

CMI Malpractice and Maladministration Procedure – Ref: AB/PRO/0002/Jul18/V09

Purpose

This procedure applies to all Chartered Management Institute (CMI) Awarding Body employees, contracted staff, Learners and CMI Centres. CMI will 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. 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/maladministration are dealt with quickly, thoroughly and effectively.

Introduction

This document details the procedures to be followed when reporting suspected or actual cases of malpractice or maladministration. It also sets out the steps CMI will take to review and investigate any such cases, reporting arrangements and types of action it will take.

This document:

- Defines malpractice and maladministration in the context of delivery and assessments
- Describes how suspected cases of malpractice and maladministration are reported and dealt with

Definition of Malpractice and Maladministration

Malpractice

The term 'malpractice' covers any deliberate actions, neglect, failure to meet obligations or other practice that compromises, 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 or
- 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 records or systems to the deliberate falsification of records in order to claim certificates.

Failure by a CMI Centre to deal with an identified issue may in itself constitute malpractice.

Maladministration

The term maladministration is any activity, neglect, failure to meet obligations or other poor practice that results in the CMI Centre or Learner not complying with the specified requirements for the delivery of the qualifications as set out in the relevant codes of practice, where applicable.

Identifying suspected or actual cases of malpractice and maladministration

Suspected incidents of malpractice or maladministration may be identified from a number of areas. Centres may find this through their internal monitoring systems or it may be found through CMI's own quality assurance procedures. Occasionally incidents may be reported to CMI by a third party. Below is an indication of some of the trigger points where malpractice or maladministration could be identified:

- At Centre level through on-going quality assurance activity and monitoring e.g. internal verification activity
- At Centre level through intelligence, complaints or feedback received e.g. from Centre staff, Learners etc
- At Awarding Body level through scheduled quality assurance activity and monitoring e.g. faulty verification activity
- At Awarding Body level through intelligence, complaints or feedback received e.g. from Learners, Centre staff, whistleblowers or other stakeholders
- At Awarding Body level through information from other organisations e.g. other Awarding Bodies, sector skills councils or funding agencies etc
- At regulator level through intelligence, complaints or feedback received.

Scope

This policy applies to all CMI Awarding Body staff, employers, and CMI Centres and may also apply to CMI Learners.

Reporting suspected malpractice or maladministration

Centres

All CMI Centres are required to adhere to set procedures in the management, delivery, assessment and awarding of CMI qualifications. Centre staff should be fully aware of the Centre's own procedures for preventing malpractice and maladministration. They should also be aware that they must report any such cases to CMI immediately. They should carry out an initial investigation and complete the Centre Report of Suspected Malpractice Form (this form can be found at the end of this document for this purpose) and send to CMI enclosing any supporting evidence within 5 working days of the notification.

Cases could include whistleblowing, plagiarism, malpractice, maladministration, collusion, special consideration, reasonable adjustments, appeals or complaints.

On receipt of an allegation of suspected malpractice or maladministration at a Centre, CMI staff 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.

Failure to report any such issues may result in further sanctions being applied in line with CMI's Sanctions Policy.

Guidance may be given to Centres on how to prevent, investigate or deal with any cases of suspected malpractice or maladministration.

Staff or persons involved in the assessment, delivery and awarding of qualifications

Moderators, Markers, Quality Managers, Centre Staff or Learners who suspect cases of malpractice or maladministration should report their suspicions immediately to CMI's Head of Awarding Body or in their absence the Senior Quality Manager. This should be followed with a full written account and any supporting evidence within 5 working days.

Third Parties and Confidentiality

If a suspected case of malpractice or maladministration is 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 Centre Programme Director.

Where suspected malpractice/maladministration is brought to the attention of CMI verbally (e.g. by telephone) then CMI will request that the allegation is presented in writing (including by email) before instigating a full investigation.

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

CMI Review

In a case of suspected malpractice/maladministration the Head of the Awarding Body and/or Senior Quality Manager will review the information 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:-

- 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.

The review will take place as soon as possible after receipt of the information and no later than 5 working days after receipt.

Notifying the Regulators

In cases where there is the potential for an Adverse Effect or strong grounds for suspected malpractice and maladministration (e.g. cases with alleged fraud or serious threat to the integrity of CMI qualifications or CMI as an organisation), CMI is required to inform the appropriate regulatory bodies immediately after this becomes apparent. CMI and the CMI Centre are required to co-operate in full, providing information and taking any appropriate action.

CMI Investigation

The investigation will be carried out in line with CMI's Investigation Procedure. 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. It will be conducted to a specified timescale. The timescale will depend on the

scale of the case but will be as soon as is practically possible. An investigation, a report and a decision must all be made within 28 working days of receipt of the case information.

Centre Programme Directors carrying out investigations on behalf of CMI will be expected to use the same procedure.

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 Senior Quality Manager and/or Head of Awarding Body & Compliance 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 malpractice or maladministration took place CMI will first consider:-

- 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

Actions they may take could include:-

- 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 or fraud
- 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

Outcomes on plagiarism and collusion cases are outlined within CMI's Plagiarism and Collusion Statement.

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 and/or the decision made they can make an 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 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. Information will be retained for up to 5 years.

If the outcome leads to invalid certificates, 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/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/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 on the activities undertaken on behalf of that other Awarding Body

- The CMI Centre where the malpractice/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 practices
- The CMI Centre where the malpractice/maladministration has occurred (or is suspected) has indicated that they are seeking approval with another Awarding Body (for the same or different qualifications).

Monitoring and Review

Progress of all cases of suspected malpractice or maladministration will be monitored by the Quality Managers, Senior Quality Manager and Head of Awarding Body & Compliance at its monthly meetings. Reports on progress will be provided to the Regulation Compliance Committee (RCC) for review.

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

Learner/CMI Staff/Centre Report of Suspected Malpractice Form

This form must be completed by any CMI Centre when reporting an incident to CMI.

Centre Name	
Centre Number	
Contact Name	
Contact address, phone number and email	

CMI Qualification Code	Qualification Title

CMI Unit Code	Unit Title

Learner Number	Learner Name

Please give nature of the incident including whom it was reported to and dates.

Describe the actions taken by the Centre.

If there are any other details you feel are relevant to this incident including mitigating circumstances, please give further information below.