4: Conflicts of Interest A8: Malpractice and maladministration B3: Notification to Ofqual of certain events C2: Arrangements with Centres D4: Responding to enquiries and complaints procedures G4: Maintaining the confidentiality of assessment materials, including the conduct of specified training
Qualification Assurance Agency	QAA Licensing Criteria (until 31 st July 2026)	Criteria No: 9 Governance 21, 25 Planning and risk 51, 57: Provider approval and withdrawal of approval
	QAA Access to HE Conditions (from 1 st August 2026)	Condition E3: Academic misconduct (including generative artificial intelligence)

Contact us

If you have any queries about the contents of the policy, please contact:

Telephone: 01206 911211
 Email: enquiries@gatewayqualifications.org.uk
 Post: Gateway Qualifications, Gateway House, 6 Tollgate Business Park,
 COLCHESTER, CO3 8AB

Document Controls

Document Name	Malpractice and Maladministration Policy and Procedure
Version	9.4
Approval Date	May 2026
Review Date	May 2028
Owner	Director of Awarding

Revision History

Revision Date	Version	Updated By	Summary of Changes
May 2026	9.4	Director of Awarding	<p>Added clarity around fees and charges for additional Quality Assurance/Centre Compliance activities related to M&M.</p> <p>Updated whistleblowing section to provide further clarity and context.</p> <p>Update to remove references relating to End-point Assessment with Apprenticeship Assessment as applicable.</p> <p>QAA Regulatory reference update to show the Conditions effective from 1st August 2026 and Licence Criteria effect to 31st July 2026.</p>
October 2025	9.3	Quality Improvement Manager	Academic misconduct added to definitions. Clarification that academic misconduct is a specific type of learner malpractice.
May 2025	9.2	Centre Compliance Manager	Policy transferred to the new policy document template.

			<p>Statement added regarding precedence of a malpractice or maladministration investigation over a complaint.</p> <p>Revised and updated plagiarism examples.</p> <p>Notifying third parties: activity that may constitute criminal activity may be reported to the police.</p>
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