



PART OF **nocn** GROUP



Malpractice

1. Purpose

1.1 This section aims to:

- Define the malpractice in the context of assessment and
- Set out the rights and responsibilities of **NOCN**.

1.2 Malpractice is deemed to be those actions and practices which threaten the integrity of the assessment instruments and the publishing of End Point Assessment results. The term 'malpractice' is intended to encompass other similar terms such as 'non-compliance', 'misadministration' and 'professional misconduct'.

2. Apprentice Malpractice

2.1 The following are examples of malpractice by apprentices. Other instances of malpractice may be considered by NOCN at their discretion.

- Plagiarism by copying and passing off, as the apprentice's own, the whole or part(s) of another person's work, including artwork, images, words, computer generated work (including internet sources), thoughts, inventions and/or discoveries whether published or not, with or without the originator's permission and without appropriately acknowledging the source
- Collusion by working collaboratively with other apprentices to produce work that is submitted as individual apprentice work
- Introduction of unauthorised material into the End Point Assessment room, for example, notes, textbooks, reference material
- Impersonation by pretending to be someone else, in order to produce the work for another or arranging for another to take one's place in an assessment/examination/test
- Fabrication of results and/or evidence
- Failing to abide by the instructions or advice of an End Point Assessor, supervisor, invigilator, or any Apprentice Assessment Organisation conditions, in relation to the End Point Assessment, regulations and security
- Introduction and/or use of unauthorised material, contra to the requirements of supervised End Point Assessment, for example: notes, study guides, personal organisers, calculators, dictionaries (when prohibited), personal stereos, mobile phones or other similar electronic devices
- Obtaining, receiving, exchanging or passing on information which could be End Point Assessment related (or the attempt to) by means of talking or written papers/notes during supervised End Point Assessment
- The inclusion of inappropriate, offensive or obscene material in assessment tasks
- The deliberate destruction of another's work
- Behaving in such a way as to undermine the integrity of the assessment and
- Acting in a disruptive manner.

3. Malpractice discovered by NOCN

3.1 If malpractice is discovered by **NOCN** End Point Assessor or representative of **NOCN**, during an End Point Assessment, or in summative review of the Assessment evidence, the suspension or postponing of the End Point Assessment process will take place.

3.2 Full details of the case will be submitted to the Assessment Team at **NOCN**. The details of the alleged malpractice will then be investigated by the Assessment Team or appointed **NOCN** representative.

3.3 All End Point Assessments associated with the apprentice will be suspended until the outcomes of the **NOCN** investigation have reached a conclusion.

4. Malpractice discovered by the Training Provider

4.1 If malpractice is discovered by the apprentice's Training Provider, whilst on programme, full details of the alleged malpractice, must be reported to the Assessment Team at **NOCN** as soon as possible, before any End Point Assessments can be scheduled.

4.2 End Point Assessments which are scheduled for the associated apprentice, will be suspended until the Training Provider has reached the conclusion of their malpractice investigation.

5. Malpractice discovered by the Apprentice's Employer

5.1 If malpractice is discovered by an apprentice's Employer, during an End Point Assessment, it must be reported to **NOCN's** appointed End Point Assessor. The details of the alleged malpractice will then be reported to the Assessment Team or appointed **NOCN** representative, who in turn will conduct a malpractice investigation.

5.2 During the investigation, a full account of the incident will be submitted together with supporting evidence and an indication of which regulation, procedure, policy or specification requirement has not been adhered to.

6. Procedure for investigating alleged malpractice

6.1 Allegations of malpractice must be reported to **NOCN**, by End Point Assessors, Training Providers, Employers, Examination Moderators, apprentices and members of the public, to ensure a strong and robust End Point Assessment process. When dealing with alleged malpractice, **NOCN** will deal primarily with the Training Provider's main point of contact, with regards to End Point Assessment. In certain circumstances, for example, when an apprentice's account of events differs with that of the Training Provider's, **NOCN** may deal directly with the apprentice or their representative.

7. Access to Evidence

7.1 **NOCN** will not normally withhold any evidence relevant to cases of suspected malpractice from the Training Provider. Occasionally it may be necessary to do so, for example where it is important to protect the integrity of an informant. In all such cases, **NOCN** will provide summaries of evidence and a statement as to why the evidence itself cannot be presented in its original form.

7.2 It is at the discretion of the Training Provider as to how evidence is presented to the individuals suspected of malpractice. **NOCN** requires that individuals subject to a malpractice investigation have access to all evidence against them and are provided with sufficient time to allow the apprentice to prepare full responses.

