



Malpractice Policy

This policy is reviewed annually to ensure compliance with current regulations

| Approved/reviewed by | |
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This document details the procedures to be followed in cases where there is reason to suspect malpractice, the procedures for investigating and determining allegations of malpractice and breaches of security – the contents are based on current Joint Council for Qualifications (JCQ) guidance.

Instances of malpractice arise for a variety of reasons:

- some incidents are intentional and aim to give an unfair advantage in an examination or assessment;
- some incidents arise due to a lack of awareness of the regulations, carelessness, or forgetfulness in applying the regulations;
- some occur as a result of the force of circumstances which are beyond the control of those involved (e.g. a fire alarm sounds and the supervision of candidates is disrupted)

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to examinations and assessments will be investigated. This is to protect the integrity of the qualification and to be fair to the Examination Centre (The ABPI) and other candidates.

The ABPI Examinations Director is the individual who is accountable to the accrediting body for ensuring that ABPI examination delivery is always compliant with the published regulations and awarding body requirements to ensure the security and integrity of the examinations/assessments.

‘Malpractice’, means any act, default or practice which is a breach of the Regulations or which:

- gives rise to prejudice to candidates; and/or
- compromises public confidence in qualifications; and/or
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or

- damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre.

Since novel or unexpected forms of malpractice emerge as technologies and the nature and organisation of examinations change, malpractice may or may not relate directly to sitting an examination.

The following are types of malpractice:

- breach of security;
- deception;
- improper assistance to candidates;
- failure to co-operate with an investigation;
- maladministration;
- candidate malpractice;
- use of digital technologies to gain unfair advantage.

The regulators' *Conditions of Recognition* state that awarding bodies must:

- establish and maintain, and at all times comply with, up-to-date written procedures for the investigation of suspected or alleged malpractice or maladministration; **and**
- ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

The ABPI recognises that regardless of whether the allegation of malpractice is proven or not, in order to ensure the integrity of, and public confidence in, future examinations, the accrediting body may undertake additional inspections and/or monitoring, and/or require additional actions.

Furthermore, the awarding body reserves the right to notify the police or other law enforcement or investigating bodies, should the allegation disclose the potential commission of a crime.

In the case of candidate malpractice, if, in the view of the Examinations Director as investigator, there is sufficient evidence to implicate an individual in malpractice, the candidate will:

- be informed (preferably in writing) of the allegation made against the candidate;
- know what evidence there is to support the allegation;
- know/be reminded of the possible consequences should malpractice be proven;
- have the opportunity to consider their response to the allegations (if required);
- have an opportunity to submit a written statement;
- have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required);
- have an opportunity to pursue a Second-Line Appeal in line with ABPI Exam Regulations;

- be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators and other appropriate authorities.

Procedures:

The handling of malpractice complaints and allegations involves the following phases:

- the allegation;
- the investigation;
- the report;
- the decision;
- the appeal.

The Allegation

The following sections of the ABPI Exam Regulations relate to allegations of malpractice:

41. Candidates will be liable to disciplinary hearings as laid down in these regulations for irregular conduct relating to an exam including but not limited to:

- attempts to cheat at the ABPI examination
- cheating by reviewing an unauthorised copy of an exam or exam answers before taking the online exam
- cheating by attempting to copy or otherwise view or steal someone else's exam responses
- accepting a bribe related to taking the examination
- attempting to give a bribe related to taking the examination
- misrepresenting Candidate identity when taking the ABPI examination
- taking the examination on behalf of another person
- attempting to inappropriately use digital technology to gain advantage in the examination or to conceal unauthorised document(s) to look up answers during the examination
- criminal activity such as fraud, dishonesty or deception in relation to the ABPI Examination
- failure to follow the directions of the exam proctor
- behaviour which assists another Candidate in an unauthorised manner
- serious incapacity whilst taking exams caused by alcohol or illegal drugs
- use of words or behaviour which is threatening, abusive or insulting to the online proctor or any staff member of ABPI.

42. Anyone wishing to report a Candidate to the ABPI Director of Examinations for suspected irregular conduct, even if there is uncertainty whether a particular act constitutes something to be reported to the ABPI, should report as soon as possible. Candidates should also refer to the **Exam Whistleblowing policy** for guidance on making concerns known to the ABPI.

The Investigation

The following section of the ABPI Exam Regulations relates to investigating allegations of malpractice:

43. Once a concern has been raised, the ABPI Director of Examinations will carry out an initial assessment to determine the scope of any investigation, this stage may also require consultation with a relevant ABPI Leadership Team Director and will communicate with all affected parties to give an indication of next steps. The investigation will be instigated, drawing on a detailed review of evidence available. The person raising the concern may be required to attend additional meetings to provide further information about the complaint circumstances.

