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The Breastfeeding Network

Malpractice Policy

For Tutors and Learners

Issue Date: July 2011

Review Date: July 2013

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The Breastfeeding Network is a Registered Scottish Charity No SC027007

BREASTFEEDING NETWORK MALPRACTICE POLICY

Guidelines and Arrangements for Dealing with Suspected Malpractice with regard to BfN and OCN qualifications.

1.1 Introduction

This policy aims to:

- Define malpractice in the context of assessment.
- Set out the rights and responsibilities of the Breastfeeding Network, its tutors and learners relating to assessment.
- Describe the procedures to be followed in cases where there is reason to suspect that the regulations have been broken.

1.2 BfN internal verifiers are responsible for the qualification and units of the qualification and are expected to supervise all investigations resulting from an allegation of malpractice. BfN must report suspected malpractice to OCNLR, failure to do so may result in certificates not being issued and registrations not being accepted.

1.3 OCNLR reserves the right to withhold the issuing of results of assessment while investigations are on-going. Depending on the outcome of the investigation, results may be released or permanently withheld.

2. Malpractice

2.1 Malpractice is deemed to be those actions and practices, which threaten the integrity of assessment and certification. The term 'malpractice' is intended to encompass other similar terms such as 'non-compliance', 'misadministration' and 'professional misconduct'.

3. BfN Tutor Malpractice

3.1 Tutor malpractice would include:

- Failing to keep learner, computer or other files secure. This would include confidential or personal identifiable details and loss of assignments.
- Helping or prompting learners with the production of answers.

- (Group discussion on agreeing appropriate responses is acceptable.)
- Failing to abide by the conditions of supervision designed to ensure the security of assessment.
- Failing to keep assessment papers secure prior to assessment (BFI audit questions used at end of the probationary period).
- Failing to fulfil training and/ or supervision contracts.

Other instances of malpractice may be considered by BfN or OCNLR at their discretion.

4. Learner Malpractice

4.1 Learner malpractice would include:

- Copying from another learner (including using IT to do so).
- The deliberate destruction of another's work.
- Plagiarism – defined as using the ideas or writings of another as your own. This means that anything which is copied from or based upon the work of others has its source clearly acknowledged.
- Behaving in such a way as to undermine the integrity of the assessment.
- Acting in a disruptive manner.

Other instances of malpractice may be considered by BfN or OCNLR at their discretion.

5. Procedures for investigating alleged malpractice

- 5.1 Allegations of malpractice must be reported to BfN internal verifiers and OCNLR by assessors, moderators, tutors, managers, learners and members of the public. When dealing with alleged malpractice, OCNLR will deal primarily with BfN's internal verifier, her nominated representative, responsible for the qualification or unit. In certain circumstances, for example, when a learner's account of events differs with that of BfN's, OCNLR may deal directly with the learner or their representative.
- 5.2 BfN and OCNLR will seek to establish the full facts and circumstances of any alleged malpractice.

6. Malpractice discovered by BfN

If malpractice is discovered by BfN, full details of the case must be submitted at the earliest opportunity to the Chief Executive of OCNLR.

7. Malpractice discovered by OCNLR

- 7.1 If malpractice is discovered by OCNLR's quality reviewer, or has been reported to OCNLR by a learner or member of the public, full details of the alleged malpractice will be reported to BfN. BfN's internal verifier, together with the HR director and senior staff will be required to conduct a full investigation into the alleged malpractice and to submit a written report.

8. Anonymous reports

- 8.1 Anonymous reports will only be acted upon if there is supporting evidence, or if the nature of the report warrants it. In these cases BfN's internal verifier will be informed and asked to comment or investigate.

9. Access to evidence – confidentiality of evidence

- 9.1 OCNLR will not normally withhold from BfN's internal verifier any evidence relevant to cases of suspected malpractice. Occasionally it may be necessary to do so, for example where it is necessary to protect the identity of an informant. In all such cases OCNLR will provide summaries of evidence and a statement as to why evidence itself cannot be presented in its original form.
- 9.2 It is at the discretion of BfN's internal verifier as to the means by which evidence is presented to the individuals suspected of malpractice. Nevertheless OCNLR requires that individuals subject to a malpractice investigation have access to all evidence against them and are provided with sufficient time in order to allow them to prepare full responses.

10. Investigation by a Centre into suspected malpractice by learners

- 10.1 It is the responsibility of BfN's internal verifier to carry out an investigation, to submit a full written report of the case and to provide supporting evidence to OCNLR.
- 10.2 Learners suspected of malpractice should be made fully aware, in writing at the earliest opportunity of the nature of the alleged malpractice and of the possible consequences should malpractice be proven.
- 10.3 Learners suspected of malpractice must be given the opportunity to respond, preferably in writing, to allegations made.
- 10.4 Learners suspected of malpractice must be made aware of the routes for appealing should a judgement be made against him or her.
- 10.5 In rare cases where it is necessary for OCNLR to interview a learner/s in the pursuance of an investigation, OCNLR undertake to only do this in the presence of BfN's internal verifier, or other senior member of staff, and then only after ensuring that the learner has been given the opportunity to be accompanied by an advocate.

11. Investigation of suspected malpractice by members of staff

- 11.1 Investigations into any case of suspected malpractice against a member of staff must normally be carried out in the first instance by BfN's internal verifier or the HR director and senior staff, in conjunction with OCNLR.
- 11.2 Investigations into any case of suspected malpractice against the BfN internal verifier must be carried out by the Chair of the directors (Governing Body of the Centre), and reported to OCNLR when complete.
- 11.3 Any member of staff suspected of malpractice must be made fully aware, in writing, at the earliest opportunity of the nature of the suspected malpractice and the possible consequences should malpractice be proven.