8. Reporting

8.1 It is the responsibility of the Training Provider and/or relevant employer, to submit to **NOCN** a full written report of any investigations and to provide the following where appropriate:

- A statement of the facts, a detailed account of the circumstances and the details of any investigations carried out by the Training Provider
- Written statement(s) from the on-programme Assessors or any other staff concerned;
- Written statement(s) from the apprentice concerned
- Any information, where relevant, from the Training Provider or employer if the suspected allegation took place during the on-programme phase of the apprenticeship
- Any seized unauthorised material found in the assessment room and
- Any work produced by the apprentice and any associated material that is relevant to the investigation.

9. NOCN Response

9.1 When an investigation indicates evidence of malpractice, **NOCN** will appoint a panel, chaired by the Head of Assessment, including the Head of Assurance, The Deputy Managing Director and any other suitably appointed persons, which may support the scrutiny of the alleged malpractice. The panel may delegate responsibility for deciding certain straightforward cases to named officers of **NOCN**.

9.2 The panel must establish that correct procedures have been followed in the investigation of cases. The panel, or officers of **NOCN** acting under delegated authority will determine:

- Whether the assessment policy and/or procedures have been broken
- Where the culpability lies for the breach of the regulations
- Appropriate measures to be taken to protect the integrity of the assessment and prevent future breaches and
- The nature of the sanctions to be applied/action to be taken.

9.3 Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available.

9.4 **NOCN** will impose sanctions on individuals found guilty of breaking **NOCN's** assessment policies and procedures to:

- Maintain the integrity of the assessment and the confidence in the End Point Assessment Process
- Ensure that there is nothing to gain from breaking the assessment policies and procedures and
- Deter others from doing likewise.

10. Sanctions applied following NOCN's

10.1 Where an investigation establishes malpractice by an apprentice, **NOCN** may at its discretion, impose the following sanctions against apprentices found guilty of breaking the regulations:

- The apprentice is issued with a warning
- The apprentices' grade is voided for an individual assessment instrument
- The apprentices' grade is voided for the overall End Point Assessment
- The apprentice is disqualified from the whole apprenticeship Assessment Process
- The apprentice is barred from entering one or more assessments with **NOCN** for a set period
- In serious cases of malpractice, **NOCN** may report the case to the police and/or
- The Training Provider retains sole discretion to take any further action regarding withdrawal or termination of enrolment from any specific professional qualification, where the registration resides outside **NOCN**.

10.2 The applications of sanctions are at the discretion of **NOCN**, (with the exception, of registrations/enrolments outside of **NOCN**) and will reflect the circumstances of each case and any mitigating factors. Sanctions will be based only on the evidence presented and will be justified, reasonable and appropriate to the scale of the offence, ensuring consistency in their application. All sanctions applied will remain on record at **NOCN**.

11. Training Provider Malpractice

11.1 Sanctions may be applied against the Training Provider, where **NOCN** prove that malpractice has been committed by the Training Provider. **NOCN** reserve the right to invoke any of the contracted articles where **NOCN** feel a breach in policy has been committed.

11.2 Examples of Training Provider malpractice would include:

- The unauthorised obtaining, disseminating, or the facilitating of access to secure examination/assessment material
- Members of Training Provider staff undertaking any examination on behalf of an apprentice
- Assisting or prompting apprentices in the production of answers to assessment questions or assessment evidence, beyond that which is permitted
- Any action or inaction that allows apprentices to have an unfair advantage
- Falsification or fabrication of apprentice's evidence, observation records, certification claims or results documentation and any other records or documentation pertaining to End Point Assessment or **NOCN** qualification and/or
- Failure of a member of Training Provider staff to report any instances of malpractice or suspected malpractice as defined in this section.

12. Member of the public reporting malpractice

12.1 Members of the public who wish to report malpractice can do so by reporting their concerns to **NOCN**, a member of the assessment team will acknowledge the report and arrange a telephone interview with the person who reported the malpractice to gather more information.

12.2 However, those disclosing information should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure. Information received in disclosures may be shared with third parties where necessary.

Anonymous disclosures will be considered but it may not always be possible to investigate them.

12.3 **NOCN** will ask to be provided with as much evidence as possible to support the disclosure. Each disclosure will be considered sensitively and carefully, and appropriate action will be taken. It should be noted, however, that our ability to investigate allegations will be dependent on the availability of documentary evidence. This becomes more difficult to produce and authenticate after a considerable amount of time has elapsed. Therefore, we encourage anyone who suspects malpractice to notify us as soon as possible.

12.4 The Assessment Team cannot disclose to an informant the outcome of an investigation or any action that is taken against a centre as a result of an investigation.



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