

Assessment Malpractice and Maladministration Policy

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Introduction

This policy has been developed to ensure Middlesbrough College ensures that all appropriate Awarding Organisations and procedures relating to malpractice or maladministration are adhered to. Middlesbrough College aims to ensure that it is vigilant in identifying any malpractice or maladministration as well as having robust procedures in place to minimise any occurrences relating to malpractice, maladministration and plagiarism as well as ensuring all reported instances are fairly investigated.

Scope

The scope of this policy includes all Middlesbrough College learners and all types of assessments which take place at all Middlesbrough College premises or the premises of subcontractors.

Roles and Responsibilities

The Vice Principal, Quality and Performance is overall responsible for ensuring that this policy and procedure is being adhered to and staff are suitably trained and aware of their requirements and responsibilities. They are also responsible for ensuring all allegations or complaints relating to malpractice or maladministration are investigated in a timely manner.

The Exams Manager is responsible for ensuring that there are robust internal procedures in place to ensure that assessments are managed in line with Awarding Organisation requirements. They must also make the Vice Principal, Quality and Performance aware of any potential malpractice or maladministration instances.

Exams staff are responsible for ensuring that they comply with all Awarding Organisation requirements in regard to assessments.

All Centre staff (including invigilators) are responsible for reporting any malpractice or maladministration instances to the Exams Manager or the Vice Principal, Quality and Performance in a timely manner.

Definitions

For the purpose of this policy, the definitions are as follows:

- *Assessments* refers to all those activities undertaken by Teaching staff, Assessors or by learners assessing themselves, which provides information to be used as feedback to modify the teaching and learning activities in which they are engaged in.
- *Assessment Malpractice* consists of those acts which undermine the integrity and validity of assessments, the certification and / or damage the authority of those responsible for conducting the assessment and certification.
- *Maladministration* is essentially any activity or practice which results in non-compliance with administrative regulations and requirements which includes the application of persistent mistakes or poor administration within a centre.
- The *Learner* is Middlesbrough College students whether they are part time, full time, 14 – 16, 16 – 18 or 19+. The term *Learner* also includes all Apprentices as well as classroom-based learners.
- *Centre staff* are Middlesbrough College staff who are invigilators, Exams staff or any Teaching or Assessor staff that are involved in assessments or examinations.
- *Awarding Organisations* are organisations that allow qualifications to be recognised as part of frameworks. These frameworks must be accredited through one of the United Kingdom Awarding Organisations.
- All occurrences of malpractice relating to College HE awards, validated by The Open University, are managed under the principles and processes outlined in the Higher Education Academic Misconduct Procedure (AMP). The AMP has been approved by The Open University.

What is Learner Malpractice

Attempting to, or actually carrying out any malpractice activity, is not permitted by Middlesbrough College or by Awarding Organisations. For information, examples of malpractice from a learner can include:

- 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 or test.
- Fabrication of results and / or evidence.
- Failing to abide by the instructions or advice of an assessor, a supervisor, an invigilator or Awarding Organisation.
- Misuse of assessment or examination material.
- Introduction and/or use of unauthorised material contra to the requirements of supervised assessment/examination / test conditions.

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- Obtaining, receiving, exchanging or passing on information that could be assessment, examination or test related (or the attempt to) by means of talking or written papers, notes during supervised assessment, examination or test conditions.
- Behaving in such a way as to undermine the integrity of the assessment, examination or test.
- The alteration of any results document, including certificates.
- Cheating to gain an unfair advantage.

Plagiarism

Unacknowledged copying from, or reproduction of, third party sources or incomplete referencing including the internet and AI tools.

- Plagiarism by copying, or reproduction and passing off, as the learner's own, the whole or part(s) of another person's work, including artwork, images, words, computer generated work, third party sources (including the internet and use of AI tools, thoughts, interventions and/or discoveries whether published or not, with or without the originator's permission and without appropriately acknowledging and referencing the source. Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work.
- A strict interpretation of the above definition would include the original ideas as well as the actual words or artefacts produced by another. Assessors should reflect the incidence of any paraphrasing in the way they apply the mark scheme/assessment criteria. Students who have not independently met the marking criteria must not be rewarded in the marking. Plagiarism also incorporates the direct and unacknowledged translation of foreign language texts into English.
- It should be noted that plagiarism does not include collusion; that is, working collaboratively with other candidates; neither does it include copying from another candidate in the same examination session. Both of these are defined as different forms of malpractice.

