



# Malpractice and Maladministration Policy

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<b>Document Revision History</b>		
<b>Version</b>	<b>Date</b>	<b>Description of Change</b>
<b>3.1</b>	<b>11/06/2024</b>	Minor updates
<b>3.0</b>	<b>11/01/2024</b>	Major content review for process improvement
<b>-</b>	<b>2020-2023</b>	Revised annually- no changes found necessary
<b>2.3</b>	<b>21/10/2019</b>	Update of 2019
<b>2.2</b>	<b>27/08/2018</b>	Update of 2018
<b>2.1</b>	<b>24/03/2017</b>	Update of 2017

## About LanguageCert

LanguageCert is an Ofqual recognised Awarding Organisation responsible for the development and award of language qualifications. LanguageCert's mission is to offer high quality language qualifications that are truly fit-for-purpose for the markets/candidates they serve.

LanguageCert International ESOL Qualifications (Entry level, Level 1, Level 2, and Level 3, corresponding to CEFR levels A1 to C2) are regulated by Ofqual.

## 1 Introduction

This policy applies to LanguageCert's customers including test centres and candidates who may be involved in suspected or actual malpractice/maladministration.

It sets out the steps test centres, candidates and other stakeholders should follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the steps we will follow when reviewing the cases.

## 2 The Test Centre's Responsibility

A test centre's compliance with this policy is mandatory, and its competence in the handling of malpractice and maladministration will be reviewed by LanguageCert periodically through our ongoing monitoring arrangements.

If we require a test centre to carry out an internal investigation, the test centre manager must cooperate with us to ensure that the investigation is carried out in an effective, prompt and thorough manner.

## 3 Review arrangements

We will review this policy annually and revise it as and when necessary in response to customer and/or operational feedback, changes in our practices, actions from regulatory authorities or external agencies, changes in legislation or trends identified from previous allegations.

Please send any feedback on this policy to [Quality@LanguageCert.org](mailto:Quality@LanguageCert.org).

## 4 Definition of Malpractice

Malpractice is anything which compromises or could compromise:

- The integrity of our assessment process
- The integrity and validity of LanguageCert results and/or certificates
- The reputation and credibility of LanguageCert.

## 5 Example of Malpractice

There are numerous potential examples of candidate and/or test centre malpractice. Malpractice may involve some form of plagiarism, collusion, inappropriate assistance, tampering, falsification, breach of confidentiality or impersonation.

Malpractice involves cheating (or facilitating cheating) in an assessment or attempting to manipulate a result so that it does not reflect the individual's actual performance in an exam.

This policy covers our approach towards compliance with Ofqual's General Condition [A8](#) which lists more detailed and specific examples of potential exam malpractice and maladministration.

## 6 Definition of Maladministration

Maladministration is anything which results in non-compliance with administrative rules and requirements. This includes persistent mistakes or poor administration within a test centre.

## 7 Examples of Maladministration

These are some examples of centre maladministration:

- Persistent and/or deliberate failure to adhere to candidate registration, centre accreditation and/or certification procedures
- Unreasonable delays in responding to requests and/or communications from LanguageCert
- Failure to maintain appropriate and authentic auditable records
- Misuse of our logos and trademarks or misrepresentation of a test centre's relationship with LanguageCert.

## 8 How to make an allegation of Malpractice / Maladministration

Anybody who wants to report suspected or actual cases of malpractice or maladministration should immediately notify LanguageCert by e-mail at [Quality@LanguageCert.org](mailto:Quality@LanguageCert.org) and enclose any supporting evidence.

Where possible, information should include:

- The test centre's and/or candidate/s' contact details (including LanguageCert candidate registration number if known)
- Test centre/LanguageCert staff member details if involved in the case
- Details of the LanguageCert certification/s affected
- Details of the suspected or actual malpractice and the dates
- Details and outcome of any initial investigation carried out by the test centre or anyone else involved in the case.

## 9 Confidentiality and Whistleblowing

A person making an allegation of malpractice or maladministration may want to remain anonymous, although it is always preferable to reveal your identity and provide us with your contact details. Please refer to our published Whistleblower Policy if you need to report any malpractice / maladministration concerns in confidence.

## 10 Responsibility for the investigation

Suspected cases of maladministration and malpractice will be considered by LanguageCert to establish if malpractice or maladministration has occurred.

Our Quality Department will carry out investigations in a prompt, independent and effective manner. Nominated staff will acknowledge receipt, lead the investigation, review the evidence and establish whether or not any malpractice or maladministration has occurred.

## 11 Notifying relevant parties

We will inform relevant stakeholders that we will investigate the matter, including the person who made the allegation and/or the test centre manager. We may communicate directly with test centre staff who have been accused of malpractice if appropriate. We may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

If fraud is suspected and/or identified, we may also notify other relevant stakeholders – including Ofqual, universities, the UK Home Office, other awarding bodies etc.

## 12 Investigation timelines and summary process

We aim to complete the investigation within 10 business days of receipt of an allegation. In some cases, the investigation may take longer; for example, if the investigation is complex. Where relevant, we will advise all parties of the likely revised timescale.

If we request further information, we expect full cooperation from all parties involved in the investigation.

We will conduct investigations in a fair, reasonable and lawful manner, ensuring that all relevant evidence is considered without bias.

We will:

- Establish the facts and identify the cause and scale of any irregularities
- Evaluate any action/s already taken by a test centre
- Determine whether any remedial action is required with respect to enrolled customers and/or certificates already issued.

We reserve the right to impose sanctions on a test centre to protect the interests of candidates and the integrity of certifications. We also reserve the right to withhold, recall and/or adjust a candidate's scores.

## 13 Investigation records

We will record all cases of malpractice and/or maladministration and will inform relevant stakeholders as appropriate regarding any follow-up actions taken.

Individual candidates / test centre staff accused of malpractice and/or maladministration have the right to appeal against any action/s taken.

As part of an investigation we may produce reports for authorities and other recognising organisations. Typically these reports will describe:

- The facts of the case
- An appropriate level of remedial action to be taken
- Reference to any supporting evidence and mitigating factors.

## 14 Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place, we will:

- Impose specific and proportionate actions in relation to a test centre. There may be timebound directives to address malpractice/maladministration and to prevent it from reoccurring
- Take action against a candidate in relation to proven instances of malpractice, such as some or all of the following:
  - A written warning that if the offence is repeated further action may be taken.
  - Loss of partial or all marks for the related exam
  - Disqualification from the certification
  - Placing a ban from taking any further exams with us.
- Inform the test centre and/or candidates(s) concerned in cases where certificates are invalid
- Inform relevant third parties of our findings in case they need to take relevant action in relation to the test centre
- Carry out additional investigations if we suspect the issue may be more widespread at the test centre and/or at other test centres.

To appeal a decision please refer to our Appeals Policy on <https://www.languagecert.org/>



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