



All correspondence to:

The Breastfeeding Network
PO Box 11126, Paisley PA2 8YB
Tel: 0844 412 0995
e-mail: admin@breastfeedingnetwork.org.uk
www.breastfeedingnetwork.org.uk

The Breastfeeding Network

Malpractice Policy

Guidelines for dealing with suspected malpractice with
reference to BfN and OCN London Qualifications

Issue Date: July 2011

Updated: November 2015

Review Date: November 2017

Lead

Pat Little

To speak to a Breastfeeding Supporter call the **National Breastfeeding Helpline 0300 100 0212**

Calls provided by BT will be charged at 5 pence per minute. A call set-up fee of 3 pence per call applies to calls from BT residential lines. Mobile and other providers' charges may vary.

The Breastfeeding Network is a Company Limited by Guarantee Registered in Scotland Company No. 330639
Registered office Alexander Sloan, Chartered Accountants, 38 Cadogan Street, Glasgow, G2 7HF
The Breastfeeding Network is a Registered Scottish Charity No SC027007

Malpractice Policy

Contents

1. Introduction.....	4
2. Definition of malpractice.....	4
i. BfN Tutor Malpractice.....	4
ii. Learner Malpractice.....	5
3. Procedures for investigating alleged malpractice	5
i. Malpractice discovered by BfN.....	5
ii. Malpractice discovered by OCN London.....	6
4. Anonymous reports	6
5. Access to evidence – confidentiality of evidence	6
6. Investigation by a Centre	6
i. Suspected malpractice by learners.....	6
ii. Suspected malpractice by members of staff.....	6
7. Reporting.....	7
8. The response of OCN London to reports.....	7
9. Sanctions	8
i. Applied against tutors and the organisation.....	8
ii. Applied against learners	8
10. Applying sanctions	9
11. Communicating decisions from OCN London to learners, tutors and BfN.....	9
12. Exchange of information with other Awarding Bodies and Authorities.....	9
13. Reducing the possibility of malpractice	10
i. Tutors:.....	10
ii. Learners:	10
14. Appeals.....	11

Breastfeeding Network

Malpractice Policy

Guidelines and arrangements for dealing with suspected malpractice with reference to BfN and OCN qualifications.

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.

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 OCN London, failure to do so may result in certificates not being issued and registrations not being accepted.

OCN London 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. Definition of malpractice

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'.

i. BfN Tutor Malpractice

Tutor malpractice would include:

- Falsification of results
- 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 or supervision contracts.

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

ii. Learner Malpractice

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 OCN London at their discretion.

3. Procedures for investigating alleged malpractice

Allegations of malpractice must be reported to BfN internal verifiers and OCN London by assessors, internal verifiers, tutors, managers, learners and members of the public. When dealing with alleged malpractice, OCN London will deal primarily with BfN's internal verifier or 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, OCN London may deal directly with the learner or their representative.

BfN and OCN London will seek to establish the full facts and circumstances of any alleged malpractice.

i. 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 OCN London.

ii. Malpractice discovered by OCN London

If malpractice is discovered by OCN London's quality reviewer, or has been reported to OCN London 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 manager and senior staff will be required to conduct a full investigation into the alleged malpractice and to submit a written report.

4. Anonymous reports

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.

5. Access to evidence – confidentiality of evidence

OCN London 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 OCN London will provide summaries of evidence and a statement as to why evidence itself cannot be presented in its original form.

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 OCN London 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.

6. Investigation by a Centre

i. Suspected malpractice by learners

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 OCN London.

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.

ii. Suspected malpractice by members of staff

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.

Any tutor suspected of malpractice must have the opportunity to respond, preferably in writing, to allegations made.

Any tutor suspected of malpractice must be aware of the routes for appealing.

In serious cases of suspected tutor malpractice, it may be necessary for a member of OCN London staff to be present at an interview with the tutor concerned.

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 OCN London decides that the circumstances of the case are sufficiently serious to warrant such reports being made.

