

# | LSB Malpractice Policy

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## Part A - Policy

### 1. Scope of the Policy

This policy aims at all our key stakeholders, namely staff and learners within and outside the UK, dealing with LSB products and services and suspected or actual Malpractice. The policy sets out how learners or other personnel should work with us to deal with such cases and the steps that must be followed when reporting suspected or actual malpractice cases. It also identifies LSB's responsibilities in dealing with such cases and the steps that will be followed when reviewing such cases.

### 2. Definitions of Malpractice

For this policy, 'Malpractice' is defined as:

- 'non-compliance with the regulations of the assessment process, which may adversely affect the integrity of a qualification, its assessment, and learner certificates' validity.
- This policy also includes some forms of misconduct and forms of unnecessary discrimination or bias towards certain groups or groups of learners.
- May include a range of issues, from failure to maintain appropriate records or systems to the deliberate falsification of records.

Malpractice includes:

- maladministration
- failure by the centre to maintain appropriate records or systems
- the deliberate falsification of records or documents
- acts of plagiarism or other forms of academic misconduct

### 3. Examples of Actions that may constitute Malpractice

Examples of staff and learner malpractice are provided below. Please note that these examples are not exhaustive.

#### 3.1 Examples of Learner Malpractice

- **Cheating** - This includes communicating with or copying the work of another learner during an examination; introducing written or printed material into an examination room; possession of any materials not permitted in the room, regardless of whether they are relevant to the assessment such as electronic devices including mobile phones, personal organisers, books, dictionaries/calculators (when prohibited).
- **Collusion** - This is when a learner submits work as their own when, in reality, it is done in collaboration with another person. This word also includes actions where a learner knowingly permits another learner to copy all or part of their work and submit it as an original piece of work.
- **Falsifying Data** - This could take place in, for example, research projects when learners gather and use primary data to support an argument.
- **Fraudulent Claims** for special consideration while studying or for assessment. It might include forged or falsified documentation.
- **Ghosting** - occurs when a learner submits work as their own when produced in whole or part by another person on their behalf. It would include the buying of assignments from the internet.

- **Plagiarism** - This is defined as the presentation of work by learners as their own, without appropriate acknowledgement that the source belongs to others. It would include the summarising of someone else's work by simply changing a few words or altering the order of presentation; the inclusion of another person's work without the use of quotation marks and acknowledgement of the sources; the use of the ideas of another person without acknowledging the source, copying another learner's work.

### 3.2 Examples of Staff Malpractice

- Approving a learner for copying another learner's assignment work or allowing a learner to let their work be copied.
- Completing an assessed assignment for a learner or providing them with assistance beyond that normally expected.
- Producing, using or allowing the use of forged or falsified documentation, for example, with supporting evidence provided for reasonable adjustment or special consideration applications
- Failing to report a suspected case of learner malpractice, including plagiarism, to the relevant personnel at the centre within stated timescales.
- Failure to keep tests or examination papers/assignments or other assessment materials secure, before during or after an examination.
- Allowing a learner to possess and use material or electronic devices that are not permitted in the examination room.
- Allowing learners to communicate by any means during an examination in breach of any regulations laid down.
- Leaving learners unsupervised during an examination.
- Not maintaining accurate records of assessment or verification decisions, leading to a lack of certainty about final judgements.
- Failure to keep learner computer files secure.
- Not keeping learner work (assessed or unassessed) secure, leading to malpractice concerns, including authenticity.

### 4. Dealing with Malpractice

Following the requirements of the regulatory authorities, all allegations of Malpractice must be investigated. The nature of the investigation and actions taken if Malpractice is proven will be commensurate with the nature and the gravity of the Malpractice. LSB regards all allegations and suspicions of Malpractice as potentially serious issues, and as such, all must be investigated and recorded formally, no matter how trivial they may at first appear.

### 5. Copies of the Policy

Staff members and learners can request copies of the policy by emailing [london@lsbuk.com](mailto:london@lsbuk.com). We have also signposted the policy and included it in the staff/ learner handbook.

### 6. Responsibility of Staff & Learners

All personnel involved in the management, assessment and quality assurance of LSB must be fully aware of the contents of this policy. LSB staff and learners must be clear that LSB will need to be informed of alleged malpractice cases and will take action as appropriate.

