



# **Policy and procedures for dealing with malpractice in internally assessed qualifications: Information for centres**

Valid from April 2015

Published by the Scottish Qualifications Authority

The Optima Building, 58 Robertson Street, Glasgow G2 8DQ

Lowden, 24 Wester Shawfair, Dalkeith, EH22 1FD

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# 1: Introduction

It is imperative that SQA, its centres and other key partners work together to protect the credibility of the qualifications system. To do this, SQA will ensure that its processes and qualifications are designed to minimise any potential for malpractice, and it is important that centres do the same. SQA's [Guide to Assessment](#) suggests a number of ways of planning assessments, assessing and authenticating candidate evidence to minimise the risk of malpractice. This document sets out SQA's procedures for dealing with suspected cases of malpractice in internally-assessed qualifications. These procedures are necessary for maintaining the integrity of SQA's qualifications. The document also explains the systems and procedures that should be implemented and followed in centres to prevent malpractice and handle allegations of malpractice appropriately. It:

- ◆ defines candidate malpractice and centre malpractice in the context of internally assessed qualifications
- ◆ sets out the responsibilities of SQA and centres in relation to malpractice
- ◆ describes how to proceed in cases where there is reason to suspect malpractice

The procedures apply to all SQA qualifications, including those that are subject to statutory regulation by SQA Accreditation or Ofqual.

Because SQA is committed to safeguarding its reputation for the quality and credibility of its qualifications, all allegations of malpractice should be investigated consistently, fairly and impartially.

SQA will be a data controller in respect of much of the information it holds in the course of an investigation. SQA will ensure that any sharing of personal data in the course of an investigation complies with the Data Protection Act 1998, the Information Commissioner's Data Sharing Code of Practice, and SQA's Data Protection Policy.

SQA is also a Scottish public authority listed in Schedule 1 to the Freedom of Information (Scotland) Act 2002. SQA is required to consider information requests it receives under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 (subject to any exemptions that might apply).

## Note

Throughout this guide, 'SQA' refers to SQA as an awarding body. When we are referring to SQA's regulatory or accreditation function, we will use 'SQA Accreditation'.

## 2: Definition

The term 'malpractice' covers any deliberate actions, neglect, default or other practice that compromises the assessment process or the integrity of an SQA qualification, the validity of an SQA certificate, or the reputation and credibility of SQA.

Some instances occur because of ignorance of SQA's criteria and procedures, or because of carelessness or forgetfulness in applying them. As this may in itself constitute malpractice, this document covers both misconduct and maladministration.

### Candidate malpractice

You should read SQA's publication [Guide to Assessment](#) for ways of designing assessments, assessing and authenticating candidate evidence to minimise the risk of candidate malpractice. Further information on subject-specific assessment requirements is also included in subject-specific documentation, such as Unit Assessment Support Packs and HN exemplars.

Malpractice by a candidate in internal assessment can occur, for example, in:

- ◆ the preparation and authentication of assessment materials
- ◆ the preparation or presentation of practical work
- ◆ the compilation of portfolios of internal assessment evidence
- ◆ conduct during an internal assessment

The following are examples of candidate malpractice, but you should be vigilant to other instances of suspected malpractice that may undermine the integrity of qualifications. Examples could include:

- ◆ Plagiarism — failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own.
- ◆ Collusion with others when an assessment must be completed by individual candidates.
- ◆ Copying from another candidate (including using ICT to do so).
- ◆ Personation — pretending to be someone else.
- ◆ Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence.
- ◆ Frivolous content — producing content that is unrelated to the assessment.
- ◆ Unauthorised aids — physical possession of unauthorised materials (including mobile phones, MP3 players, notes etc) during the internal assessment.
- ◆ Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language.

### Centre malpractice

The following are examples of centre malpractice, but SQA reserves the right to consider other instances of suspected centre malpractice which may undermine the integrity of our qualifications. The examples include:

- ◆ Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions.

- ◆ Insecure storage of assessment instruments and marking guidance.
- ◆ Failure to comply with requirements for accurate and safe retention of candidate evidence, assessment and internal verification records.
- ◆ Failure to comply with SQA's procedures for managing and transferring accurate candidate data.
- ◆ Excessive direction from assessors to candidates on how to meet national standards.
- ◆ Deliberate falsification of records in order to claim certificates.

