CMI Malpractice and Maladministration Policy and Procedure

AB/POL/0002 • September 2024 • V12

History

History

Date	Amendments made
September 2024 - V12	• Complete revision of the document.
March 2024 - V11	• Amendments made to the procedure for notifying CMI of potential Malpractice and Maladministration • Inclusion of the AI Misuse • Updated URL Links • Appendix A added - Flowchart of procedure
April 2022 - V10	• Amendments made in line with updates in Ofqual General Conditions of Recognition
September 2021 - V09	• SQA Accreditation Principles update
August 2 2019 - V08	• Complete revision of the policy, including the incorporation of the Malpractice and Maladministration Procedure (AB/PRO/0002/Aug16/V8) and discontinuation of this procedure • Insertion of 'History' and 'Distribution' sections • Inclusion of the regulatory requirements text from Ofqual and SQA • Inclusion of examples of what may be considered as maladministration

Distribution

Distribution List

- All Quality Managers
- All CMI Markers & Moderators
- Partner Relationship Managers
- Customer Service Team
- Partner Engagement Managers
- Awarding Body Support Team
- CMI Centres

This policy will be published on the CMI website.

Purpose

Document Purpose

The successful delivery of CMI qualifications and their associated assessments relies on the trust, integrity and diligence of Centres, Learners, CMI and our suppliers, and the wider education community – the vast majority of whom take their responsibilities seriously. Normally the qualifications system functions well, but occasionally things go wrong. When this happens, CMI will need to investigate, and – where appropriate – take action, to

maintain public confidence, secure accurate results for Learners, ensure Learners are not disadvantaged and ensure assessments remain fit for purpose.

CMI will take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery, award and certification of qualifications which it makes available or proposes to make available.

Where it has not been possible to prevent this, it is in everyone's interest to ensure that all cases of suspected or actual malpractice and/or maladministration are dealt with quickly, thoroughly and effectively.

Scope

Scope

This policy applies to all CMI Awarding Body staff (including contractors), CMI Centres and CMI-registered Learners.

Introduction

Document Introduction

Regulations require the CMI to establish and maintain procedures for dealing with suspected or actual malpractice and/or maladministration on the part of Learners, CMI Centre-approved staff or any others involved in providing the qualifications, and to take appropriate action to maintain the integrity of CMI qualifications. This document fulfils that requirement.

This document:

- Defines malpractice and maladministration in the context of delivery, assessments and internal quality assurance
- Provides examples as to the types of incidents that may occur
- Sets out the rights and responsibilities of CMI, CMI-approved staff and Learners in relation to such matters
- Signposts to additional CMI guidance on AI misuse in the context of assessment.

Regulatory Requirements

Regulatory Requirements

Regulatory Requirements and Definitions

This policy meets the regulatory requirements set out by the CCEA Regulation and Ofqual - General Conditions of Recognition, Qualifications Wales - Standard Conditions of Recognition -

Preventing malpractice and maladministration

A8.1 - An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.

Investigating and managing the effect of malpractice and maladministration

A8.2 - Where any such malpractice or maladministration is suspected by an awarding organisation or alleged by

any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding organisation must –

(a) so far as possible, establish whether or not the malpractice or maladministration has occurred, and
(b) promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.

Procedures relating to malpractice and maladministration

A8.3 - For the purposes of this condition, an awarding organisation must –

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

A8.4 - Where a Centre undertakes any part of the delivery of a qualification which an awarding organisation makes available, the awarding organisation must take all reasonable steps to keep under review the arrangements put in place by that Centre for preventing and investigating malpractice and maladministration.

A8.5 - An awarding organisation must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with malpractice and maladministration.

Dealing with malpractice and maladministration

A8.6 Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to –

(a) prevent malpractice or maladministration from recurring, and
(b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence –

(a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and
(b) may affect another awarding organisation, it must inform that awarding organisation.

This Policy also meets the requirements of the SQA Accreditation Regulatory Principles (2021):

"SQA Principle 18. The awarding body and its providers must ensure that it has safeguards to prevent and manage cases of malpractice and maladministration. The awarding body and its providers are responsible for demonstrating clearly defined processes to deal with malpractice and maladministration. The awarding body must inform SQA Accreditation when any actual or suspected cases of malpractice and/or maladministration are identified. Where a case of malpractice and/or maladministration is identified, the awarding body and/or provider should take appropriate corrective and/or preventative action.

