

# ASDAN Malpractice and Maladministration Policy and Procedure

**Policy Owner – Head of Quality**

Review History	
<b>V1</b>	June 2018
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<b>V3</b>	September 2023
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<b>Next Review</b>	August 2027

## 1 Purpose

**1.1** ASDAN qualifications are regulated by Ofqual (England and international), CCEA (Northern Ireland) and Qualifications Wales (Wales).

**1.2** This policy and procedure responds to Condition A8 of the General Conditions of Recognition (Ofqual and CCEA, 2025) and Standard Conditions of Recognition (Wales, 2024) and Equality Act (2010).

**1.3** This document is for the attention of:

- ASDAN trustees, staff and associate staff
- ASDAN centres
- Learners and their parents/carers (where appropriate)
- ASDAN's regulators: Ofqual, CCEA, Qualifications Wales
- Other stakeholders

**1.4** This document applies to the following ASDAN products:

- Qualifications regulated by Ofqual, CCEA and Qualifications Wales
- Personal Development Programmes (Bronze, Silver, Gold)
- Preparing for Adulthood Programmes
- My Independence

**1.5** ASDAN defines the term “malpractice” as any deliberate or intentional activity or practice which is a breach of the regulations or which:

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- Compromises, attempts to compromise, or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate
- Damages the authority, reputation, or credibility of any awarding organisation or the wider qualifications industry

**1.6** ASDAN defines the term “maladministration” as any activity, neglect, default or other practice that results in non-compliance with the regulations, but without intent to gain an unfair advantage.

It typically arises from:

- Mistakes
- Poor administration
- Inadequate processes

The key difference between malpractice and maladministration is the intention which is why investigation is important to determine intent behind the activity and the size of any potential or actual adverse effect.

## 2 Policy

**2.1** For the purposes of this policy, malpractice and maladministration is relating to qualification or programme delivery, assessment, internal quality assurance and claims for certification with ASDAN.

**2.2** Examples of malpractice may involve any or all of the following: learners, centre staff, awarding organisation staff.

Learner malpractice may include:

- Plagiarism of any kind, including copying from sources without proper acknowledgement
- Collusion or copying another learner’s work
- Assuming the identity of another person for assessment purposes
- Providing false information relating to exemptions from assessment
- The increasing use of AI by learners is an example of a potential source of plagiarism. See section 2.6 for more detail on AI and its potential misuse

Centre staff malpractice may include:

- Contravention of, or persistent failure to comply with centre approval conditions or any ASDAN administration or quality assurance requirements
- Providing improper assistance to learners in producing work for assessment
- Allowing evidence that the staff member knows is not the learner’s own to be submitted for assessment
- Making claims for certification before the learner has completed all the requirements of the assessment

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Awarding organisation malpractice may include:

- The failure of a member of ASDAN staff or associate staff (e.g. EQA or External Moderator) to fully undertake their role in accordance with quality assurance requirements

**2.3** Examples of maladministration may involve any or all the following: learners, centre staff, awarding organisation staff.

It typically arises from:

- Incorrect submission of units
- Mishandling or loss of assessment materials
- Wrongly signed or dated documentation

**2.4** ASDAN's responsibilities when alleged or actual malpractice or maladministration is identified include:

- Notifying the Head or Principal of the centre (or another suitable person if the Head is implicated)
- Undertaking fair and unbiased investigations
- Notifying the relevant regulators (Ofqual/CCEA/Qualifications Wales) of serious incidents
- Notifying other awarding organisations (if appropriate)
- Taking steps to prevent or mitigate the effects of any incident
- Providing advice and guidance to the centre, if requested
- Providing the centre with an investigation outcome report and working with centre to prevent recurrence
- Taking appropriate action against those responsible including potential sanctions in line with ASDAN Sanctions Policy
- Revoking any invalidly issued certificates
- Protect the identity of informants where legally possible

**2.5** Centre responsibilities include:

- Having and making available a policy for dealing with incidents of malpractice
- Have software/procedures in place to confirm the authenticity of a learner's work including monitoring the use of AI
- Promptly reporting all suspected or actual incidents of malpractice or maladministration to ASDAN
- Informing the person suspected of malpractice of the investigation and their right to reply or appeal
- Complying and cooperating fully with ASDAN's requests for information during investigations, including conducting internal investigations
- Providing ASDAN with a report of the outcome of any internal investigation
- Implementing agreed actions and taking measures to prevent recurrence
- Notifying ASDAN if anyone involved leaves the centre
- Respecting the confidentiality of information

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- Retaining records related to the investigation

**2.6** Failure to report malpractice or maladministration after learners are registered may affect certificate issuance, and failure to cooperate could affect future learner registration.