### **How to report concerns about malpractice**

Suspected cases of malpractice, including those from a third party, should be reported in writing to:

Verification Planning Manager  
Operations Directorate  
SQA  
Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ

### **3: Responsibilities in dealing with malpractice**

SQA expects centres to take all reasonable steps to prevent any malpractice or maladministration. This includes development of policies and procedures for design of assessment, assessment and authentication of candidate evidence that minimise any opportunity for candidate malpractice. It includes communicating these arrangements to candidates, and developing procedures for proactive monitoring and detection of candidate malpractice. It also includes appropriate staff training and other arrangements to minimise any risk of internal centre malpractice or maladministration.

Even when robust steps are taken to prevent malpractice, it is possible that centres may still face cases of actual or suspected malpractice. SQA also expects centres to be vigilant to possible instances of malpractice, and to deal with such cases in an open and fair manner. This includes assisting with our requests for information, and implementing any actions to be taken during and after investigation into a case of malpractice.

SQA reserves the right to conduct a malpractice investigation itself, or to nominate a third party to do so on its behalf. This can arise where a centre does not have the capacity to conduct an investigation, or where the issue is very serious.

In the event that a centre fails to comply with our malpractice procedures, SQA will take action to minimise any risk to the integrity of certification. This could include, for example, suspension of candidate certification, or increased monitoring of the centre.

#### **Procedures to deal with suspected cases of candidate or centre malpractice in centres**

Centres should implement a documented system and procedure for recording all suspected instances of centre or candidate malpractice, similar to that developed for dealing with complaints and appeals. This information must be available for SQA quality assurance activities on site, and/or on request. Any suspected cases of centre malpractice must be reported to SQA. In addition, for those qualifications that are subject to statutory regulation by SQA Accreditation or Ofqual, centres are required to report any suspected case of candidate malpractice to SQA.

If your staff suspect there has been candidate or centre malpractice before you submit results to SQA, or before SQA carries out planned quality assurance activities on internal assessment evidence, records and systems, you should:

- ◆ Familiarise yourself with, and follow, SQA's procedures for amending results data and returning certificates. You must tell SQA about invalid certificates immediately.
- ◆ Ensure all candidates and staff are aware of your policy on malpractice, their responsibilities, and their rights during and following an investigation into alleged malpractice.
- ◆ Conduct an investigation in accordance with your internal system and procedures, keeping appropriate records of discussion, evidence and producing a report which may be requested by SQA.
- ◆ Ensure that candidate results are not submitted to SQA during the course of the investigation.

- ◆ Apply an appropriate action/decision when a case of suspected candidate or centre malpractice has been upheld.
- ◆ Review your internal quality assurance procedures to minimise the risk of further malpractice.
- ◆ Advise SQA to withhold certification for that qualification where the outcome of the investigation merits it.
- ◆ Report the matter to SQA, and to the police immediately if you consider, before or during the investigation, that a malpractice case involves a criminal act.

SQA will try to minimise any disadvantage to candidates where it has been judged that certification would not be safe to proceed.

To ensure that all candidates and staff are aware of your policy on malpractice, their rights and responsibilities, you could advise them of SQA's policy on malpractice as part of their induction, or by referring to malpractice in the documentation for your appeals process. Candidates should be made aware that they have the right to appeal to a centre and ultimately to SQA to review a malpractice decision.

In conducting an investigation, you are required to retain the following records and documentation for three years. Records should include:

- ◆ A report containing a statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the centre into the suspected case of candidate or centre malpractice.
- ◆ Written statements from the centre staff and candidates involved.
- ◆ Any work of the candidate and internal assessment or verification records relevant to the investigation.
- ◆ Details of any remedial action you are taking to ensure the integrity of certification now and in the future.

In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for five years after the case and any appeal has been heard.

## **SQA's approach to dealing with reports of suspected candidate malpractice**

If SQA has reason to suspect candidate malpractice, it is your responsibility to:

- ◆ Comply with SQA's request to conduct an investigation in accordance with your centre's internal procedures.
- ◆ Take steps to ensure that candidate results are not submitted to SQA during the course of the investigation.
- ◆ Advise SQA what you consider to be an appropriate action/decision in the case of candidate malpractice.
- ◆ Review internal quality assurance procedures to minimise the risk of further candidate malpractice.
- ◆ Advise SQA to withhold certification permanently where the outcome of the investigation merits it.
- ◆ Report the matter to SQA and the police if the malpractice involves a criminal act.