CMI considers the misuse of Artificial Intelligence (AI) to be a combination of plagiarism and collusion. It has produced separate guidance to its Centres, available on its CMI Policy Page, following the principles of Ofqual/CCEA Regulation and Qualifications Wales 5 key objectives:

- Ensuring fairness for students
- Maintaining the validity of qualifications
- Protecting security
- Maintaining public confidence
- Enabling innovation

Definition of Maladministration and Malpractice

What are Maladministration and Malpractice?

Malpractice and maladministration are two distinct, but related, concepts.

Maladministration

The term maladministration relates to any activity, neglect, default or other practice by a CMI Centre that results in the CMI Centre staff or Learners not complying with the specified requirements for registration, delivery or certification of the qualifications. In broad terms, maladministration generally covers mistakes or poor processes where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude or may result from carelessness or inexperience. It often occurs when there is a change of Centre staff in key roles is a key point in time when maladministration occurs and is often caused by a poor/lack of handover between Centre staff.

Types of Maladministration

Examples of maladministration may include the CMI Centre staff (noting that the list is not exhaustive or prescriptive):

- Not submitting Learner work to CMI for marking or moderation within a reasonable and practical timescale of that work being submitted by the Learner to the Centre (and, where relevant, marked and internally quality assured);
    - For **Approved EPP Centres using CMI Moderation Service,** this must be within 1-3 months of the Centre's assessment and internal quality assurance process being undertaken.
    - For **Registered and Approved EPP Centres using CMI External Marking Service** this must be within 1-3 months of receiving the Learner's completed assessment.
    - For **HE Dual Accredited Centres using CMI Moderation Service,** this must be within 1-3 months of the Centres assessment and internal quality assurance process
    - In addition, this Learner work must be submitted for marking or moderation with CMI within 2 months before the qualification certification end date. These dates can be found within each of the qualification syllabus handbooks or at MyCMI.
- Taking fees from individuals but not registering those individuals with CMI within 6 weeks (when the reasonable expectation and understanding of the individual was that this was to happen);
- Providing incorrect or inaccurate information to Learners regarding the CMI qualifications, progress within a CMI qualification or similar;
- Incorrectly claiming a unit of a qualification or qualification for a Learner when a Learner has not yet completed that unit or qualification;
- Avoidable delay; in reporting actual or potential issues or concerns to CMI for example, suspected malpractice;
- Inadvertent failure to take action when actual or potential issues or concerns have been identified;
- Mistakes arising from inattention or inaction;
- Faulty or out-of-update procedures within the CMI Centre;
- Failure to follow correct procedures, this includes both CMI and Centre procedures;
- Poor record keeping (including management, Learner tracking, assessment and quality assurance records);
- Poor communication with Internal Centre Staff, Learner, Employer and/or CMI;
- Inadvertently giving misleading or inadequate information to CMI;
- Advertising qualifications for which the Centre is not approved or obsolete qualifications;
- Taking fees for Reasonable Adjustments;
- Demanding fees be paid for the release of a qualification certificate that has been completed;
- Failing to investigate a suspected malpractice when required to do so.
- Promoting fake reviews of a CMI qualification on the centre's own website or via a third-party website.

Malpractice

The term malpractice covers any deliberate actions, neglect, default or other practises that compromise, or could compromise:

- The assessment process;
- The integrity of a regulated qualification;
- The validity of a result or certificate;
- The reputation and credibility of CMI;
- The qualification or the wider qualifications community;
- The confidentiality of assessment materials.

Malpractice may include a range of issues from the failure to maintain appropriate assessment and internal quality assurance records or systems to the deliberate falsification of records in order to claim Learner certificates or gain CMI Centre approval. Failure by a CMI Centre to deal with suspected or actual identified issues may in itself constitute malpractice.

Types of Malpractice

By contrast, malpractice will generally involve **some form of intent**. It may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions. Malpractice could consist of a conscious decision to do anything covered in the list above. Bias, coercion or discrimination could also lead to malpractice.

