



Qualifications
Scotland
Approved Centre

SP15

Qualifications Scotland: Malpractice Policy & Procedure

Policy owner	Head of Quality & Compliance
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Table of Contents

Overview	3
Scope	3
Purpose	3
Who needs to know about the policy?	4
Obtaining copies of the policy	4
Reviewing the policy	4
Complaints	4
Malpractice	4
Centre Malpractice	5
Reporting suspected Malpractice	6
Investigating suspected Malpractice	6
Communicating outcomes of suspected Malpractice	7
Reporting Malpractice to Qualifications Scotland	7
Actions and available measures if Malpractice is proven	7
Appeals	8
Malpractice investigated by Qualifications Scotland	8
How an appeal is dealt with	9
Timescales following the acceptance of an appeal	9
Record Retention	10
Revision History	10

Overview

Scope

This policy covers the delivery of FuturU Qualifications Scotland qualifications which are subject to internal and external quality assurance. FuturU products include those which may be offered and/or delivered under an FuturU-owned brand name.

The policy also forms part of a suite of FuturU Apprenticeship Services policies and qualification centre, all of which are designed to:

- Protect apprentices and candidates who are registered with us.
- Minimise the risk of an Adverse Effect occurring.
- Help support us and all other customers involved in risk management and risk Minimisation.
- Help ensure we and all customers comply with all relevant legislation and guidance; and help improve and refine our products and services.

For our customers, this policy supports compliance with the Contract. It does not replace any of the requirements contained within that Contract. Non-adherence to our FuturU policies may constitute Maladministration, Malpractice and / or a breach of the Contract. Please ensure all policies are read and implemented carefully.

This policy must be viewed alongside the central U15 Malpractice and Maladministration Policy. Details of this policy apply to Qualifications Scotland while U15 is for all other provisions.

Purpose

Our FuturU Malpractice Policy sets out and explains a range of potential punitive actions that we may take in relation to our customers that are suspected, or have been proven, to have not adhered to our regulations, policies and / or procedures; in particular those outlined within our agreement. We refer to these types of actions as 'sanctions'

Sanctions are applied proportionately against the incident/event that has occurred and/or the frequency of reoccurrence. In particular, sanctions are applied to assist us in minimising the risks of Adverse Effects and of maladministration and malpractice. Our policy aims to ensure that we follow a robust and objective process for determining whether and when a sanction should be applied and outlines the steps that will be taken.

Who needs to know about the policy?

Customers must make the apprentices, learners and staff (including, site, sub site or contractual staff) who are involved in the design, delivery, management, assessment and quality assurance of FuturU Qualifications Scotland qualifications aware of, and familiar with, the contents of the policy.

Obtaining copies of the policy

Customers can download copies of the policy from our platform or request copies from our FuturU Quality Team or qualification centre.

Reviewing the policy

We will review this policy regularly and where otherwise necessary and may revise it as required in response to the findings of any review.

Complaints

Customers have the right to express their dissatisfaction regarding our actions, products or services. Our Complaints Policy in particular outlines when we will and will not accept a complaint, and when our decisions are final. Please see our Complaints Policy for more information.

Malpractice

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of FuturU or Qualifications Scotland assessment requirements including any act, default or practice which:

- Compromises, attempts to compromise or may compromise the process of assessment, the integrity of any FuturU or Qualifications Scotland qualification or the validity of a result or certificate; and/ or
- Damages the authority, reputation or credibility of FuturU or Qualifications Scotland or any officer, employee or agent of Qualifications Scotland.

Malpractice can arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance).
- Some incidents arise due to ignorance of FuturU or Qualifications Scotland requirements, carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both maladministration in the assessment and delivery of FuturU and Qualifications Scotland qualifications and deliberate non-compliance with Qualifications requirements.

Whether intentional or not, it is necessary to investigate and act upon any suspected instances of malpractice, to protect the integrity of the qualification and to identify any wider lessons to be learned.

These procedures will be applied where FuturU or Qualifications Scotland's view is that there is a risk to the integrity of certification, which is not being successfully managed through our regular processes.

Centre Malpractice

Qualifications Scotland reserves the right to consider other instances of suspected centre malpractice that may undermine the integrity of their qualifications.