Investigations will attempt to reach an initial conclusion in as timely a way as possible.

In line with JCQ recommendations the candidate being investigated will, prior to the final decision being reached by the ABPI Director of Examinations:

- have the opportunity to consider their response to the allegations (if required);
- have an opportunity to submit a written statement;
- have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required).

The candidate being investigated is given 14 days in which to provide such a response for due consideration before a final decision on the investigation is reached.

The Report

The following section of the ABPI Exam Regulations relates to reporting on investigating allegations of malpractice:

44. Any ensuing investigation will be reported on by the ABPI Director of Examinations, who will also decide upon the outcome of the assessment. Prior to reaching a final decision, the ABPI Director of Examinations may wish to consult with the ABPI Legal Director and/or the independent Chair of the Exam Governance Committee.

The outcome, together with details of the Appeal process, will be sent where appropriate to: (a) the Candidate in question; and (b) all other affected individual(s).

The Decision

The following section of the ABPI Exam Regulations relates to the decision making process following an investigation into allegations of malpractice:

45. Failure to comply with these regulations may lead to disqualification or other sanctions. Having investigated alleged malpractice, the ABPI Director of Examinations might decide to prescribe any or all the following sanctions:

- No further action
- No case to answer
- Award a mark of zero for the exam paper/unit concerned
- Ask a Candidate to retake or undertake further examination papers/units under conditions
- Refer the matter to the employer of the relevant person(s) or to the appropriate national authorities.

Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available. Where there is an established, clearly evidenced, repeated pattern of malpractice, this may be taken into consideration when determining whether a more severe sanction should be applied.

The standard in operation for reaching investigation final conclusions in cases of alleged malpractice, is to use a 'balance of probabilities' threshold.

Sanctions will be based only on the evidence available, and all sanctions must be justifiable and reasonable in their scale, and consistent in their application.

Where sanctions are imposed on an individual(s) responsible for malpractice, this action is taken in order to:

- minimise the risk to the integrity of examinations and assessments, both in the present and in the future;
- maintain the confidence of the public in the delivery and awarding of qualifications;
- promote and maintain proper professional standards and conduct of candidates and/or their employer;
- ensure as a minimum that there is nothing to gain from breaking the regulations;
- deter others from doing likewise.

Unless the sanction results in full disqualification, any candidate penalised by loss of marks, may re-take the unit(s) affected.

The Appeal

The following section of the ABPI Exam Regulations relates to the appeal making process following the communication of the outcome of an investigation into an allegation of malpractice to the candidate under investigation:

47. Only the following grounds of appeal are applicable for the second line appeal process:

- New evidence which could not reasonably have been made available at the original hearing or

- A procedural irregularity occurred which had a detrimental impact on the outcome of any hearing, or
- The penalty imposed was disproportionate given the nature of the alleged offence.

48. A Candidate may appeal on these grounds against any decision made by the ABPI Director of Examinations in writing within 14 days of notification of the result to the ABPI Director of Examinations who will refer the matter to the independent ABPI Exam Appeal Board to make a final decision. The Appeal must set out the relevant grounds and further information on which the appeal is being made.

49. The appeal may uphold, remove or amend any terms of the Candidate under investigation's outcome. The ABPI Exam Appeal Board's decision is final. Having received the investigating officer's report, and notice of the decision by the ABPI Director of Examinations the ABPI Exam Appeal Board might decide to prescribe any or all the following sanctions:

- No further action
- No case to answer
- Award a mark of zero for the exam paper/unit concerned
- Ask a Candidate to retake or undertake further examination papers/units under conditions approved by the ABPI Director of Examinations
- Refer the matter to the employer of the relevant person(s) or to the appropriate national authorities

The ABPI Exam Appeal Board should comprise:

1. Independent Chair
2. Chair of ABPI Exam Governance Committee
3. The ABPI Chief Executive

There is provision for the ABPI to seek a legal representative for the Appeal Board if required.

Privacy of data:

In general, ABPI will not pass on to any third party (including the Candidate's employer or a potential employer) details regarding a Candidates exam taking schedule or results without first obtaining the consent of the Candidate indicated during the online registration process or separately in writing. Only in cases of findings by the ABPI Director of Examinations or the ABPI Exam Appeal Board of misconduct, will ABPI seek to contact a Candidate's employer or the police to pass on the details under investigation.

For more information about how the ABPI processes personal information, please see the Exams Privacy Notice.

This policy is reviewed annually, in line with all exam policy reviews, or else is revised as and when necessary in response to qualifying feedback, changes in its practices, advice from regulatory authorities or external agencies or changes in legislation. In addition, this policy may be updated in light of operational feedback to ensure ABPI arrangements remain effective.