Three of the clearest examples of potential malpractice are

- Cheating, or facilitating cheating, in an assessment; and
- Attempting intentionally to manipulate a result so that it does not reflect the Learner's actual performance in an assessment.
- Deliberate misuse of AI to complete an assessment in a manner contrary to the guidance provided by CMI.

The following list gives some examples of the types of incidents that may occur (noting that the list is not exhaustive or prescriptive):

CMI Centre Malpractice

Examples of CMI Centre malpractice could include: (noting that the list is not exhaustive or prescriptive):

- The insecure storage of assessment instruments and marking guidance;
- Misuse of assessments, including inappropriate adjustments to assessment decisions;
- Failure to comply with requirements for accurate and safe retention of Learner evidence, assessment and internal quality assurance records;
- Failure to comply with Awarding Body procedures for managing and transferring accurate Learner data;
- Knowingly presenting a Learner's work for assessment or moderation when it is not the work of that individual;
- Deliberate falsification of records in order to claim certificates;
- Deliberate falsification of records or misuse of data to gain CMI Centre approval;
- Presenting CVs of uncontracted staff during the CMI Centre approval application process or CMI Centres requesting new members of uncontracted Centre staff for CMI approval, once approved as a CMI Centre.

The above would normally be attributable to the failure of systems and processes operated by the Centre, rather than the fault of individuals.

CMI Centre Staff Malpractice

This means malpractice committed by a current (or former) member of staff (or contractor) at a CMI Centre. It can arise through, for example:

- A breach of security (for example, failure to keep material secure, tampering with coursework etc.); ● Excessive direction from Delivery Staff, Assessors to Learners (for example; prompting Learners in assessments by means of signs or verbal or written prompts);

- A breach of confidentiality (for example; failure to maintain confidentiality of assessment materials or personal data);
- Deception (for example; manufacturing evidence of competence, fabricating assessment or internal quality assurance records);
- The provision of improper assistance to Learners (for example, permitting the use of a reasonable adjustment over and above the extent permitted by CMI policy);
- Provision of inaccurate or misleading information by Centre staff about CMI qualifications;
- Failure to adhere to regulations/CMI stated requirements.

Learner Malpractice

Malpractice by a Learner in internal assessment could occur in:

- Portfolios of internal assessment evidence;
- Presentation of practical work;
- Preparation and authentication of coursework;
- Conduct during an internal assessment;
- Conduct during an external assessment;
- Submission of an assignment generated in part or fully through misuse of AI

Please note that CMI considers the misuse of AI to be a combination of plagiarism and collusion.

Examples of Learner malpractice could include

- Plagiarism - failure to acknowledge sources properly and/or the submission of another person's work as if it were the Learner's own; for example, the misuse of Artificial Intelligence (AI)
- Collusion with others, when an assessment must be completed by individual Learners and/or evidence, must relate to that individual Learner; for example, the misuse of Artificial Intelligence (AI)
- Copying from another Learner (including using ICT to do so);
- Impersonation - assuming the identity of another Learner or a Learner asking another person to assume their identity during an assessment;
- Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia);
- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language and having an unauthorised electronic device that causes a disturbance in the examination room;
- Frivolous content - producing content that is unrelated to the question in scripts or coursework;
- The procurement of evidence from a third party (for example; Artificial Intelligence (AI), essay mill, ghostwriting) which is submitted and declared as the Learner's own work.

Please note that reasonable adjustment, without having been formally approved prior to submission by CMI, will not be accepted as a defence for misuse of AI.

Irrespective of the underlying cause or the people involved, all allegations of suspected or actual malpractice in relation to delivery and assessment need to be investigated in order to protect the integrity of the CMI qualification and to be fair to the CMI Centre and all Learners.

Preventing and Dealing with Malpractice and Maladministration

Roles and Responsibilities

CMI is responsible for:

Taking all reasonable steps to **identify** the risk of any incidents, malpractice or maladministration which could have an 'Adverse Effect' ;

Adverse Effect - An act, omission, event, incident, or circumstance has an Adverse Effect if it –

(a) gives rise to prejudice to Learners or potential Learners, or

(b) adversely affects –

(i) the ability of the awarding organisation to undertake the development, delivery or award of

qualifications in a way that complies with its Conditions of Recognition,
(ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
(iii) public confidence in qualifications.