In conducting an investigation, you are required to retain the following records and documentation for three years. Records should include:

- ◆ A report containing a statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the centre into the suspected case of candidate malpractice.
- ◆ Written statements from the centre staff and candidates involved.
- ◆ Any work of the candidate and internal assessment or verification records relevant to the investigation.
- ◆ Details of any remedial action you are taking to ensure the integrity of certification now and in the future.

In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for five years after the case and any appeal has been heard.

A report of suspected candidate malpractice could arise from any source. This could include an SQA verifier or other quality assurance officer identifying reason to suspect candidate malpractice during quality assurance of internal assessment evidence, records and systems.

If SQA considers that the integrity of certification remains at risk following your investigation and/or your decision on the action to take as a result of the investigation, it will conduct its own investigation into the case, or nominate a third party to do so on its behalf, and will advise you of the outcome.

## **SQA's approach to dealing with suspected centre malpractice**

SQA reserves the right to conduct a malpractice investigation itself or to nominate a third party to do so on its behalf. This can arise where a centre does not have the capacity to conduct an investigation, or where the issue is very serious.

If SQA has reason to suspect centre malpractice, it will:

- ◆ Bring the matter to the attention of the Head of Centre, or a higher authority (eg local authority or governing board) if appropriate.
- ◆ Require the centre or higher authority to conduct an investigation in accordance with its internal procedures, ensuring that the investigation is independent and avoids conflicts of interest which may compromise the investigation. If SQA considers that the matter is serious, it might decide to conduct its own investigation.
- ◆ Require the centre or higher authority to advise SQA of any actions it proposes to take.
- ◆ Withhold the issuing of certificates until the conclusion of the investigation — or permanently, where the outcome of the investigation warrants it.
- ◆ Apply an appropriate action and/or decision where a case of malpractice has been upheld or to minimise the risk of malpractice in the future.
- ◆ Report the matter to the police if a case of malpractice is found to involve a criminal act.

In conducting an investigation, you are required to retain the following records and documentation for three years. Records should include:

- ◆ A report containing a statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out by the centre into the suspected case of malpractice.
- ◆ Written statements from the centre staff and candidates involved.
- ◆ Any work of the candidate(s) and internal assessment or verification records relevant to the investigation.
- ◆ Details of any remedial action you are taking to ensure the integrity of certification now and in the future.

In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for five years after the case and any appeal has been heard.

If SQA considers that the integrity of certification remains at risk following the centre's or higher authority's investigation and/or decision on the action to take as a result of the investigation, it will conduct its own investigation into the case, or nominate a third party to do so on its behalf, and advise the centre or higher authority of the outcome.

Centres should be aware that, for those qualifications that are subject to statutory regulation (such as Scottish Vocational Qualifications and other qualifications regulated by SQA Accreditation or Ofqual) the accrediting (regulatory) bodies reserve the right to conduct their own investigations.

In a case of alleged fraud or serious threat to the integrity of certification, SQA, as an awarding body, would be obliged to escalate the matter to the appropriate regulatory body. SQA and its centres would be required to co-operate in full, providing information and taking the appropriate action after the regulator's investigation.

## **4: Procedures for dealing with allegations of malpractice**

The handling of malpractice allegations made to SQA involves the following phases:

- ◆ allegation
- ◆ SQA's response
- ◆ investigation
- ◆ report
- ◆ investigation conclusion
- ◆ referral to Malpractice Panel
- ◆ outcome of Malpractice Panel
- ◆ appeal

### **Allegation**

Malpractice may be identified at centre level through monitoring or allegations being made. It may be identified by SQA through scheduled quality assurance activity or allegations made by learners, centre staff, whistleblowers or other stakeholders.

SQA's qualifications verifiers and quality assurance staff are instructed to report all suspicions and/or instances of malpractice immediately to SQA. A full account of the incident will be prepared, together with any supporting evidence and an indication of which of SQA's Quality Assurance criteria have been compromised. Appendix 1 is an example of the form submitted by SQA's qualification verifiers to report suspicions and/or instances of malpractice.