Middlesbrough College Learner Malpractice Prevention Procedures

The types of positive steps which Middlesbrough College will take to prevent or reduce the occurrence of learner malpractice are as follows:

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- Using induction periods, learner handbooks or course handbooks to inform learners of the policy and the penalties for attempted and actual incidents of malpractice.
- Explaining to learners the appropriate formats to record cited texts and other materials or information sources including websites.
- Introducing procedures for assessing work in a way that reduces and identifies malpractice, e.g., plagiarism, collusion, cheating etc.
- Periods of supervised sessions during which the learner produces evidence for assignments / coursework.
- Altering assessment / assignment tasks on a regular basis.
- Assessment, if possible, for a single assignment task, taking place in a single session for a complete cohort of learners.
- Use of oral questioning to ascertain understanding of concepts, applications etc.
- Knowledge of learner's styles and abilities.
- Ensuring access controls are installed to prevent learners for accessing and using other people's work when using networked computers.
- Ensure that all JCQ notices, e.g. Information for candidates, nonexamination assessments, coursework, on-screen tests, written examinations, social media, plagiarism are distributed to candidates prior to assessments/examinations taking place.
- Ensure candidates are informed verbally and in writing about the required conditions under which the assessments are conducted, including warnings about the introduction of prohibited materials and devices into the assessments, and access to restricted resources.
- Ensure that candidates are aware of actions that constitute malpractice and the sanctions that can be imposed on those who commit malpractice.
- Ensure that candidates are aware of the sanctions of passing on or receiving (even if the information was not requested) confidential assessment materials. If a candidate receives confidential information, they must report it to a member of centre staff immediately.
- Ensure that candidates involved in examination clash arrangements are aware of appropriate behaviour during supervision, i.e. ensuring that candidates cannot pass on or receive information about the content of assessments, thereby committing candidate malpractice.
- Ensure that candidates completing coursework or non-examination assessments are aware of the need for the work to be their own.

What is Centre Staff Malpractice and Maladministration?

Malpractice and maladministration can also relate to centre staff.

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the

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application of persistent mistakes or poor administration within a centre (e.g., inappropriate learner records).

The following are examples of potential malpractice/maladministration by centre staff

- Failing to keep Awarding Organisation mark schemes secure.
- Alteration of Awarding Organisation mark schemes.
- Alteration of Awarding Organisation assessment and grading criteria.
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves centre staff producing work for the learner.
- Producing falsified witness statements, for example for evidence the learner has not generated.
- Allowing the learner to submit evidence, assignments, coursework or complete tasks which Centre staff know is not their own.
- Issuing the conditions for access arrangements, for example permitting support for candidates who do not meet the requirements for access arrangement and reasonable adjustments.
- Failing to keep learner computer files secure.
- Falsifying records and/or certificates, for example by alteration, substitution, or by fraud.
- Fraudulent certificate claims, which is claiming for a certificate prior to the learner completing all the requirements of the assessment.
- Failing to keep assessment, examination, test papers secure prior to the assessment, examination or test.
- Obtaining unauthorised access to assessment, examination or test material prior to an assessment, examination or test.
- Deliberate failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence.
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g., mobile phones).
- Collusion or permitting collusion in exams/assessments.
- Learners still working towards qualification after certification claims have been made.
- Contravention by our centres and learners of the assessment arrangements Awarding Organisations specify for qualifications.
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials.
- Inappropriate assistance to learners by centre staff (e.g., unfairly helping them to pass a unit or qualification).
- Submission of false information to gain a qualification or unit.
- Deliberate failure to adhere to, or to circumvent, the requirements of our Reasonable Adjustments and Special Considerations Policy.

