

POLICIES & PROCEDURES

Malpractice Policy



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Malpractice and Maladministration Policy

1. Introduction

As an Ofqual regulated awarding body, ABBE must abide by its regulators' Conditions of Recognition. In terms of malpractice and maladministration, ABBE must meet the following conditions:

- ❖ A6.1 requires an awarding organisation to take all reasonable steps to identify the risk of any incidents which could have an adverse effect.
- ❖ A8.1 states that awarding bodies 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.

Where cases of suspected or confirmed malpractice or maladministration are reported, an awarding body must conduct an investigation to determine whether malpractice or maladministration has occurred.

This policy explains the process for reporting and investigating such cases and details who is responsible for dealing with this.

The policy also explains what constitutes malpractice and maladministration, and outlines areas of good practice, to manage and mitigate incidences of this occurring.

2. Definition

Malpractice and maladministration are defined as activities of improper practice, which result in non-compliance with regulations and requirements. Malpractice generally involves some form of intent, whereas maladministration is usually unintentional.

3. Examples of Malpractice and Maladministration

Two of the clearest examples of potential malpractice are:

- ❖ Plagiarism, cheating, or facilitating cheating, in an assessment
- ❖ Attempting intentionally to manipulate a result so that it does not reflect the learner's actual performance in an assessment

Two of the clearest examples of potential maladministration are:

- ❖ Mistakes arising from inattention
- ❖ Faulty processes

3.1 Plagiarism through Artificial Intelligence (AI)

AI tools are increasingly accessible and capable of generating material, such as text, images, audio, video which learners may be able to use to produce material for assessment that does not reflect their own knowledge, skills or understanding and submit it as their own work.

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Learners must be made aware that when it comes to assessment, this should be a learner's own original work, and not the work of other people or AI tools. Any copied content must be referenced appropriately. The unauthorised and unaccredited usage of AI tools to write or create assessed work constitutes malpractice.

On occasion an assessment may require or allow the use of AI; in these cases this should be made very clear in the instructions. If the extent of AI allowed is unclear, learners must assume that these tools are **not** permitted. ABBE encourage tutors and assessors to discuss the misuse of AI in coursework with their learners.

3.2 Assessment Methodology

Some assessments methods may be more vulnerable to AI misuse than others, depending on how they are designed, delivered and used. Centres should consider where AI-related malpractice may pose a risk to their assessments and take all reasonable steps to mitigate this risk. When reviewing current assessment methodology consider whether they would remain effective as AI tools continue to develop.

ABBE recommends that centres review their assessment methodology in line with the AI Risk Measure Scale (ARMS) to reduce to risk of AI misuse in assessment. Assessments with high risk of AI misuse, should be redesigned to minimise the risk, for example, replacing unsupervised written coursework or tests with formal in-person exams, observation of practice or professional discussion.

3.3 AI Detection Software

Centres should have arrangements in place for detecting AI related malpractice. This may include training for the assessment team and the use of statistical or technological tools to help identify potential cases for investigation. Such tools should be used as sources of evidence rather than as sole determinants and consider their effectiveness and limitations, including the risk of false positives or false negatives, and how outputs are interpreted.

If it is suspected that an AI tool has been used inappropriately in assessed work, then the assessor should conduct an informal interview with the learner to discuss how they approached the assessment, gathered their evidence and what sources were used. If the concerns relating to the authenticity of the evidence remain, the assessor should conduct a professional discussion with the learner to verbally assess their knowledge and understanding. If concerns still remain, the centre should carry out a malpractice investigation and notify ABBE.

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3.4 Using AI to mark students' work

Ofqual general conditions of recognition do not allow the use of AI as the sole mechanism for determining a student's mark. Therefore, ABBE do not allow this.

4. Prevention of Malpractice and Maladministration

ABBE

As an awarding body, ABBE must put systems and processes in place to help prevent malpractice and maladministration occurring. ABBE must give clear guidance on the delivery and administration of qualifications and when developing or reviewing qualifications, ABBE will ensure that the risk of malpractice arising is minimised.

ABBE Approved Centres

ABBE centres must have their own malpractice and maladministration policy and put in place processes for mitigating, reporting and investigating malpractice and maladministration. Centres must notify ABBE of all cases of malpractice or maladministration.

5. Detecting Malpractice and Maladministration

Internal

Malpractice or maladministration could be uncovered through a centre's Internal Quality Assurance (IQA) processes, or by the centre's teaching and assessment team, or by another member of centre staff or a contractor, such as an Invigilator.

External

External Quality Assurance (EQA) activities could detect malpractice or maladministration, or the Awarding Body may pick up this on spot checks and visits. Allegations could also be made by a learner, a third party or another interested party, they could also be made anonymously.

6. Reporting Malpractice and Maladministration

Where a centre suspects malpractice or maladministration within their own centre, they should follow their own malpractice procedure and carry out an investigation. All cases of malpractice or maladministration must be reported to ABBE immediately. Centres should use the Malpractice - Maladministration Notification Form to report cases of malpractice or maladministration to ABBE. The form should detail the incident, outline the investigation to be undertaken, including proposed timelines. The centre should update ABBE with the findings of the investigation once concluded.

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Cases of suspected malpractice or maladministration can also be raised by external sources. The Malpractice - Maladministration Notification Form should be used to report such cases to ABBE, providing as much detail as possible relating to the case.

7. Investigating Malpractice and Maladministration

When ABBE is notified of a case of suspected malpractice or maladministration, the notification form is reviewed, and a decision is made whether ABBE needs to instigate an investigation. In order to protect learners and the integrity of our qualifications, ABBE may impose sanctions onto a centre whilst the investigation is carried out. This could include putting restrictions on registrations or certificating learners for one or a suite of qualifications.