7. Reporting

It is the responsibility of BfN's internal verifier to submit to OCN London 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 internal verifiers or other staff concerned.
- Written statement(s) from the learner(s) concerned.
- Information from BfN's procedures for advising learners and tutors of OCN London regulations.
- Any work of the learner and any associated material that is relevant to the investigation

8. The response of OCN London to reports

Where an investigation indicates evidence of malpractice, OCN London will appoint a panel, chaired by a member of the OCN London Board and comprising both OCN London Board members and external members, to scrutinise the alleged malpractice. The panel will comprise at least three members, with OCN London Board members being in the minority.

The panel may delegate responsibility for deciding certain straightforward cases to named officers of OCN London.

The panel must establish that correct procedures have been followed in the investigation of cases.

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.
- Each case of suspected malpractice will be considered and judged on an individual basis in the light of all information available.
- OCN London 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.

9. Sanctions

i. Applied against tutors and the organisation

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.

OCN London 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 OCN London assessments in the future.

Where a member of staff has been found guilty of malpractice, OCN London 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.

OCN London may refuse to accept assessment entries from BfN if malpractice is established.

OCN London may withdraw Centre approval to BfN to deliver OCN London qualifications and units of OCN London qualifications where malpractice is established.

ii. Applied against learners

OCN London 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 OCN London qualifications.
- In the case of serious malpractice OCN London 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

10. Applying sanctions

The application of sanctions is at the discretion of OCN London and will reflect the particular circumstances of each case and any mitigating factors.

Sanctions will be based only on the evidence presented.

All sanctions must be justifiable and reasonable in their scale and consistent in their application.

For reasons of consistency of approach in the application of sanctions, OCN London 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]

Sanctions applied will remain on record at OCN London.

11. Communicating decisions from OCN London to learners, tutors and BfN

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.

12. Exchange of information with other Awarding Bodies and Authorities

The majority of cases of malpractice are essentially confidential between BfN and OCN London, 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.

In all instances of serious malpractice, OCN London will automatically report the case to the regulatory authorities. All other cases will be reported on request.

OCN London will inform the regulatory authorities whenever it finds evidence that certificates may be invalid and agree appropriate remedial action.

13. Reducing the possibility of malpractice

Rigorous internal and external verification processes should identify any possible instances of malpractice.

i. Tutors:

- The Malpractice Policy is available to all on the BfN website.
- A summary of the policy is emailed to tutors from time to time, via Central Line.
- Learner evaluations for Helpers' courses are gathered electronically using Survey Monkey, simplifying reporting of concerns over a tutor.

Recommendations:-

- Malpractice should be specifically covered in tutor training.
- Tutors should receive training in detecting plagiarism.
- The policy should be referred to in the Tutor handbook.
- Email reminders via Central Line about the policy should be sent out at regular specified intervals.
- Establishing evaluation of Supporters' courses using Survey Monkey.

ii. Learners:

- The Malpractice Policy is available to all on the BfN website. It is presumed that all tutors discuss this with their learners.
- Identity of learners is confirmed by completion of an enhanced DBS check for child and adult workforce and checking two references which takes place before they can register as Breastfeeding Helpers.

Recommendations:-

- Ensure that information to learners on Malpractice Policy is included in lesson plans for all courses.
- DBS and references should be completed before ERAC is submitted however delays in the DBS process are likely to result in a delay in the award of credit, which means there needs to be some flexibility.

14. Appeals

OCN London has established procedures for considering appeals arising from the outcomes of an investigation into malpractice. The OCN London [Appeals Policy](#) entitled Appeals Procedure OCN London Qualifications, Units can be found on the OCN London [website](http://www.ocnlondon.org.uk). (www.ocnlondon.org.uk)

P Little and P Buchanan

Document Control Table			
Document Title:		Malpractice Policy	
Author(s) (name, job title and Division):		Pat Little and Phyll Buchanan	
Version Number:		3	
Document Status:			
Date Approved:		July 2011	
Approved By:			
Effective Date:		November 2015	
Date of Next Review:		November 2017	
Superseded Version:		Updated April 2014 and July 2011	
Document History			
Version	Date	Author	Notes on Revisions