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Middlesbrough College Staff Malpractice and Maladministration Prevention Procedures

Middlesbrough College will ensure the following procedures are adhered to which will minimise the possibility of malpractice:

- Assessors for internally assessed units are responsible for checking the validity of the learners' work.
- Staff, where required by the Awarding Organisation, should hold appropriate Assessor and Verifier qualifications.
- Staff not holding appropriate Assessor and Verifier qualifications must have learner coursework countersigned by a qualified Assessor and Verifier as required by Awarding Organisation.
- For externally assessed units or coursework, learners must sign the Awarding Organisation Statement of Authenticity.
- For NVQ's the College and learners provide a written declaration that the evidence is authentic, and that the assessment was conducted under the requirements of the assessment specification.
- Ensure that staff involved in the delivery of assessments and examinations understand the requirements for conducting these as specified in the JCQ documents and any further Awarding Organisation guidance
- Ensure that staff involved in the delivery of assessments and examinations understand the key dates and deadlines and that there are robust procedures in place to ensure these are met.
- Ensure that examination officers are appropriately trained, resourced and supported.
- Ensure that exams at alternative sites are conducted in accordance with JCQ ICE requirements.
- Ensure that all staff who manage and implement special consideration and access arrangements are aware of the requirements and are appropriately supported and resourced.
- Ensure that members of staff do not communicate any confidential information about examinations and assessment materials, including via social media.
- Ensure that examination clash arrangements are planned and managed effectively.
- Ensure that staff delivering/assessing coursework or non-examination assessments have robust processes in place for identifying and reporting plagiarism or other potential candidate malpractice.
- Ensure that the centre has a culture of honesty and openness so that any concerns of potential malpractice can be escalated appropriately without fear of repercussion.

Middlesbrough College Group will

Issue a clear and robust guidance document on all aspects of the delivery and administration of all qualifications, including the following JCQ documents that can be found on the JCQ website [Home - JCQ Joint Council for Qualifications](#)

- *General Regulations for Approved Centres*
- *Instructions for conducting examinations (ICE)*
- *Instructions for conducting coursework*
- *Instructions for conducting non-examination assessments*
- *Access Arrangements and Reasonable Adjustments*
- *A guide to the special consideration process*
- *Suspected Malpractice: Policies and Procedures*
- *Plagiarism in Assessments*
- *AI Use in Assessments: Protecting the Integrity of Qualifications*

Preventing plagiarism

If you are a teacher or assessor entering candidates for a qualification with a non-examination assessment (NEA) component, you must authenticate the work which is submitted for assessment. You must confirm that the work produced is solely that of the candidate concerned. You must not accept work which is not the candidate's own. Where you have doubts about the authenticity of student work submitted for assessment you must investigate and take appropriate action.

Reporting Learner or Centre Staff Malpractice and Maladministration

If at any point during or following an assessment a member of staff discovers or suspects that assessment malpractice or maladministration has occurred then they are obliged to notify the Vice Principal, Quality and Performance or Examinations Manager immediately. A full investigation will then be instigated and responded to within ten working days. The investigation will follow stated Centre procedure to investigate the discovery and to act in accordance with Centre and Awarding Organisation requirements. In most instances, this means reporting any suspected malpractice or maladministration within ten working days prior to the commencement of any internal investigations. It is the responsibility of the Vice Principal, Quality and Performance to report this to the appropriate Awarding Organisation.

Appeals against penalties and sanctions will be in accordance with Awarding Organisation regulations.

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Following initial investigation of the incident, the College will comply with Awarding Organisation regulations and, but for the most exceptional reasons, apply the appropriate learner or staff disciplinary procedures.

All incidents of malpractice proven or not proven to be reported to the Awarding Organisation (e.g., AAT, City & Guilds etc.) within 48 hours.

If AI misuse is detected or suspected by the centre and the declaration of authentication has been signed, the case must be reported to the relevant Awarding Organisation.

Head of Centre will

If staff malpractice is discovered in coursework or non-examination assessments, the Head of Centre must inform the Awarding Organisation immediately, regardless of whether the authentication forms have been signed by the candidate(s).