If an SQA qualification verifier or other quality assurance officer brings a suspected case of malpractice to SQA's attention, the report will include:

- ◆ centre details
- ◆ candidate details (if appropriate)
- ◆ centre staff details (if appropriate)
- ◆ details of the qualifications affected
- ◆ date(s) on which suspected malpractice occurred
- ◆ the nature of the suspected malpractice
- ◆ copies of relevant documentation, for example assessment and internal verification records

SQA reserves the right to conduct malpractice investigations itself or to nominate a third party to do so on its behalf. This can arise where a centre does not have the capacity to conduct an investigation, or where the issue is very serious and the integrity of certification remains at risk following the investigation by the centre. SQA may conduct its own investigation or nominate a third party to do so either before or after the centre has submitted an investigation report to SQA.

### **SQA's response to an allegation**

In a case of suspected malpractice SQA will review the information presented and decide whether to:

- ◆ Take no further action.

- ◆ Bring the matter to the attention of the Head of Centre or a higher authority, asking them to investigate the alleged malpractice and to produce a written report on the outcome.
- ◆ Investigate the matter directly. This may happen in a case of alleged fraud, in a case of serious threat to the integrity of certification or where a centre does not have the capacity to conduct an investigation. SQA will appoint someone who is independent of the normal day-to-day working relationships with the centre to carry out the investigation.
- ◆ Identify a third party to take forward the investigation, including cases where police or other regulators would be better placed.

If a suspected case of malpractice is brought to SQA's attention by a third party or 'whistleblower', SQA will take steps to establish the veracity of the allegation. This will include contacting the third party (if contact details are provided) seeking permission to use their name, to communicate the details of the allegation with the 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 merits investigation, SQA will advise the 'whistleblower' that the scope of the investigation may be impaired and that we will seek to preserve their anonymity in bringing the matter to the attention of the Head of Centre or their nominee.

An example of an Investigation Report Form used by SQA qualification verifiers or quality assurance officers to document cases of suspected malpractice is shown in Appendix 2. We will accept reports in letter format, provided the same information is included.

## **Investigation**

Where we ask a centre or higher authority to undertake an investigation, this should be carried out by the Head of Centre or higher authority as quickly as possible, thoroughly, fairly, and consistently.

Whether it is carried out by SQA, a centre or a nominated third party, the investigation of an allegation of malpractice should:

- ◆ Establish the facts, circumstances, and scale of the alleged malpractice.
- ◆ Identify any patterns or trends.
- ◆ Evaluate any action taken to date.
- ◆ Identify any changes to policy or procedure that need to be made by SQA or centres.
- ◆ Determine whether remedial action is required to reduce the risk to current candidates and preserve the integrity of the qualification.
- ◆ Ascertain whether any action is required in respect of certificates already issued.
- ◆ Identify evidence to support any action/decision to be applied.
- ◆ Show that discussions have been conducted with relevant individuals — candidates and/or staff — in accordance with the centre or higher authority's own policy for conducting enquiries, including the provision of written statements.

## Report

After the investigation into the alleged malpractice, the Head of Centre or higher authority should submit a written report on the case to SQA. The report (see Appendix 2 for an example) should be accompanied by the following documentation, as appropriate:

- ◆ A statement of the facts, a detailed account of the circumstances of alleged malpractice, and details of any investigations carried out.
- ◆ Written statements from relevant centre staff, candidates or third parties.
- ◆ Any work of the candidate(s) and internal assessment or verification records relevant to the investigation.
- ◆ The investigation findings identifying the nature and implications of any malpractice identified.
- ◆ Any remedial action being taken by the centre to ensure the integrity of certification now and in the future.
- ◆ Any mitigating factors that should be considered.

In those cases where SQA carries out its own investigation, the Head of Centre or higher authority will have an opportunity to comment on the factual accuracy of the investigation findings.

## SQA decision following investigation and report

At the conclusion of the investigation carried out by the Head of Centre, the Higher Authority or SQA, as the case may be, SQA will make a decision on any further action to take, which might include referral to the Malpractice Panel. A decision to determine the outcome of the investigation without a referral to the Malpractice Panel may be made in cases where SQA is satisfied that nothing has occurred which might have compromised the assessment process, the integrity of the qualification, the validity of an SQA certificate, or the reputation and credibility of SQA.

If the decision is taken not to refer the matter to the Malpractice Panel, SQA may determine what (if any) further action is appropriate in the circumstances. The range of options available to SQA includes (but is not limited to):

- ◆ taking no further action
- ◆ requiring the centre to carry out a review of its internal policies or procedures for dealing with malpractice
- ◆ arranging an external verification visit or putting in place other quality assurance measures (such as increased monitoring of the centre on an ongoing basis) to prevent the risk of any future malpractice

The Head of Centre or higher authority will be notified of the outcome in writing following the conclusion of the investigation and will be given reasons for any further action taken. The rules on appealing against malpractice decisions do not apply in these circumstances.