- Taking all reasonable steps to **prevent** (or mitigate) any incidents, malpractice or maladministration which could have an 'Adverse Effect';
- Provide appropriate training and/or information to CMI Centres on ways of working and arrangements to prevent malpractice and maladministration;
- Ensuring it has written up-to-date procedures in place for the investigation of suspected or alleged malpractice and/or maladministration;
- Carrying out or overseeing investigations of cases (or suspected cases) of malpractice and/or maladministration to establish whether it has occurred;
- Promptly taking all reasonable steps to prevent (or mitigate) any adverse effects arising from the malpractice and/or maladministration;
- Keeping under review the arrangements put in place by CMI Centres for preventing and investigating malpractice and maladministration;
- Providing guidance to CMI Centres (upon request) as to how best to prevent, investigate, and deal with malpractice and maladministration;
- Taking steps to prevent any malpractice or maladministration from recurring;
- Taking appropriate and proportionate action against those who are responsible for the malpractice and/or maladministration;
- Applying appropriate sanctions in line with its published sanctions policy;
- Informing CMI Centres and other Awarding Bodies of the malpractice and/or maladministration, as appropriate;
- Notifying regulators when it has cause to believe that an event has occurred, or is likely to occur, which could have an Adverse Effect;
- Reporting the matter to the police, where there is a credible allegation of suspected malpractice and/or maladministration that could constitute criminal activity (especially where the malpractice has led to fraud);
- Designing qualifications and processes to reduce, as far as reasonably possible, the opportunity for malpractice and maladministration to occur.

CMI Centres/CMI approved staff are responsible for:

- **Immediately notifying CMI of any incidents, or suspected incidents, of malpractice and/or maladministration as required by CMI policies;**
- Complying with published CMI malpractice procedures;
- Taking reasonable steps to prevent malpractice/ maladministration from arising;
- Advising Learners of the CMI policy on malpractice/maladministration during their induction;
- Being vigilant to possible instances of malpractice and maladministration;
- Assisting with any CMI requests for information;
- Co-operating with CMI malpractice/maladministration investigations;
- Carrying out investigations of malpractice under the guidance of CMI;
- Implementing any actions required during and after the investigation into a case of malpractice;
- Taking action is required to prevent the recurrence of malpractice/maladministration.

Where CMI Centres are Awarding Bodies in their own right, for example, universities, CMI only require them to notify us at the conclusion of their internal processes and not at the suspicion stage. Independent of the university sanction against the Learner, CMI will then decide whether an adverse effect has occurred and take steps against the Learner/Centre to maintain the integrity of the qualification.

Reporting Maladministration and Malpractice

The CMI Centre discovers suspected or alleged malpractice and/or maladministration

All CMI Centres are required to adhere to set CMI policies and procedures in the management, delivery, assessment and awarding of CMI qualifications. Centre staff should be fully aware of their Centre's own

procedures for preventing and dealing with malpractice and maladministration.

They should also be aware that they must report any suspected or alleged cases to CMI immediately. All cases must be reported to awardingbody@managers.org.uk with the email subject line as - *Suspected or Alleged Malpractice and Maladministration.*

The following information must be contained within the body of the email -

- Centre Name;
- Centre Point of Contact including name and email address;
- Name of the staff and/or Learner(s) involved in the suspected or alleged case of malpractice and maladministration;
- A summary of the suspected or alleged case of malpractice and maladministration;
- A summary of the actions taken so far, whether an investigation has started and the likely outcome date.
- Alternatively, Centres may wish to complete the Centre Report of Suspected Malpractice Form and attach this document to the email.

Step 1 - CMI's Awarding Body Support Team (ABST) will acknowledge receipt of the email within 3 working (UK) days of receiving the email and will record the details on its internal incident log and inform the allocated CMI Quality Manager of these actions.

Step 2 - On receipt of any report of suspected or alleged malpractice or maladministration at a Centre, the CMI ABST will apply an immediate Level 3 sanction in line with its Sanctions Policy to stop Learner registrations and certifications, where appropriate. This action is taken to prevent any possibility of an Adverse Effect and will remain in place until the outcome of the investigation is known or unless directed by the Senior Quality Managers.