Centres must provide clear information to staff regarding assessment requirements, administrative procedures, and the definitions of malpractice and maladministration. Staff roles and responsibilities for assessments must be clear. Assessors must understand how they can assist learners and the need for evidence of individual performance. Clear information about the consequences of collusion and copying, and the appropriate use of AI must be provided to learners.

Suspected cases can be identified by various parties, including centre staff, examiners, moderators, assessors, learners, external agencies, whistle-blowers, or anonymous informants. Centres must submit full details of any case to ASDAN using the Malpractice or maladministration notification form. Any AI-generated evidence presented for EQA sampling should be noted on the learner's assessment checklist with the rationale for its inclusion.

## **2.7 Artificial Intelligence (AI)**

ASDAN acknowledges the potential benefits of AI tools like ChatGPT in education, particularly for teaching and supporting research. These tools allow quick and accessible manipulation of information. However, they also raise concerns about plagiarism and accuracy, especially when used for producing work that is assessed.

AI-generated content often lacks source attribution and can produce misleading or harmful information. If learners use AI-generated material without acknowledgment, it is considered plagiarism. It is the responsibility of the centre to confirm the authenticity of a learner's work including having the appropriate procedures place to identify authentic work.

Learners must ensure their final submissions reflect their own knowledge and skills, in line with the qualification/programme requirements. Any content created by AI must be clearly identified and excluded from evidence used to meet learning outcomes.

Using AI as a research aid may be acceptable if sources are verified and properly referenced. This is especially important for qualifications at Level 2 and 3, which require critical thinking, evaluation, and independent analysis.

## **3 Procedure**

### **3.1 Reporting allegations to ASDAN**

Suspected malpractice or maladministration can be reported by anyone. While ASDAN will aim to protect the identity of informants when requested, anonymous allegations may limit investigation scope. Allegations with no contact details are logged but not investigated.

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Suspected cases must be reported at the earliest opportunity, using the official Malpractice or Maladministration notification form, available on ASDAN's website or by contacting the Quality team. Any supporting evidence should be included.

In the case of alleged malpractice or maladministration identified within a centre, internal consideration should first be made, to establish the severity of the incident, ascertain whether it compromises quality, and decide whether ASDAN need to be notified.

ASDAN staff or associate staff may also identify potential malpractice or maladministration during day-to-day operations. In such cases, an investigation will be conducted and the centre notified.

## 3.2 Investigation Process:

1. The Malpractice or maladministration notification form must be submitted promptly in writing to the Quality Team, detailing events, circumstances and with relevant accompanying evidence.
2. ASDAN will record the incident and acknowledge receipt of the form within five working days.
3. The allegation and accompanying evidence are reviewed by the Quality Team in liaison with the Head of Quality to establish whether further action is required.
4. Centres are informed in writing of the outcome of the initial investigation within a further five working days of the initial acknowledgement. This could include sanctions being imposed or further actions required to prevent or mitigate any adverse effect caused by the alleged malpractice or maladministration.
5. If further investigations are required to reach a definitive outcome, further acknowledgement will be sent to all relevant parties with revised timescales.
6. Final outcomes will be shared within 25 working days of the initial acknowledgement of receipt of the notification form. This could include sanctions being imposed or further actions required to prevent or mitigate any adverse effect caused by the alleged malpractice or maladministration.
7. Throughout the investigation, consideration will be made as to whether the incident requires reporting to ASDAN Senior Leadership/Trustees, any other awarding organisation/s or regulators in a timely manner.
8. If a decision is reached to report an incident of malpractice or maladministration to the regulator/s, then ASDAN will do so, along with full details of the investigation undertaken, the outcome and any accompanying sanctions/actions. ASDAN will also report on steps taken to prevent, correct or mitigate any adverse effect that may have occurred as a result. If a follow-up investigation is needed, ASDAN will co-operate with the relevant regulators, awarding organisations or other agencies as necessary.
9. Details of all malpractice and maladministration notifications and investigations are recorded centrally as well as on individual centre records to help identify trends. The Malpractice and Maladministration Policy and Procedure is reviewed every two years. This can be brought forward if emerging trends or issues are identified.

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10. Data of malpractice and maladministration is also used to inform qualification/programme reviews. If there are trends or recurring issues with the centre's qualifications/programmes, whether through their delivery, assessment or quality assurance processes, then recommendations to mitigate these can be made during these reviews.

## 4 Associated Documentation

- Conflict of Interest Policy and Procedure
- Registration and Certification Policy
- Quality Assurance Policy
- Sanctions Policy
- Whistleblowing Policy and Procedure
- Appeals Policy