The decision of whether or not to refer a matter to the Malpractice Panel will be informed by:

- ◆ the gravity of the allegation of malpractice
- ◆ the ability of SQA to make a decision, based on the investigation and available evidence, as to whether or not malpractice has occurred

- ◆ the extent to which any residual risk to the integrity of certification remains following the investigation and any action taken as a result

## Referral to the Malpractice Panel

The following procedure will apply in the event that SQA decides to refer a matter to the Malpractice Panel.

The Malpractice Panel will be composed of senior members of SQA staff who are experienced in the quality assurance of internal assessment procedures. The members will determine the outcome in cases of suspected malpractice referred to the Panel by SQA.

Members of the Panel are required to be independent of any case of which they have personal knowledge, or in which they might be said to have some interest, and which could lead to an inference that the Panel has been biased. Any member with a close personal interest will take no part in the discussion of that case, and will not be present when the Panel discusses the matter.

The Malpractice Panel will establish whether correct procedures have been followed in the investigation of the case and if all individuals involved have been given the opportunity to provide a written statement.

Following its review of the investigation report, the Malpractice Panel will:

- ◆ identify the criteria which it is alleged have been compromised
- ◆ consider the facts of the case
- ◆ advise, **within ten working days**, if the Panel requires more time to consider the case
- ◆ decide, on the facts, whether malpractice has occurred
- ◆ establish who is responsible if criteria have been compromised
- ◆ determine an appropriate level of remedial action to be applied

## Outcome of Malpractice Panel

In the event of malpractice by a centre, SQA's Malpractice Panel will take the appropriate action to:

- ◆ minimise the risk to the integrity of certification now and in the future
- ◆ maintain public confidence in the delivery and awarding of qualifications
- ◆ discourage others from doing likewise
- ◆ ensure there has been no gain from compromising our standards
- ◆ minimise any disadvantage to candidates in dealing with invalid certification
- ◆ advise SQA Accreditation or Ofqual of the outcome in the case of vocational qualifications that are subject to statutory regulation

In the event of malpractice by a candidate, SQA will consider the remedial action being taken by the centre, and advise on its appropriateness.

SQA's decision to take further action following the outcome of the investigation will be based only on the evidence available. Sanctions may be applied at centre and/ or individual level. SQA's decision must be justifiable, reasonable and consistent.

Where the Malpractice Panel has made a finding of malpractice, the range of sanctions include (but is not limited to):

- ◆ for candidate malpractice:

- a written warning
- revision of marks
- cancellation of awards
- disqualification from future entries
- ◆ for centre malpractice:
  - a written warning
  - application of requirement actions to enable certification to proceed
  - withdrawal of approval to offer specific qualifications
  - withdrawal of centre approval status

### **Communicating the decision**

SQA will inform the Head of Centre or higher authority of the Panel's decision in writing, stating their reasons. SQA will advise on the Panel's decision within **ten working days**. The Head of Centre or higher authority should then communicate the decision to relevant candidates and/ or centre staff.

## 5: Appeals against malpractice decisions

### Appeals against candidate malpractice decisions

It is the responsibility of centres to advise candidates they have the right to appeal a decision where a case of candidate malpractice has been upheld. Candidates should be aware of your centre's internal appeals process, and that this includes the right to appeal to SQA after the centre's internal appeals process has been exhausted.

Candidates have a right to appeal to SQA where:

- ◆ the centre has conducted its own investigation and the candidate disagrees with the outcome
- ◆ SQA has asked the centre to conduct an investigation and the candidate disagrees with the outcome
- ◆ SQA conducts its own investigation and the candidate disagrees with our decision

### Centre decision on candidate malpractice

A **candidate appeal against the outcome of a centre investigation into candidate malpractice** can be considered by SQA only after the centre's internal appeals process has been exhausted. At that point, the candidate's appeal must be submitted, in writing, to an SQA Director within ten working days of being notified of the decision. The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 3), and **should be clearly marked as an appeal**.

The appeal must include a written account of why the candidate thinks that the centre's decision is wrong, and this account must address the reasons for the original decision given by the centre. Any evidence submitted to support this claim must be relevant to the case being made.