Step 3 - CMI will review the initial summary of the information provided by the Centre in the email/completed form and then the allocated Centre's CMI Quality Manager will decide whether the Centre is to undertake an initial investigation or whether CMI will directly undertake the investigation. The Centre's CMI Quality Manager will then liaise with the CMI Relationship Manager and inform the Centre's Point of Contact and/or the Centre's Programme Director of the next steps in the investigation process.

As part of the investigation process, guidance will be given to Centres on how to investigate and deal with any cases of suspected or alleged malpractice or maladministration. If the matter involves plagiarism, collusion or misuse of AI misuse, CMI can provide viva guidance. This can be requested from awardingbody@managers.org.uk. Vivas need to be conducted within 10 working days of the suspected malpractice for best effectiveness.

Step 4 - Where a Centre is directed to undertake an initial investigation, they will be required to **fully** complete the Centre Report of Suspected Malpractice Form and send to CMI, enclosing any supporting evidence within **10 working (UK) days** of the request email from the CMI Quality Manager.

Failure to report any such suspected or alleged issues, or fully investigate the case may result in further sanctions being applied in line with CMI's Sanctions Policy.

CMI discover suspected or alleged malpractice and/or maladministration

Where internal CMI Moderators and/or CMI Markers suspect cases of malpractice and/or maladministration they should report their suspicions immediately to their CMI Lead Moderator and the Centre's allocated CMI Quality Manager. The Lead Moderator and CMI Quality Manager will then decide whether an investigation is required. Where an investigation is required, the CMI Quality Manager will email the ABST -

awarding@managers.org.uk and steps 1 - 4 (As above) will be followed.

Where internal CMI Lead Moderators and/or CMI Quality Managers suspect cases of malpractice and/or maladministration they should report their suspicions to the Senior Quality Manager. Where an investigation is required, the CMI Quality Manager will email the ABST - awarding@managers.org.uk and steps 1 - 4 (As above) will be followed.

Third Parties, Whistleblowers and Confidentiality

Alternatively, an individual may wish to disclose information relating to suspected or actual malpractice and/or maladministration confidently using CMI's WhistleBlowing procedure.

If suspected or alleged cases of malpractice and/or maladministration are brought to CMI's attention by a third party or 'whistleblower', CMI will take the below steps to establish the facts of the alleged case.

- This will be done in writing to the third party seeking permission to use their name, to communicate the details of the allegation with the CMI Centre, and to find out whether the Centre's internal procedures have been exhausted;
- If the 'whistleblower' does not grant permission to use their name, and the allegation still merits investigation, CMI will advise the 'whistleblower' that the scope of the investigation may be impaired and that CMI will strive to preserve their anonymity in bringing the matter to the attention of the CMI Centre Programme Director.
- In both scenarios above, a folder will be created in a secure area outside of CMI's normal document storage systems and access will be restricted to the investigating CMI QM, the CMI SQM and the Awarding Body Support Manager. All data appertaining to the investigation will be stored in this area and no data stored locally by any of the investigating staff.

Where suspected or alleged malpractice and/or maladministration are brought to the attention of CMI verbally (for example by telephone) then CMI will request that the allegation be presented in writing (for example, by post addressed to Awarding Body Support Team, Chartered Management Institute, Management House, Cottingham Road, Corby, Northants, NN17 1TT) or emailed to - awardingbody@managers.org.uk. In the event that CMI receives no follow-up confirmation of the allegation in writing, then CMI will keep an internal record of the allegation in line with its Data Protection Policy and its Complaints Policy and undertake any investigation as required.

Where suspected or alleged malpractice and/or maladministration is brought to the attention of CMI by a registered Learner or a member of Centre staff at a Centre, CMI will consider, if relevant, how best to protect the informant during and after any investigative activity.

Where suspected or alleged malpractice and/or maladministration is brought to the attention of CMI by an external person or persons, CMI will treat this as a whistleblowing case and investigate accordingly. CMI will consider, if relevant, how best to protect the informant during and after any investigative activity.

Investigation

In all cases, once the CMI has established that there are reasonable grounds for the suspicion or allegation, it will ensure a rigorous and effective investigation is carried out, and in line with the CMI's Investigation Procedure.

