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RHS Qualifications

Policy on Malpractice and Maladministration

1. Policy

- 1.1 Malpractice means any deliberate action, neglect or default or other practice that compromises or could compromise the design or delivery of units or qualifications, the assessment process, the integrity of the qualification or the validity of a result or certificate
- 1.2 Maladministration is to manage or administer inefficiently, badly or dishonestly. It is any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or persistent poor administration.
- 1.3 RHS Qualifications takes all reasonable steps to prevent the occurrence of any malpractice or maladministration by candidates, Approved Centres, or any other person involved in the design, development, delivery and award of RHS qualifications.
- 1.4 Where malpractice or maladministration is alleged or suspected, RHS Qualifications will conduct an investigation to determine whether malpractice or maladministration has occurred and will take all reasonable steps to prevent any resulting Adverse Effect. Where an Adverse Effect has occurred, RHS Qualifications will take all necessary steps to mitigate or correct the Adverse Effect and will notify the Regulators accordingly.

2. Preventing Malpractice and Maladministration

- 2.1 RHS Qualifications will take the following actions to prevent the occurrence of malpractice and maladministration:
 - 1) Ensure that this policy is made available to Approved Centres and that Heads of Centre are made aware of their responsibilities in the prevention of malpractice and maladministration.
 - 2) Ensure that this policy is made available to RHS Staff and Professional Associates so that they are aware of their responsibilities in the prevention of malpractice and maladministration.
 - 3) Clearly document all procedures to be followed by Approved

Centres and candidates in the conduct of examinations and assessments, and to ensure that Approved Centres and candidates are made aware of these procedures.

- 4) Clearly document all procedures to be followed by RHS Staff and Professional Associates in the conduct of the design, development, delivery, assessment and award of qualifications.
- 5) Ensure that Approved Centres have in place appropriate policies for preventing and investigating malpractice and maladministration and to periodically review these policies.
- 6) Maintain a rigorous process of centre approval that considers the ability of the centre to conduct assessments in an appropriate manner.
- 7) Maintain a rigorous process of external verification to ensure that assessment processes are conducted in accordance with the procedures.
- 8) Provide guidance to an Approved Centre (on request) on how to prevent, investigate and deal with malpractice and maladministration.

3. Identifying Malpractice and Maladministration

3.1 Individuals involved in malpractice or maladministration could include:

- 1) Candidates
- 2) Tutors
- 3) Centre staff responsible for the management and administration of assessments
- 4) Invigilators
- 5) Assessors and verifiers
- 6) RHS staff and Professional Associates

3.2 Examples of malpractice by a candidate would include (this list is not exhaustive and is intended as guidance on the RHS definition of malpractice):

- 1) Impersonating another candidate or having someone impersonate them during an assessment or examination
- 2) Copying from another candidate
- 3) Using material from another candidate and submitting it as their own.
- 4) Possession of unauthorised aids in an examination room, such as notes or mobile phone
- 5) Failing to abide by the instructions of an invigilator in relation to examination rules
- 6) Alteration of results documentation or certificates
- 7) False requests for reasonable adjustments or special consideration
- 8) Disruptive behaviour in an assessment

- 3.3 Examples of malpractice by those responsible for the administration, management or delivery of assessment would include (this list is not exhaustive and is intended as guidance on the RHS definition of malpractice):
- 1) Deliberate falsification of records or providing false information about candidates
 - 2) The provision of improper assistance to candidates during an assessment or an examination
 - 3) Insecure storage of assessment materials and marking guidance
 - 4) Obtaining unauthorised access to examination papers or other assessment materials prior to an examination or assessment
 - 5) Permitting collusion in examinations or assessments
 - 6) Deliberate contravention of the specified assessment arrangements
 - 7) Deliberate failure to adhere to, or to circumnavigate, the requirements of the Reasonable Adjustments and Special Considerations Policy.
- 3.4 Examples of maladministration by those responsible for the administration, management or delivery of assessment would include (this list is not exhaustive and is intended as guidance on the RHS definition of maladministration):
- 1) Failure to maintain appropriate auditable records
 - 2) Persistent failure to adhere to learner registration and certification procedures
 - 3) Unreasonable delays in responding to requests and communication from RHS
 - 4) Failure to adhere to the requirements of the Reasonable Adjustments and Special Considerations Policy
- 3.5 Suspected malpractice or maladministration may come to the attention of RHS Qualifications as a result of its own on-going monitoring and quality assurance activity, or through information received from third parties.
- 3.6 RHS Approved Centres are required to have in place robust procedures for preventing and investigating incidents of malpractice or maladministration, and have a duty to promptly notify RHS Qualifications of any incidents of malpractice or maladministration that have occurred or that they suspect may have occurred.

4. Dealing with Alleged or Suspected Malpractice or Maladministration

- 4.1 In the event of alleged or suspected malpractice or maladministration, RHS Qualifications will review the information presented. The review will be conducted promptly by the Head of Qualifications, or in their absence by the Head of Education and Learning, and the Qualifications Standards Manager. Following the review of the information, one of the following actions will be initiated:

- 1) Take no further action.
- 2) Inform the Head of Centre or their nominee of the alleged malpractice or maladministration and request that they conduct an investigation into the allegation and produce a written report on the outcome.
- 3) RHS Qualifications will conduct an investigation into the alleged malpractice or maladministration. The investigation will be carried out by the Quality Assurance Relationships Officer or the Head of Qualifications.
- 4) The Head of Qualifications and the Head of Education and Learning will keep the Responsible Officer informed of any significant incidences of malpractice or maladministration under investigation.