When a staff member or learner is joining LSB, he/ she will need to confirm that they have read and understood the LSB Malpractice Policy. They must ensure these policies are fully implemented and strictly adhered to the documentation's procedures.

A failure by a staff member to avoid or report suspected or actual cases of Malpractice or a failure to have in place adequate arrangements to prevent such cases or learner to abide by them may lead to sanctions being imposed on them.

Examples of cases where staff member should inform LSB management are as follows:

- a member of staff or learner is suspected of Malpractice;
- malpractice is systemic across a group of learners;
- the Malpractice calls into question the validity of a previous result;
- forged/fake certificates have been identified.

This list is not exhaustive, and staff members should seek advice if they are not sure when cases should be reported. A staff member/ learner that requires guidance or advice on how to prevent, investigate and deal with Malpractice and maladministration should contact LSB which will provide such advice and guidance.

A staff member's/learner's compliance with this policy and how it takes reasonable steps to prevent and investigate instances of Malpractice in the institute will be reviewed by LSB periodically through monitoring arrangements.

## 7. Monitoring and Review

LSB will review this policy annually, or as required, LSB will take into account the operation of the policy in the previous period, feedback from staff and learners, or changes brought about by external agencies and regulatory authorities. The review will ensure that procedures continue to be consistent with the regulator's Conditions of Recognition and are applied correctly and fairly in arriving at judgements.

## Part B - Process

### 1. Detecting learners' plagiarism

There are systems in place which check for plagiarism. Assessors should be alert to learner work that is not referenced. There are style changes in the text of a work: unnecessary punctuation marks/symbols used between words visibly or unseen, or where work is significantly different in standards than other work, both oral and written, produced by the learner. This would raise levels of suspicion and show that the work needs careful checking.

Plagiarism reports should be attached to the front of every assignment submitted for External Verification. LSB is working with [www.Quetext.com](http://www.Quetext.com) to offer an online plagiarism detection tool to support this process.

It is essential to understand that the software does not check for plagiarism; it checks for matched text. It is possible that a piece of work, for example, for a literature review, will have a high percentage of matches, as there could be a large number of quoted sections. So, the work may not be plagiarised. The rate stated in the report is a guide to raise levels of suspicion about whether the work is original or not.

There is no set rule to decide which percentage dictates whether the learner work has been plagiarised, and it is an academic judgement. The following is a guide.

1. **Scores of 10% or less.** This work will typically include some quotes and some common phrases that match other documents. This score will indicate that the learner work does not require further checking.
2. **Scores of between 10-20%.** This is a tricky area and will require a careful check. If the matched material is concentrated in one, two sections or some rewording but from a recognised source, this could be plagiarised.
3. **Scores of between 20-40%.** This work will include extensive quoted or paraphrased material that may be plagiarised. The learner work will require further checking; the matched material is concentrated in certain sections of the work and is not attributed.
4. **Scores over 40%.** There is a high probability that the learner work is copied from other sources. The work may well have excessive quoted or paraphrased material and should be checked for plagiarism.

## 2. Allegations of Malpractice

### 2.1 Suspected Malpractice

Suspicion of malpractice may arise from various sources of information, for example, during the assessment of learner work, analysing plagiarism reports or assessment records.

Information may also have been brought to staff's attention by colleagues or learners, or people external to LSB. Allegations may also be made indirectly via a third party (for example, the police or regulatory authority).

### 2.2. Terminology

In all cases, to avoid misunderstanding until an investigation has been completed and the allegation or suspicion proved, LSB will use the terms 'alleged malpractice or maladministration' or 'suspected malpractice or maladministration', as appropriate to the circumstances, concerning the case in question.

### 2.3 Process

Allegations should usually be made in writing. Where an allegation is made orally, the receiver of the allegation should attempt to obtain written confirmation from the person making the allegation. Still, if this is not possible, they should make a written record. In such cases, care will need to be taken in noting the details of the allegation accurately.

All allegations should include (where possible):

- Staff member's/learner's details; name, designation, address and number
- elements of the qualification/s affected or nature of the service affected
- nature of the suspected or actual malpractice and associated dates
- details and outcome of any initial investigation carried out by anybody else involved in the case

In all suspected/ proven cases, malpractice should be reported to relevant awarding bodies/ authorities.