Where a Centre is directed to undertake an initial investigation, where possible it will be conducted by someone who is independent of the normal day-to-day working relationship with the Centre and who is competent to do so, who has no personal interest in the investigation outcome. It will be conducted to a specified timescale as laid down in the investigation procedure.

Flowchart for Process

A copy of the process flowchart can be found in Appendix 1 of this document.

CMI Review of Malpractice and/or Maladministration Cases

CMI Review of Malpractice and/or Maladministration Cases

Where a CMI Centre is tasked to undertake an initial investigation, the review by CMI of the information and evidence provided by the Centre will take place as soon as possible after receipt from the Centre and/or no later than 15 working (UK) days after receipt. The CMI review of the investigation, completion of any internal report

and a final decision in most cases will be made within **25 working (UK) days** of receipt of the information and evidence from the Centre. However, this timescale will depend on the scale of the case but will be as soon as is practically possible.

In a case of suspected malpractice and/or maladministration, the CMI Quality Manager and/or Senior Quality Manager will review the information and evidence presented and, if there are reasonable grounds, will decide on the most appropriate course of action. The action taken will depend on the nature and severity of the case, but could include -

- Consideration of whether the information provided is sufficient to make a judgement;
- Requiring the CMI Centre Programme Director to carry out a more in-depth investigation and to provide a written report within a set timescale. This will be in suspected cases of lesser immediate risk or severity such as an isolated plagiarism incident;
- Implementing the CMI Investigation Procedure, for example, in the case of alleged fraud or in a case of serious threat to the integrity of CMI qualification or where a Centre does not have the capacity to conduct a full investigation;
- Consider whether there is a risk of an Adverse Effect and the steps that should be taken to prevent this;
- Consider whether the Regulators should be notified of the matter;
- Consider whether further sanctions should be applied against a Centre until the investigation is complete;
- Inform the originator of the case of progress and timescales.

Notifying the Regulators

CMI needs to establish if an event has occurred, or is likely to occur, which has/could have an Adverse Effect. If so, CMI has an obligation to promptly notify the Regulator(s) that it has cause to believe that there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification which it makes available or could affect another awarding organisation.

CMI is obligated to inform SQA Accreditation if SQA Accreditation qualifications are involved even before it is established whether an adverse effect is likely. All suspected malpractice and maladministration will be notified to SQA Accreditation by CMI.

In all cases, CMI will not wait until it has the full picture before informing the Regulator(s). Therefore, where CMI has cause to believe that malpractice or maladministration has occurred, or is likely to occur and that this could have an Adverse Effect, it will not wait until it has completed any investigation before notifying the Regulator(s). Where there is a credible allegation of suspected malpractice or maladministration that could constitute criminal activity, CMI will consider whether to notify the police as well as notifying the Regulator(s).

CMI and the CMI Centre are required to cooperate in full, providing information and taking any appropriate action. The following Regulators are those that will need to be notified of cases within their jurisdictions -

- **Ofqual and Qualifications Wales -** CMI will notify of suspected or actual malpractice and/or maladministration to Ofqual and Qualifications Wales via their respective Regulation AO Portals.
- **SQA Accreditation -** CMI will notify suspected or actual malpractice and/or maladministration to SQA Accreditation; regulation@sqa.org.uk
- **CCEA Regulation -** CMI will notify suspected or actual malpractice and/or maladministration to CCEA Regulation; ccearegulation@ccea.org.uk

Investigation Outcomes

Investigation Outcomes

Once the investigation (whether it be carried out by the Centre or by CMI) has been concluded, the report will be considered by the allocated Centre's CMI Quality Manager and the Senior Quality Manager(s) and/or Awarding Body Responsible Officer and a decision made on any remedial or preventative actions to be taken and of any sanctions or penalties to be implemented.

If the report confirms that suspected or alleged malpractice and/or maladministration took place, CMI will first

consider:-

- What reasonable steps are required to prevent any Adverse Effect which may arise;
- If an Adverse Effect has occurred, what steps are required to mitigate any impact;
- How to minimise any risk to the integrity of the certification now and in the future;
- How to maintain public confidence in its delivery and awarding of qualifications;
- How to ensure this same incident will not re-occur.