- report malpractice using the appropriate forms as detailed in the JCQ *Suspected Malpractice: Policies and Procedures* which can be found here: [Malpractice - JCQ Joint Council for Qualifications](#)
- be accountable for ensuring that the centre and centre staff comply at all times with the Awarding Organisation's instructions regarding an investigation.
- ensure that where a candidate who is a child/vulnerable adult is the subject of a malpractice investigation, the candidate's parent/carer/ appropriate adult is kept informed of the progress of the investigation.
- ensure that if it is necessary to delegate the gathering of information to a senior member of centre staff, the Awarding Organisation's agreement is obtained, and the senior member of centre staff chosen is independent and not connected to the department or candidate involved in the suspected malpractice. The Head of Centre should ensure there is no conflict of interest (see below) which might compromise the investigation.
- respond speedily and openly to all requests for an investigation into an allegation of malpractice. This will be in the best interests of centre staff, candidates and any others involved.
- make information requested by an Awarding Organisation available speedily and openly.
- co-operate with an enquiry into an allegation of malpractice and ensure that their staff do so also, whether the centre is directly involved in the case or not.
- ensure staff members and candidates are informed of their individual responsibilities and rights as set out in this document.

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- forward any Awarding Organisation correspondence and evidence to centre staff and/or provide staff contact information to enable the Awarding Organisation to do so.
- at all times comply with data protection law.
- pass on to the individuals concerned any warnings or notifications of sanctions and ensure compliance with any requests made by the Awarding Organisation as a result of a malpractice case.

The responsibilities in paragraph extend to instances of suspected malpractice involving private candidates entered through the centre.

Heads of Centre are reminded that a failure to comply with the requirements set may itself constitute malpractice.

Reporting Plagiarism

If your suspicions are confirmed and the candidate has not signed the declaration of authentication, your centre need not report the malpractice to the appropriate Awarding Organisation.

Centres can resolve the matter themselves prior to the signing of the declarations. Teachers must not accept work which is not the candidate's own. Ultimately, the Head of Centre, has the responsibility for ensuring that candidates do not submit plagiarised work. If plagiarism is detected by the centre and the declaration of authentication has been signed, the case must be reported to the Awarding Organisation.

The procedure is detailed in JCQ Suspected Malpractice Policies and Procedures (www.jcq.org.uk/exams-office/malpractice/).

If plagiarism is suspected by an Awarding Organisation's moderator or examiner, or if it has been reported by a student or member of the public, full details of the allegation will usually be relayed to the centre. The relevant Awarding Organisation will liaise with the Head of Centre regarding the next steps of the investigation and

how appropriate evidence will be obtained. The Awarding Organisation will then consider the case and, if necessary, impose a sanction in line with the sanctions given in the JCQ Suspected Malpractice Policies and Procedures (<https://www.jcq.org.uk/exams-office/malpractice/>) or as directed by Awarding Organisation.

The sanctions applied to a student committing plagiarism and making a false declaration of authenticity range from a warning regarding future conduct to disqualification and the student being barred from entering for one or more

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examinations for a set period of time. Awarding bodies will also take action, which can include the imposition of sanctions, where centre staff are knowingly accepting, or failing to check, inauthentic work for qualification assessments.

Dealing with Plagiarism, Maladministration and Malpractice

Head of Centre will decide who will conduct an initial investigation ensuring that the staff selected is competent and have no personal interest in the outcome of the investigation.

In all cases of suspected malpractice, maladministration or plagiarism reported, the identity of the 'informant' will be protected in accordance with our duty of confidentiality and/or any other legal duty.

Middlesbrough College will investigate each case of suspected or reported plagiarism, maladministration and malpractice relating to qualifications, to ascertain whether it has occurred. The investigation will aim to establish the full facts and circumstances. Middlesbrough College will promptly take all reasonable steps to prevent any adverse effect that may arise as a result of the plagiarism, maladministration or malpractice, or to mitigate any adverse effect, as far as possible, and to correct it to make sure that any action necessary to maintain the integrity of qualifications and reputation is taken.