- 11.4 Any tutor suspected of malpractice must have the opportunity to respond, preferably in writing, to allegations made.
- 11.5 Any tutor suspected of malpractice must be aware of the routes for appealing.
- 11.6 In serious cases of suspected tutor malpractice, it may be necessary for a member of OCNLR staff to be present at an interview with the tutor concerned.
- 11.7 A report on cases where tutors are found to have committed malpractice, together with details of the action taken by BfN's internal verifier or the directors, may be made available to others, for example, the police, if OCNLR decides that the circumstances of the case are sufficiently serious to warrant such reports being made.

12. Reporting

- 12.1 It is the responsibility of BfN's internal verifier to submit to OCNLR a full written report of an investigation and to provide the following where appropriate:
 - A statement of the facts, a detailed account of the circumstances and details of any investigations carried out by BfN.
 - Written statement(s) from the moderators or other staff concerned.
 - Written statement(s) from the learner(s) concerned.
 - Information from BfN's procedures for advising learners and tutors of OCNLR regulations.
 - Any work of the learner and any associated material that is relevant to the investigation

13. The response of OCNLR to reports

- 13.1 Where an investigation indicates evidence of malpractice, OCNLR will appoint a panel, chaired by a member of the OCNLR Board and comprising both OCNLR Board members and external members, to scrutinise the alleged malpractice. The panel will comprise at least three members, with OCNLR Board members being in the minority.
- 13.2 The panel may delegate responsibility for deciding certain straightforward cases to named officers of OCNLR.
- 13.3 The panel must establish that correct procedures have been followed in the investigation of cases.
- 13.4 The panel, or officers acting under delegated authority, will determine:
 - Whether the assessment regulations have been broken.
 - Where the culpability lies for the breach of regulations.
 - Appropriate measures to be taken to protect the integrity of the assessment and to prevent future breaches.
 - The nature of the sanctions to be applied/action to be taken.
- 13.5 Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available.
- 13.6 OCNLR will impose sanctions on individuals found guilty of breaking assessment regulations in order to:
 - Maintain the integrity of the assessment and confidence in assessment.
 - Ensure that there is nothing to gain from breaking the regulations.
 - Deter others from doing likewise.

14. Sanctions applied against tutors and the organisation.

- 14.1 Where an investigation establishes a malpractice by a tutor, any subsequent disciplinary action against the tutor concerned must be the responsibility of BfN's internal verifier.

- 14.2 OCNLR will consider whether the integrity of its assessment might be jeopardised if a BfN tutor or internal verifier found to have indulged in unfair practice were to be involved in the conduct, supervision or administration of OCNLR assessments in the future.
- 14.3 Where a member of staff has been found guilty of malpractice, OCNLR has the right to impose special conditions on the future involvement in assessment by that member of staff, whether this involves the conduct, supervision or administration of assessments.
- 14.4 OCNLR may refuse to accept assessment entries from BfN if malpractice is established.
- 14.5 OCNLR may withdraw Centre approval to BfN to deliver NOCN qualifications and units of NOCN qualifications where malpractice is established.

15 Sanctions applied against learners

- 15.1 OCNLR may, at its discretion, impose the following sanctions against learners found guilty of breaking the regulations:
- The learner is issued with a warning.
 - The learner loses all credit gained for a unit.
 - The learner loses all credit gained from all units in a single qualification (units which have been awarded are retained).
 - The learner is disqualified from the whole qualification.
 - The learner is barred from entering for one or more assessments for a set period of time. (This penalty may be applied in certain circumstances with any of the other penalties above).
 - Similar sanctions will also apply to BfN qualifications.

Notes:

- Not all of the penalties may be appropriate for all NOCN qualifications.
- In the case of serious malpractice OCNLR may report the case to the police.

- BfN with BfN's internal verifier retains sole discretion to take any further action they themselves deem necessary

16. Applying sanctions

- 16.1 The application of sanctions is at the discretion of OCNLR and will reflect the particular circumstances of each case and any mitigating factors.
- 16.2 Sanctions will be based only on the evidence presented.
- 16.3 All sanctions must be justifiable and reasonable in their scale and consistent in their application.
- 16.4 For reasons of consistency of approach in the application of sanctions, OCNLR will not take into account any consequential effects of a particular sanction which might arise from the circumstances of the individual.
[To be consistent, sanctions will be applied without taking into account how this might impact on the individual]
- 16.5 Sanctions applied will remain on record at OCNLR.

17. Communicating decisions from OCNLR to learners, tutors and BfN

- 17.1 BfNs internal verifier will be informed of decisions in writing as soon as possible after decisions are made. It is the responsibility of this person to communicate the decision to the individuals concerned and to pass on warnings in cases where this is indicated.

18. Exchange of information with other Awarding Bodies and Authorities

- 18.1 The majority of cases of malpractice are essentially confidential between BfN and OCNLR, but there are certain cases that may have wider implications. In cases of serious malpractice, in order to preserve the integrity of the assessment, it may be necessary for information to be exchanged amongst other Awarding Bodies, regulatory authorities and/or the police.

- 18.2 In all instances of serious malpractice, OCNLR will automatically report the case to the regulatory authorities. All other cases will be reported on request.
- 18.3 OCNLR will inform the regulatory authorities whenever it finds evidence that certificates may be invalid and agree appropriate remedial action.

19. Appeals

OCNLR follows the established NOCN appeals procedure for considering appeals arising from the outcomes of an investigation into malpractice. The appeals procedure entitled "NOCN Arrangements for considering appeals and complaints to NOCN concerning NOCN Qualifications and Units of NOCN Qualifications" can be found on the NOCN website, www.nocn.org.uk.

Policy approved July 2011