Following the investigation into the suspected malpractice or maladministration, the assigned investigator will complete a Malpractice - Maladministration Investigation Summary Form, which details the findings of the investigation.

8. Procedure

Step One

All instances of malpractice or maladministration must be immediately reported to ABBE, using the Malpractice - Maladministration Notification Form. The notification form should be sent to the ABBE Enquiries inbox at: abbeenquiries@bcu.ac.uk.

*Please note, where a centre suspects malpractice or maladministration within their own centre, they should notify ABBE immediately and then follow their own malpractice procedure and investigate. The centre must provide ABBE with regular updates on the progress of their investigation and submit the investigation outcome and supporting evidence to ABBE upon conclusion.

Step Two

ABBE receives a Malpractice - Maladministration Notification Form and logs the case on the malpractice register.

Step Three

The notification form and associated evidence is reviewed by ABBE's designated officer to determine whether:

- ❖ The suspicion is credible
- ❖ There is any immediate risk to learners or assessment integrity
- ❖ Sufficient evidence has been provided to make a determination
- ❖ Further investigation is required
- ❖ A notification to Ofqual must be made
- ❖ An A8.7 notification needs to be raised

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Step Four

Following the initial review, ABBE's designated officer determines whether:

Option A

The evidence is sufficient to proceed directly to the Malpractice and Maladministration panel.

Option B

ABBE needs to appoint an investigator before the case can be presented to the Malpractice and Maladministration panel.

The terms of reference for the panel are detailed in appendix one.

Step Five - A

For cases referred directly to the panel, ABBE will convene a panel to review the evidence and reach an outcome. If the panel are unable to reach an outcome based on the evidence provided, the panel can refer the case for investigation – See Step Five - B. Following the investigation, ABBE will re-convene the panel to review the additional evidence and reach an outcome.

Step Five - B

If the case requires the appointment of an investigator, ABBE will appoint an investigator, who is appropriately trained, has sufficient authority and expertise, has no conflict of interest in the case and has had no direct involvement in the matter under consideration.

Prior to the investigation, the investigator will establish:

- ❖ Scope of investigation
- ❖ Allegations being considered
- ❖ Potential witnesses
- ❖ Evidence required
- ❖ Timescales

Following the collation of evidence and the conduction of the investigation, the investigator will provide a report to present to the Malpractice and Maladministration panel. ABBE will convene the panel to review the report and evidence and reach an outcome.

Step Six

The outcome of the panel may determine:

- ❖ No malpractice or maladministration occurred
- ❖ Malpractice or maladministration occurred
- ❖ Actions or sanctions are required

The panel must record the rationale for their decision.

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Step Seven

Following the determination of the outcome, ABBE will provide written notification to relevant parties detailing:

- ❖ Allegation considered
- ❖ Findings
- ❖ Decision reached
- ❖ Sanctions imposed
- ❖ Required corrective actions
- ❖ Right to request an appeal (where applicable)*

*see ABBE's Appeals Policy for further information.

Where Ofqual has been informed and/or an A8.7 notification has been sent, ABBE will provide an update in accordance with our regulatory reporting arrangements.

Step Eight

Once the case is closed, the malpractice register will be updated, and the final outcome will be recorded. Records will be retained in accordance with ABBE's data retention requirements.

9. Vexatious Correspondence or Behaviour

ABBE staff have the right to work without fear of abuse, intimidation, or harassment. Threatening or abusive correspondence or behaviour will not be tolerated under any circumstances, and ABBE staff will not engage with persistent or harassing contact from complainants. If this kind of behaviour occurs, ABBE will treat it as vexatious.

Vexatious behaviour includes, but is not limited to:

- ❖ Abusive, intimidating or threatening written or telephone correspondence or physical behaviour in a face to face meeting
- ❖ Abusive, intimidating, threatening or false posts on social media, forums, or other online platforms
- ❖ Persistent, repeated contact without providing any new information or evidence, or harassment of any kind
- ❖ Making unreasonable demands on ABBE staff, e.g. outside the remit of the complaint
- ❖ Making accusatory or malicious remarks about or against ABBE, ABBE staff or representatives, or ABBE centres
- ❖ Making statements known to be false/inaccurate/misleading

Vexatious behaviour will be dealt with appropriately, which may include reporting to the police where it is believed that an offence has been committed. Vexatious behaviour may be reported to the ABBE Senior Leadership Team and Board, either of which may request specific action be taken against the perpetrator as a result.

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10. Continuous Improvement

To ensure that this policy remains fit for purpose and that the procedures and its outcomes are achievable, it is subject to a three-year review cycle, or earlier should any feedback or concern be brought to the attention of ABBE. This policy is also reviewed as part of ABBE continuous improvement monitoring through its annual self-assessment arrangements.

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Appendix One - Terms of Reference for the Panel

The Malpractice - Maladministration Panel must comprise of individuals who:

- ❖ Are appropriately trained
- ❖ Have sufficient authority and expertise
- ❖ Have no conflict of interest in the case
- ❖ Have had no direct involvement in the matter under consideration

The Panel may comprise of any three of the following:

- ❖ The ABBE Responsible Officer
- ❖ A member of the ABBE Senior Leadership Team
- ❖ Another member of the ABBE team
- ❖ An ABBE EQA

All members of the Panel must attend whenever the Panel is convened. Non-attendance will only be permitted in the event of extenuating circumstances, outside of the Panel's control.

The Panel are responsible for agreeing the outcome of the case and any actions and/or sanctions that should be implemented. Recommendations can also be made by the panel to mitigate the risk of malpractice or maladministration going forward.

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