- Managers or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award
- Deliberate falsification of records in order to claim certificates
- Excessive direction from assessors to candidates on how to meet national standards
- Failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards
- Failure to apply specified Qualifications Scotland assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments
- Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions
- Failure to apply appropriate processes to ensure fairness in the provision of assessment arrangements
- Insecure storage, transmission or use of assessment instruments, materials and marking instructions, resulting in a breach of assessment security
- Failure to comply with requirements for accurate and safe retention of candidate evidence, assessment and internal verification records
- Failure to comply with Qualifications Scotland procedures for managing and transferring accurate candidate data
- Failing to register candidates within a qualification's accreditation period
- Making late registrations to the awarding body for qualifications in their lapsing period
- Requesting late certification of learners after the certification end date
- For all Qualifications Scotland qualifications, failure by a centre to notify, investigate and report allegations of suspected centre malpractice to Qualifications Scotland.
- Deliberately withholding information about circumstances which may compromise the integrity of any Qualifications Scotland qualification and/or credibility of Qualifications Scotland.
- Failure to act as required by Qualifications Scotland or to co-operate with Qualifications Scotland investigation in relation to concerns of malpractice
- For qualifications subject to regulation by Qualifications Scotland Accreditation, Ofqual or Qualifications Wales, failure by a centre to notify, investigate and report to Qualifications Scotland allegations of suspected candidate malpractice

Candidate Malpractice

- Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment – including the early and unauthorised removal of a question paper or answer booklet from the examination room.
- Collusion with others when an assessment must be completed by individual candidates.
- Copying from another candidate (including using ICT to do so) and/or working collaboratively with other candidates on an individual task.
- Misconduct – inappropriate behaviour in an assessment room that is disruptive and/or disrespectful to others. This includes talking, shouting and/or aggressive behaviour or language, and having a prohibited electronic device that emits any kind of sound in the assessment room.
- Frivolous content – producing content that is unrelated to the assessment.
- Offensive content – content in assessment materials that includes vulgarity and swearing that is out of the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidates' rights to freedom of expression.
- Personation – assuming the identity of another candidate or a candidate having someone assume their identity during an assessment.
- Plagiarism – failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own.
- Prohibited items – items that candidates must not have with them at their allocated seat in the exam room because they can give an unfair advantage, including: mobile phones; electronic devices, such as an MP3 player, iPod, tablet, smartwatch or any other device that is web-enabled or stores information; books, notes, sketches or paper; pencil case; calculator case; calculator or dictionary (except in specified subjects) – unless any of these things have been approved by Qualifications Scotland as part of an assessment arrangement.

Reporting suspected Malpractice

- All incidents of suspected malpractice must be reported immediately.
- Anyone can report suspected malpractice to the Centre Coordinator for Qualifications Scotland

Investigating suspected Malpractice

- We will take all concerns of possible malpractice seriously, and any investigation will be fair, robust and in proportion to the nature of the concern
- The Centre Manager will conduct the investigation
- This investigation will be conducted by reviewing assessment evidence and records, seeking a second opinion from the Head of Quality and Compliance, interviewing other candidates or members of staff

Communicating outcomes of suspected Malpractice

- The outcome of any investigation into suspected malpractice will be communicated in writing to the candidate and member of FuturU staff under investigation.
- The outcome will also be communicated to any other interested parties such as the assessor, tutor, head of department, any data management staff dealing with the results and line manager of the staff member.

Reporting Malpractice to Qualifications Scotland

Any suspected cases of centre malpractice must be reported to Qualifications Scotland as soon as we have carried out an initial screening exercise to establish the nature of the concern. This includes any concerns where we take the view that no further action is necessary.

We must inform Qualifications Scotland of any investigation carried out by an awarding body, industry body, funding agency or regulator which may or may not affect the delivery of Qualifications Scotland qualifications

We must also promptly bring to Qualifications Scotland attention any findings of centre malpractice or maladministration communicated to us by another awarding or industry body.

We must notify Qualifications Scotland promptly if another awarding body removes approval from our centre, regardless of the reason given for this withdrawal. Qualifications Scotland expects centres to bring candidate malpractice concerns for internal assessments to their attention only if:

- The concern came to our centre's attention after submission of internal assessment marks
- The concern relates to candidate malpractice for a qualification regulated by Qualifications Scotland Accreditation, Ofqual or Qualifications Wales
- A candidate affected by a malpractice decision, who has exhausted their right of appeal within our centre, wishes to exercise their right of appeal to Qualifications Scotland; or
- There are other exceptional circumstances, e.g. we believe that the malpractice case involves a criminal act (if the malpractice involves a criminal act the matter must also be reported to the police)

Actions and available measures if Malpractice is proven

- Any actions to be taken as a result of malpractice being proven through investigation will be clearly outlined in the written feedback given on the outcome of the investigation.
- It may be appropriate to move the candidate or enforce staff disciplinary procedures.
- Measures applied may vary in the level of severity depending on the circumstances and seriousness of the malpractice e.g. they may range from having to re-sit one assessment to exclusion from the course. Some examples of sanctions may include:

Candidates involved in an investigation of malpractice, whether it is candidate or centre malpractice, must not receive any results for the assessments in questions until the investigation is completed, the outcome decided and any appeal concluded.