The individual(s) concerned will be informed of the following:

- That an investigation is going to take place, and the grounds for that investigation.
- Details of all the relevant timescales, and dates, where known.
- That, if plagiarism, maladministration or malpractice is considered proven, sanctions may be imposed either by Middlesbrough College Group or by Awarding Organisation reflecting the seriousness of the case.
- That, if they are found guilty, they have the right to appeal.
- That College has a duty to inform Awarding Organisation and other relevant authorities / regulators. This may also include informing the police if the law has been broken and to comply with any other appropriate legislation.
- College will impose the disciplinary procedure with learners or staff of organisation where incidents (or attempted incidents) of plagiarism, maladministration and malpractice have been proven.

Where more than one individual is contacted regarding a case of suspected malpractice, for example in a case involving suspected collusion, Middlesbrough College will contact each individual separately and will not reveal personal data to any third party unless necessary for the purpose of the investigation.

The Investigation report will include the:

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- Origin of the complaint or mode of discovery of the alleged irregularity(ies).
- Investigations carried out.
- Evidence obtained.
- Opinion drawn, (where appropriate); and
- Suggestions for action and resolution of the matter (where appropriate).

Middlesbrough College will maintain confidentiality of the relevant materials and will ensure that they are kept secure.

Misuse of AI

While the potential for student artificial intelligence (AI) misuse is new, most of the ways to prevent its misuse and mitigate the associated risks are not; Middlesbrough College Group w already have established measures in place to ensure that students are aware of the importance of submitting their own independent work for assessment and for identifying potential malpractice.

Students who misuse AI such that the work they submit for assessment is not their own will have committed malpractice, in accordance with JCQ regulations, and may attract severe sanctions.

- Students and centre staff must be aware of the risks of using AI and must be clear on what constitutes malpractice.
- Students must make sure that work submitted for assessment is demonstrably their own. If any sections of their work are reproduced directly from AI generated responses, those elements must be identified by the student and they must understand that this will not allow them to demonstrate that they have independently met the marking criteria and therefore will not be rewarded (please see document AI Use in Assessments: Protecting the Integrity of Qualifications Appendix B: Exemplification of AI use in marking student work examples at [Malpractice - JCQ Joint Council for Qualifications](#))
- Where teachers have doubts about the authenticity of student work submitted for assessment (for example, they suspect that parts of it have been generated by AI, but this has not been acknowledged), they must investigate and take appropriate action.
- Students must be able to demonstrate that the final submission is the product of their own independent work and independent thinking.
- AI misuse is where a student has used one or more AI tools but has not appropriately acknowledged this use and has submitted work for assessment when it is not their own. Examples of AI misuse include, but are not limited to, the following:
 - Copying or paraphrasing sections of AI-generated content so that the work submitted for assessment is no longer the student's own.
 - Copying or paraphrasing whole responses of AI-generated content.

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- Using AI to complete parts of the assessment so that the work does not reflect the student's own work, analysis, evaluation or calculations.
- Failing to acknowledge use of AI tools when they have been used as a source of information • Incomplete or poor acknowledgement of AI tools.
- Submitting work with intentionally incomplete or misleading references or bibliographies. AI misuse constitutes malpractice as defined in the JCQ Suspected Malpractice: Policies and Procedures (<https://www.jcq.org.uk/exams-office/malpractice/>) The malpractice sanctions available for the offences of 'making a false declaration of authenticity' and 'plagiarism' include disqualification and debarment from taking qualifications for a number of years. Students' marks may also be affected if they have relied on AI to complete an assessment and, as noted above, the attainment that they have demonstrated in relation to the requirements of the qualification does not accurately reflect their own work.