The SQA Director responsible for considering the appeal may seek additional information to assist their review of the case. They will respond in writing, giving SQA's decision within **fifteen working days** of receiving the appeal. SQA will give reasons for this decision. SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the candidate informed of progress. The outcome of this appeal is final.

### SQA Malpractice Panel decision on candidate malpractice

A **candidate appeal against an SQA Malpractice Panel's decision of candidate malpractice** must be submitted, in writing, to an SQA Director within ten working days of being notified of the decision. The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 3), and **should be clearly marked as an appeal**.

The appeal must include a written account of why the candidate thinks that SQA's decision is wrong, and this account must address the reasons for the original decision given by the Malpractice Panel. Any evidence submitted to support this claim must be relevant to the case being made.

The SQA Director responsible for considering the appeal may seek additional information to assist their review of the case. They will respond in writing, giving SQA's decision within **fifteen working days** of receiving the appeal. SQA will give reasons for this decision. SQA will deal with the appeal as quickly as

possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the candidate informed of progress.

If the SQA Director does not change the original decision, the candidate has the right to take the case to the SQA Appeals Sub-Committee. An appeal can only be made to the Appeals Sub-Committee when all other relevant forms of enquiry and internal appeal to the relevant Director have been exhausted, or where the candidate believes that there has been maladministration in SQA's handling of the case.

For more information on the remit and arrangements for the Appeals Sub-Committee, see [The Appeals Process: Information for Centres](#).

## Complaints

In addition to the appeals procedure, any formal complaint about SQA's administration of the case can be submitted according to the formal complaints procedure as detailed in our Customer Charter, which can be downloaded from our website ([www.sqa.org.uk](http://www.sqa.org.uk)). This includes raising matters with the Scottish Public Service Ombudsman.

## Regulated qualifications

For those qualifications that are subject to regulation by SQA Accreditation or Ofqual, your internal appeals process should also advise candidates that they have the right to request a review of the awarding body's process in reaching this decision with the appropriate regulator. The regulator (see Appendix 3) will advise on next steps.

## SQA Malpractice Panel decision on centre malpractice

If a centre disagrees with the Malpractice Panel's decision, it can appeal. The Head of Centre (who may not, in this case, be represented by a nominee) will have the right to appeal.

The Head of Centre should first contact the relevant SQA Manager (see Appendix 3) within **ten working days** of receiving notification of the Malpractice Panel's decision to agree a time to discuss the matter. If, after this discussion, the Head of Centre is not satisfied, an appeal can be raised with an SQA Director who was not involved in the Malpractice Panel's decision.

An appeal against a Malpractice Panel's decision must be submitted, in writing, to an SQA Director by the Head of Centre requesting a review of the decision.

The appeal must be submitted within **ten working days** of the date of the discussion with the SQA Manager.

The letter should be sent to the Corporate Office at SQA's Glasgow office (see Appendix 3), **and should be clearly marked as an appeal**.

The appeal must include a written account of why the Head of Centre thinks that SQA's decision is wrong, and this account must address the reasons for the original decision given by the Malpractice Panel. Any evidence submitted to support this claim must be relevant to the case being made.

The SQA Director responsible for considering the appeal will respond in writing, giving SQA's decision within **fifteen working days** of receiving the appeal. SQA will give reasons for this decision. SQA will deal with the appeal as quickly as possible. If, for any reason, the matter cannot be resolved within this period, SQA will keep the Head of Centre informed of progress.

If the SQA Director does not change the original decision, the centre has the right to take the case to the SQA Appeals Sub-Committee. An appeal can only be made to the Appeals Sub-Committee when all other relevant forms of enquiry and internal appeal to the relevant Director have been exhausted, or where the Head of Centre believes that there has been maladministration in SQA's handling of the case.

For more information on the remit and arrangements for the Appeals Sub-Committee, see [The Appeals Process: Information for Centres](#).

## **Complaints**

In addition to the appeals procedure, any formal complaint about SQA's administration of the case can be submitted according to the formal complaints procedure as detailed in our Customer Charter, which can be downloaded from our website ([www.sqa.org.uk](http://www.sqa.org.uk)). This includes raising matters with Scottish Public Service Ombudsman.

## **Regulated qualifications**

For those qualifications that are subject to statutory regulation, such as Scottish Vocational Qualifications, and other qualifications regulated by SQA Accreditation or Ofqual, the Head of Centre has the right to request a review of the awarding body's process in reaching this decision with SQA Accreditation or Ofqual (depending on the qualification).