4.2 In all cases the initial review will consider whether the circumstances of the alleged malpractice or maladministration, warrants immediate notification of the Regulators.

5. Investigation

5.1 Confidentiality will be maintained throughout the investigation. Information will be held securely and will not be divulged to third parties except to the Regulators or police where appropriate.

5.2 Detailed written records will be documented during the investigation. Any interviews will be conducted by two people. Written interview notes will be kept and will be signed and dated by those present.

5.3 The investigation will seek to determine the following:

- 1) The full facts relating to the allegations of suspected malpractice or maladministration in order to determine whether any irregularities have occurred.
- 2) The cause of any irregularities.
- 3) Those persons involved.
- 4) The scale of any irregularities.
- 5) Any mitigating factors that should be considered.
- 6) What actions, if any, have already been taken (for example action by the Centre involved).
- 7) Whether there is any risk to current candidates and whether any immediate action is required to preserve the integrity of the qualification.
- 8) Whether any action is required in respect of qualifications already awarded and certificates already issued.
- 9) Whether changes to RHS procedures are required in order to minimise the risk of future occurrences.

5.4 RHS Qualifications reserves the right, in suspected cases of malpractice or maladministration, to withhold the issuing of results or certificates while an investigation is in progress.

6. Report

- 6.1 Following the investigation into alleged malpractice or maladministration within an Approved Centre, a report will be provided by the Centre conducting the investigation.
- 6.2 Where the investigation has been carried out by RHS Qualifications, a written report will be produced by the Quality Assurance and Relationships Officer or the Head of Qualifications. The report will cover the areas listed in section 5 above. Where a Centre is involved, the Head of Centre or their nominee will be provided with the opportunity to comment on the factual accuracy of the report.

7. Decision

- 7.1 The findings of the report will be considered by the Head of Qualifications, the Head of Education and Learning and the Qualifications Standards Manager. The panel will consider the facts of the case and will decide whether malpractice or maladministration has occurred, who has been responsible and what has been or what could have been compromised.
- 7.2 The panel will decide:
- 1) What remedial actions to take to maintain the integrity of the qualification.
 - 2) What sanctions to apply to a Centre or individual, taking account of any actions already taken by the Centre.
 - 3) Whether further information has been identified that requires notification to the Regulators.
 - 4) Whether there is evidence to indicate another awarding organisation or Approved Centre is affected.
 - 5) Whether changes to RHS policies or procedures are required in order to minimise the risk of future occurrences of malpractice or maladministration.
- 7.3 Where the Regulators have been informed of the case of suspected malpractice or maladministration, or where further evidence uncovered by the investigation requires that the Regulators be notified. The Regulators will be informed of the outcome and any action plan to remedy or mitigate the effects of the malpractice or maladministration by the Head of Qualifications. The Head of Education and Learning and the Responsible Officer will be kept fully informed.
- 7.4 Where there is evidence that malpractice or maladministration has occurred that may have an impact on another Approved Centre, that Approved Centre will be informed.
- 7.5 Where there is evidence that malpractice or maladministration has occurred that may have an impact on another Awarding Organisation, that Awarding Organisation will be informed.

- 7.6 The decisions made by the panel regarding an Approved Centre or a candidate will be communicated, in writing, to the Head of Centre or their nominee. The Head of Centre is then responsible for communicating the decisions to the individuals concerned.

8. Sanctions

- 8.1 Where malpractice or maladministration has been proven, RHS Qualifications will impose sanctions on the Centre or individuals involved. The sanctions will be proportionate to the seriousness and scale of the malpractice or maladministration that has occurred. In determining sanctions to be imposed, consideration will be given to any actions already taken by the Approved Centre or individual. Where appropriate action has already been taken, sanctions may not be required.

- 8.2 Sanctions will be determined by consideration of each individual case and are intended to have the following effect:

- 1) Minimise any risk to the integrity of the design, delivery, assessment, and award of RHS qualifications, both now and in the future.
- 2) Ensure that only those candidates who have reached the required standard are awarded the qualification.

- 8.3 The following are the range of sanctions which may be applied to an Approved Centre or Approved Centre staff:

- 1) Written warning.
- 2) Requirement for an individual to undergo additional training.
- 3) Imposition of restrictions on an individual's involvement in qualification delivery.
- 4) Requirement for an action plan to correct the deficiencies and for future review.
- 5) Additional monitoring and inspection, for example additional external verification visits.
- 6) Requirement for the registration of candidates to be temporarily or permanently removed from a centre for a particular unit and/or qualifications.
- 7) Requirement for certification requests to be additionally authorised by an external verifier.
- 8) Deployment of independent invigilators.
- 9) Withdrawal of centre approval for delivery or assessment of specific units or qualifications.
- 10) Withdrawal of centre approval.

- 8.4 The following are the range of sanctions which may be applied to a candidate

- 1) Written warning.
- 2) Loss of marks for a section or unit.
- 3) Disqualification from a unit or qualification.

- 4) Withdrawal of registrations for future qualifications.
- 5) Withdrawal of certificates already awarded where these are found to be invalid.

9. Appeals

- 9.1 Approved Centres and Candidates have the right to appeal against decisions made following an investigation into malpractice or maladministration. It is the responsibility of the centre to inform candidates that they have the right to appeal a decision where a case of malpractice has been upheld.

Details of the process to follow are contained within the RHS Qualifications Appeals Procedure.