Appeals

Candidates and staff should have the right to appeal any malpractice decision against them, along with those made by the Qualifications Scotland.

Malpractice investigated by Qualifications Scotland

We have the right to appeal a decision where a case of reported malpractice by our centre has been confirmed through investigation by Qualifications Scotland. We also have the right to appeal a decision in the case of suspected malpractice by a candidate reported by our centre to Qualifications Scotland. Candidates have the right to appeal to Qualifications Scotland where:

- Qualifications Scotland has investigated, and the candidate disagrees with the decision
- Our centre has investigated, the candidate disagrees with the outcome and has exhausted our centre's appeals process,
- Qualifications Scotland has asked our centre to investigate, and the candidate disagrees with the outcome and has exhausted our centre's appeals process, and for regulated qualifications only:
- Our centre and our candidates have the right to request a review by the appropriate regulator (Qualifications Scotland Accreditation, Ofqual or Qualifications Wales) of the awarding body's process in reaching a decision in an appeal of a malpractice decision.

To appeal against a sanction for maladministration or malpractice, customers should submit a Complaint, Enquiries and Appeal Report as to why you believe that an appeal should be considered, together with any supporting evidence. Please note that appeal applications without supporting evidence may not be accepted. The report should include the following:

- Your customer's name, address and number.
- The name of your learner(s) and FuturU registration number(s), where appropriate.
- the date of the assessment, where appropriate.
- the date the customer or the apprentice received notification of the sanction, decision or action.
- the nature of the sanction, decision or action the customer is appealing against.
- the nature of the service affected and / or the title and number of the assessments affected.
- the full nature of the appeal.
- the contents and outcome of any investigation carried out by the customer or the learner(s) relating to the issue.
- the date of the report; and
- customer's name, position and signature.

Please email or post your completed report and any supporting evidence to us as soon as possible. The latest time we will accept an appeal is 10 working days from the date we informed our customers about our original decision.

If at any point our customers or learners wish to be legally represented in relation to any aspect of an appeal, this must be discussed with us. We reserve the right to also be legally represented.

How an appeal is dealt with

If we agree that the appeal is properly constituted, we will arrange for a Panel, consisting of (as a minimum) an FuturU Manager and an independent person to review the case and to decide based on the evidence presented, including any evidence our customers submit in support of their appeal. The Panel will consider how appropriate the original sanction was in light of the evidence presented, any readily available regulators' advice on similar matters and any readily available awarding precedents.

Timescales following the acceptance of an appeal

We aim to action and resolve an appeal within 10 working days. Please note that in some cases, particularly where the case may be complex and/ or an independent person is not available.

- The Panel may decide that:
- The appeal is unfounded; or
- The sanction imposed is unreasonable and/or disproportionate, in which case the level of sanction must be reviewed; and/or
- We did not apply our procedures consistently, properly or fairly, in which case the relevant procedure(s) must be appropriately applied.

We will let our customers know in writing of the outcome from the appeal within 1 working day of the decision being made.

The Panel's decision is final and will complete FuturU Team internal appeals procedures. No further appeal will be accepted. Should our customer disagree with the decision, and satisfy our complaints criteria, they may have the right to lodge a Formal Complaint (please see Stage 3 of our FuturU Complaints Policy).

Where the appeal relates to our actions or decisions regarding End-Point Assessment regulated by Ofqual, Qualifications Scotland or other regulatory bodies and our customers remain dissatisfied, they may contact these regulatory bodies directly. They would usually require evidence that our customers have fully exhausted our internal appeals procedure. Please contact our FuturU Quality Team for details of the appropriate regulatory body for the standard being referred to.

Record Retention

All records of investigations into suspected malpractice and the outcomes of these must be kept.

Where an investigation of suspected malpractice is carried out, the centre will retain related records and documentation for three years for non-regulated qualifications and six years for regulated qualifications. Records will include any work of the candidate and assessment or verification records relevant to the investigation.

In the case of an appeal to Qualifications Scotland against the outcome of a malpractice investigation, assessment records must be retained for six years. In an investigation involving a potential criminal prosecution or civil claim, records and documentation should be retained for six years after the case, and any appeals has been heard. If the centre has any doubt about whether criminal or civil proceedings will take place, it should keep records for the full six-year period.

Revision History

Revision date	Version	Author	Revision Summary
April 2025	1.1	HoQ&C	Changed to new format
March 2026	1.2	HoQ&C	Amended to correspond SQA name change to Qualifications Scotland