## **SQA Accreditation**

In the event that the Head of Centre is unhappy with the outcome of SQA's (the awarding body's) appeals process, they can write to SQA Accreditation and ask for a review of the appeals process applied to reach the appeal decision. Additionally, in those cases where a Head of Centre believes there has been maladministration by SQA (as awarding body) in any aspect of an appeal, the Head of Centre has a right to raise this matter with SQA Accreditation.

The Head of Centre's letter must be submitted to SQA Accreditation (see Appendix 3) within **10 working days** of receiving the written notification of SQA awarding body's final decision on the outcome of the appeal.

In a case of alleged maladministration, eg failure to conclude the matter within a reasonable period of time, the letter must include a written account of the alleged failure of SQA's internal processes, with specific details.

SQA Accreditation will only conduct the review if SQA's appeals process has been exhausted, and will consider whether due process has been followed by the awarding body in considering the appeal. The review will normally be completed within six to eight weeks of receipt of the Head of Centre's letter. If SQA Accreditation finds that the correct procedures have not been followed, it will direct SQA to reconsider the case.

The Head of Centre's letter to SQA Accreditation must:

- ◆ be clearly marked as requesting a review by SQA Accreditation

- ◆ include a written account of why the head of centre thinks that SQA's final appeal decision is wrong
- ◆ specifically address the reasons given by SQA for not upholding the appeal

Any evidence submitted to support the request for review must be relevant to the case.

The Head of Centre will then be advised in writing by SQA Accreditation of the outcome of the review.

In addition to the review, any formal complaint about SQA Accreditation's administration of the case can be submitted according to the formal complaints procedure as detailed in our Customer Charter, which can be downloaded from our website ([www.sqa.org.uk](http://www.sqa.org.uk)). This includes raising matters with the Scottish Public Service Ombudsman.

### **Ofqual**

In those cases where a Head of Centre believes there has been maladministration by SQA awarding body in any aspect of the appeals process, the Head of Centre has a right to raise this matter with Ofqual.

Ofqual will not get involved in any individual appeals and deals with awarding body maladministration under its complaints procedure, which is published on the Ofqual website ([www.ofqual.gov.uk](http://www.ofqual.gov.uk)). If you wish to make a complaint, the Head of Centre should write to the Customer Relations Team at [info@ofqual.gov.uk](mailto:info@ofqual.gov.uk), who will advise on next steps.

# Appendix 1: Evidence requiring further explanation

ERFE form

Evidence requiring further explanation by centre

Centre name		Centre number
Subject		Product code
Verifier Date	Senior Verifier Date	

Please give specific details of matter requiring further explanation by centre. Please continue on a separate sheet if necessary.

Verification Officer:  
Date identified to Officer:

## Appendix 2: Investigation Report Form

Qualification title:

Date of issue:

Centre number:

Centre name:

Unit code(s)/name:

Level:

Candidate(s) involved  
(if appropriate):

Staff involved  
(if appropriate):

Area of concern:

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To be completed by the Head of Centre or designated contact.

I confirm that all individuals involved have been notified about the above issue and have been given opportunity to comment.

Where appropriate, a signed statement from each individual is available.

Our findings, based on these investigations, are as follows: (attach additional documentation if required):

The individuals involved have been notified of these findings and have been given further opportunity to comment. All parties are aware that this information will inform the decision made by SQA regarding any application of sanction.

Signature:.....Date:.....  
Position:.....

Please return this form and supporting documentation/evidence as soon as possible after the date of issue to:

Verification Planning Manager  
Operations Directorate  
SQA  
Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ

## Appendix 3: Who to contact to appeal against malpractice decisions

### SQA managers

*A centre's first contact with the relevant SQA manager will be to agree a time to discuss their disagreement with SQA's decision.*

#### Cases of malpractice in HN/Vocational Qualifications

Head of Operations for HN/Vocational Qualifications  
Operations Directorate  
Tel: 0345 213 5994

#### Cases of malpractice in National Qualifications

Head of NQ Delivery: Assessment and Data Services  
Operations Directorate  
Tel: 0345 213 6853

### Head of Accreditation

SQA Accreditation  
SQA  
The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ

### Ofqual

Customer Relations  
[info@ofqual.gov.uk](mailto:info@ofqual.gov.uk)

### Corporate Office

SQA  
The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