Preventing AI misuse

Middlesbrough College Group will

- a) Explain the importance of students submitting their own independent work (a result of their own efforts, independent research, etc) for assessments and stress to them and to their parents/carers the risks of malpractice.
- b) Update the centre's malpractice/plagiarism policy to acknowledge the use of AI (e.g. what it is, the risks of using it, what AI misuse is, how this will be treated as malpractice, when it may be used and how it should be acknowledged) – most simply by referencing this document.
- c) Ensure the centre's malpractice/plagiarism policy includes clear guidance on how students should reference appropriately (including websites).
- d) Ensure the centre's malpractice/plagiarism policy includes clear guidance on how students should acknowledge any use of AI to avoid misuse (see the below section on Acknowledging AI use).
- e) Ensure that teachers and assessors are familiar with AI tools, their risks and AI detection tools (see the What is AI use and what are the risks of using it in assessments? and What is AI misuse? sections).
- f) Ensure that, where students are using word processors or computers to complete assessments, teachers and relevant centre staff are aware of how to disable improper internet/AI access where this is prohibited.
- g) Consider whether students should be required to sign a declaration that they have understood what AI misuse is, and that it is forbidden in the learning agreement that is signed at enrolment in some centres.
- h) Ensure that each student is issued with a copy of, and understands, the appropriate JCQ Information for Candidates ([Information for candidates documents - JCQ Joint Council for Qualifications](#))

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- i) Reinforce to students the significance of their (electronic) declaration where they confirm the work they are submitting is their own, the consequences of a false declaration, and that they have understood and followed the requirements for the subject.
- j) Remind students that Awarding Organisation staff, examiners and moderators have established procedures for reporting and investigating malpractice (see the Awarding Organisation actions section below and the examples of AI misuse cases dealt with by Awarding Organisations can be found in AI Use in Assessments: Protecting the Integrity of Qualifications Appendix A: AI misuse examples at [Malpractice - JCQ Joint Council for Qualifications](#))
- k) Ensure that teachers are aware they must not use AI tools as the sole marker of student work.

Possible Malpractice / Maladministration / Plagiarism sanctions

Following the investigation, if a case of plagiarism, maladministration or malpractice is upheld, Middlesbrough College may impose sanctions or other penalties on the individual(s) concerned. Where relevant, Middlesbrough College will report the matter to the relevant Awarding Organisation which in turn may lead to the Awarding Organisation imposing one or more sanctions upon the centre or the individual(s) concerned. Any sanctions imposed will reflect the seriousness of the malpractice that has occurred.

Listed below are examples of sanctions that may be applied to a learner, or a person employed by the centre in capacity of teaching, invigilating, assessing, marking or completing any other activity where a case of malpractice, plagiarism or maladministration is upheld against them.

Please note that this list is not exhaustive and other sanctions may be applied on a case-by-case basis. Where the malpractice affects examination performance, the Awarding Organisation may also impose sanctions of its own.

Possible Sanctions that may be applied to Learners

Sanctions can include:

- A written warning about future conduct.
- Notification to an employer, regulator or the police.
- Removal from the course.
- Dismissal.

Possible sanctions that may be applied to persons working on behalf of Middlesbrough College (e.g., Vocational Instructors, Assessors, Invigilators, and Other Employees)

Sanctions can include:

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- A written warning about future conduct.
- Imposition of special conditions for the future involvement of the individual(s) in the conduct, teaching, supervision or administration of learners and/or examinations.
- Informing any other organisation known to employ the individual in relation to Awarding Organisation courses or examinations of the outcome of the case.
- College carries out unannounced monitoring of the working practices of the individual(s) concerned.
- Dismissal.

Right of Appeal

The individual(s) concerned has / have the right to appeal against any decision(s) or sanction(s) imposed following an investigation. An appeal must be made to the Head of Centre in writing to within 10 working days from receipt of the written notification of the reported incident. The individual(s) concerned has / have the right of access to all the evidence used in the investigation to make a decision, in order to provide a full response.

Action upon Receipt of an Appeal

The Head of Centre will acknowledge receipt of an appeal within 10 working days. All appeals to malpractice and maladministration decisions will be dealt with under the Awards and Curriculum Appeals policies of the relevant Awarding Organisations.

Please note that this malpractice, maladministration and plagiarism policy is subject to periodic review and will be updated and re-issued as necessary in line with the business management system directives following review. You can refer to **Appeals Policy MC52**

All records must be kept up to 6 years.

Policies and Procedures relating to Assessment Malpractice and Maladministration Policy and Procedures

The following should be reviewed in conjunction with the Assessment Malpractice and Maladministration Policy and Procedures:

- Complaints procedure
- Learner disciplinary procedure
- Disciplinary, suspension and dismissal procedure for staff
- Higher Education Academic Misconduct Procedure
- Appeals Policy