## 2.4 Anonymous Allegations

An anonymous allegation should typically only be acted upon if there is sufficient supporting evidence but may require investigation without such evidence depending on the nature of the allegation. While LSB is prepared to investigate issues reported anonymously and/or by whistle-blowers, it will always try to confirm an allegation through a separate investigation before taking up the matter with those persons about whom the complaint or allegation relates.

Sometimes a person making an allegation of malpractice may wish to remain anonymous. Although it is always preferable for 'informants' to reveal their identity and contact details to LSB, they may be concerned about possible adverse consequences and request LSB not to divulge their identity to third parties. If it helps to reassure the 'informant' on this point, LSB should confirm that it is not obliged to disclose the information if to do so would be a breach of confidentiality and/or any other legal duty.

## 3. Procedures to be followed in Cases of Alleged or Suspected Malpractice

These procedures are designed to cover a wide range of circumstances concerning the subject of the allegation or suspicion, the person making the allegation or developing the suspicion, the person or organisation receiving the allegation, the nature and gravity of the alleged malpractice. Examples of malpractice may arise where these procedures are not wholly appropriate, and they may need to be adapted in some cases to suit the actual circumstances.

### 3.1 Alleged or Suspected Malpractice by Staff/ Learners

#### a. Initial Response

Incidents of learner/ staff malpractice should be recorded and filled with evidence.

The alleged individual/s are/ is also informed that the report will be sent to the Standards Manager of LSB for checking and approval. LSB will also formally write to the subject leader/ department head and request information so that an investigation into the malpractice and appropriate action can be undertaken.

LSB reserves the right to issue advice to the learner/ staff member on the conduct of any preliminary investigation, require the involvement of relevant staff in the investigation, or conduct the investigation itself should the circumstances appear to warrant such a course of action.

#### b. Procedures

- inform the staff member/ learner in writing at the earliest opportunity of the nature of the alleged or suspected malpractice, of the procedures that will be followed, and the possible penalties if malpractice is proved
- undertake an investigation of the allegation or suspicion
- provide the staff member/ learner with an opportunity to contest or refute the allegation or suspicion, either in writing, or at a hearing, or both
- allow the staff member/ learner to be accompanied by a friend at any hearing
- make a decision based on the investigation and hearing

Ensure that the person or persons conducting the investigation, any hearing, and making any decision;

- are not the same as the person making the allegation or raising the suspicion
- have sufficient professional standing and authority, and, if necessary, have the appropriate subject knowledge
- inform the staff member/ learner of the outcome in writing
- where malpractice is proved, immediately inform relevant authorities in writing
- keep a full case record and make available such a record to relevant authorities on request

### c. Penalties

The following penalties may be imposed, depending on the nature and gravity of the malpractice:

Learner:

- a written warning
- not achieving the unit concerned
- not achieving in all units in the qualification concerned
- disqualification from the qualification concerned
- learner is barred from registering for qualifications for a set period of time
- a combination of two or more of the above
- other actions

Staff member:

- a written warning
- a penalty on benefits
- suspended work
- discontinuation of work
- other actions

Where the malpractice appears to involve a criminal offence, it may be appropriate to report the case to the police.

### d. Case Records

Case records should include:

- a statement of facts
- a detailed account of the circumstances
- names of all persons involved and their roles in the case
- copies of any written statements by learners and staff
- details of the investigation carried out and a record of any hearing
- copies of any learner's work that is the subject of the allegation or suspicion of malpractice
- a record of the decision
- copies of the procedures for informing learners of assessment regulations/informing staff of admin regulations

- a record of the proposed penalty imposed if the allegation or suspicion is upheld (and a record of the confirmed penalty once this is agreed upon)

#### e. Appeals

Where a staff member/ learner wishes to appeal against the decision, he/she should use the appeals process.

#### f. Responsibility

The Standards Manager has ultimate responsibility for ensuring the investigation is carried out promptly and effectively and by the procedures in this policy.

The Regional Operations Manager will allocate a relevant staff member to lead the investigation and establish whether or not the malpractice has occurred, and review any supporting evidence received or gathered by LSB.

At all times, LSB will ensure that personnel assigned to the investigation have the appropriate level of training and competence. They have had no previous involvement or personal interest in the matter.

#### g. Notification

In all cases of suspected or actual malpractice, LSB will notify the person involved in the allegation that LSB will be investigating the matter – in doing so, it may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

Where applicable, LSB will inform the appropriate regulatory authorities if there is a reason to believe that there has been an incident of malpractice which could either invalidate the award of the qualification learner is sitting for, if it could affect another award he/ she is related to, or it is regulatory to do so.