Proportionate action will only be taken once the facts of the case have been established. CMI will therefore consider all relevant information when determining what action to take on a case-by-case basis. In all cases, CMI will consider consequential effects, including the effect of the proposed action on the individual or Centre, when judging which action(s) are proportional. CMI will balance the consequences for the individual or Centre against the seriousness and effects of the malpractice and/or maladministration. This does not preclude the use of sanctions.

Actions CMI may take could include:-

- If the CMI discovers that a result on a certificate is false because of malpractice or maladministration, CMI will take all reasonable steps to revoke the certificate.
- Specific actions within set timescales for the CMI Centre to take to address the findings of this case;
- Additional visits to CMI Centre including spot checks;
- Additional training for CMI Centre staff and/or removing specific staff from their role in delivery or assessment;
- Imposing sanctions;
- Instigating a Centre Withdrawal process;
- Taking action against Learners – for example, if found guilty of plagiarism, fraud, collusion or AI misuse;
- Reviewing confidentiality and/or security arrangements;
- Reviewing and amending CMI systems and procedures if required;
- Expanding the original investigation to look at other CMI qualifications or Centres;
- Reviewing and revising where necessary, its approach to the development, delivery and award of qualifications to ensure it remains appropriate.
- Reviewing its own guidance to its Centres, for example, what constitutes AI misuse.

CMI will decide at this stage of the procedure whether to remove the Level 3 sanction previously applied in line with its Sanctions Policy. A Quality Manager may drop the sanction level from 3 to 2 awaiting the results of an investigation if they are satisfied that the risk to the qualification validity has been managed and the particular malpractice is unlikely to be systemic or endemic. To do this a Quality Manager may require a Centre to conduct 100% IQA on all claims for the qualification affected in the interim; instigate 100% moderation for the qualification affected in the interim; or both actions.

Appeals against Malpractice/Maladministration decisions

If the Centre or individuals found to be guilty of malpractice and/or maladministration do not agree with the outcome, action and/or the decision made, they can appeal against that decision.
The appeal will review the processes taken to ensure that they were applied consistently and fairly. Please refer to the CMI Appeals Policy and Procedure for more information.

Maintaining Records

All material collected during this process including the original information and any documents relating to the investigation will be kept secure on the CMI Awarding Body secure drive. Information will be retained for up to 5 years. However, where a decision against a Learner has resulted in a withdrawal, a reduced qualification or loss of membership, the record will be retained indefinitely for the purpose of attestation in line with CMI's Privacy Policy.

If the outcome leads to invalid certificates or criminal or civil prosecution, materials will be held until such time as the case is completed and time allowed for any appeals to take place.

Alerting other Awarding Bodies

Regulations require that CMI notifies other Awarding Bodies of cases of malpractice and/or maladministration where these cases are likely to impact on the other Awarding Bodies. In dealing with cases of malpractice/maladministration, CMI must pay due regard to this requirement and notify other Awarding Bodies, as appropriate. This will usually be appropriate where:

- The CMI Centre where the malpractice and/or maladministration has occurred (or is suspected) is also approved with another Awarding Body (for the same or different qualifications) and the (suspected) malpractice could potentially impact the activities undertaken on behalf of that other Awarding Body
- The CMI Centre where the malpractice and/or maladministration has occurred (or is suspected) is also approved with another Awarding Body for the same qualifications and there is the potential for the CMI Centre to move their operations to the other Awarding Body in an attempt to avoid sanctions and continue sub-standard practises
- The CMI Centre where the malpractice and/or maladministration has occurred (or is suspected) has indicated that they are seeking approval with another Awarding Body (for the same or different qualifications)
- If the CMI Centre is itself an awarding body/organisation, for example, a university, and the people implicated in the investigation are likely to apply to other universities for learning or employment. Notification will only be addressed where a formal request is received for attestation of a person's status with CMI.

Monitoring and Review

Monitoring and Review

Progress of all cases of suspected malpractice or maladministration will be monitored by the Quality Managers, Senior Quality Manager and the Deputy Director of Awarding Body and Compliance at the monthly meetings. Progress reports will be provided to the Regulation Compliance Committee (RCC) for review.

All cases using this policy will be reviewed annually to ensure the appropriateness and approach are fit for purpose.

Appendix 1 - Reporting Flowchart

Appendix 1 - Reporting Flowchart