#### h. Investigation Timescales and Procedures

LSB normally aims to complete all stages of the investigation within 10 working days of receipt of the allegation and no more than 20 working days. In some cases, the investigation may take longer, for example, if external visits are required. LSB will advise all parties concerned of the likely revised timescale in such instances.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and lawful manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- to establish the facts relating to the allegation, suspicion or complaint to determine whether any irregularities have occurred
- to identify the cause of the irregularities and those involved
- to establish the scale of the irregularities

- to evaluate any action already taken by any relevant party
- to determine whether remedial action is required to reduce the risk to currently registered learners and to preserve the integrity of the qualification
- to ascertain whether any action is required in respect of certificates already issued
- to obtain clear evidence to support any sanctions to be applied to the learner and/or to members of staff
- to identify any adverse patterns or trends

The investigation may involve a request for further information from relevant parties and/or interviews with the investigation personnel. Therefore, LSB will:

- Ensure all the materials collected as part of an investigation are kept secured. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against an accused will be retained for a period of not less than five years. If an investigation leads to invalidation of certificates or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case, and any appeals have been heard and for five years thereafter.
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

Either at the time of notification of a suspected or actual case of malpractice and/or at any time during the investigation, LSB reserves the right to impose sanctions on the person concerned to protect the interests of learners and the integrity of the qualifications.

LSB, in consultation with the awarding body, also reserves the right to withhold a learner's and/or cohort of learners' results for all the qualifications and/or units they are studying at the time of the notification or investigation of suspected or actual malpractice.

LSB finds that the complexity of a case or a lack of cooperation from relevant parties means that it cannot complete an investigation. It may consult the relevant regulatory authority to determine how best to progress the matter.

### **i. Investigation Report**

LSB will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required. In cases where the original notification of the suspected or actual case of malpractice came from a person or organisation external to LSB, it will also inform them of the outcome – normally within 10 working days of making the decision - in doing so, it may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty. In some cases, LSB may ask parties to check the report for factual accuracy before its finalisation, and any proposed changes will be considered.

### **Investigation Outcomes**

If the investigation confirms that malpractice has taken place, LSB will:

- impose appropriate actions about the accused with specified deadlines to address the instance of malpractice and to prevent it from recurring
- impose appropriate sanctions– if so, these will be communicated to relevant parties
- Along with the rationale for the sanction(s) selected. Examples of sanctions include:
  - suspending individual staff member, learner or group registrations
  - withholding results
  - withdrawing approval for any assessor/internal verifier implicated
  - in malpractice
  - applying a penalty on benefits of the staff member
- in cases where certificates are deemed to be invalid:
  - in form the regulatory authorities of the reasons why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates
  - inform the affected learners of the action LSB is taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to LSB
- amend its database as per the new status of the award
- amend as appropriate aspects of its qualification development, delivery and awarding arrangements and assessment and/or monitoring arrangements and associated guidance to prevent the issues from recurring
- inform relevant third parties of its findings in case they need to take relevant action
- inform the appropriate regulatory authority(s)

Besides the above, the Investigating Officer will record any lessons learnt from the investigation and pass these onto relevant colleagues within LSB to help prevent the same instance of malpractice from recurring.

## j. Appeals

Where a malefactor wishes to appeal against the decision, he/she should use the procedures as described at the end of this document.

### Appeals against Sanctions

A staff member or learner wishes to appeal against LSB's decision and subsequent sanctions; they can appeal by writing to the LSB Standards Manager. The appeal must be made within 5 working days of the notification of the outcome of the sanctions.

In the communication, please include:

- The reason/s why you believe the original decision and sanctions were not justified
- Any further information to support the appeal

You will receive acknowledgement of your appeal within 3 working days of receipt.

On receiving your communication, LSB will review the original response you received in light of the additional information presented. If the matter has been fully addressed and there is no further

information, the appeal will be closed. If the initial response did not deal with all the additional information, the original decision would be reviewed.

You should expect to receive a written response from the Standards Manager within 7 working days of the appeal's acknowledgement. They must discuss the matter internally with a panel of senior staff, which will review all the information provided so their decision is final. The panel of staff involved in the discussions will not have been involved in the initial review or decide the imposed sanctions.