

# Malpractice and Maladministration Policy

## Introduction:

Wine and Spirit Inc, as an Approved Program Provider (APP) for WSET<sup>®</sup>, will ensure that their delivery and administration of any WSET<sup>®</sup> coursework and qualification complies in all respects with the rules, regulations and procedures set out in the WSET<sup>®</sup> APP Operating Handbook. All WSET<sup>®</sup> Examinations run by Wine and Spirit Inc will be administered in line with the Centre Agreement, Code of Practice and Invigilation Instructions provided in the Operating Handbook, and Examination Regulations issued to all APPs and Students in the Qualification Specifications.

Failure to abide by these criteria will be considered Malpractice and/or Maladministration and may affect Wine and Spirit Inc ability to continue teaching WSET<sup>®</sup> qualifications.

Malpractice can arise from any act, omission, event, incident or circumstance that prejudices learners, affects public confidence in qualifications, affects the standards of qualifications which the awarding body makes available or affects the ability of the awarding body to undertake the development, delivery or award of qualifications. Maladministration relates to a failure by Wine and Spirit Inc to offer WSET<sup>®</sup> Qualifications in accordance with the rules, regulations and operating procedures set out in the WSET<sup>®</sup> Operating Handbook.

## Scope:

This policy, with reference to maladministration, applies to all Wine and Spirit Inc staff involved in administering and delivering WSET<sup>®</sup> coursework and examinations. With reference to malpractice, this policy applies to both Wine and Spirit Inc staff involved in administering and delivering WSET<sup>®</sup> coursework and examinations, as well as candidates/students undertaking WSET<sup>®</sup> study and qualification.

## Definitions:

### Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the learning and assessment process and/or the validity of qualifications. The following list is not exhaustive but is intended to give examples of malpractice:

**Malpractice** will include, but is not limited to:

- Actual or attempted plagiarism, or cheating, of any nature by candidates;
- Use or attempted use of any reference material or electronic device during a closed book examination
- Disruptive behaviour by candidates in the examination;
- Candidates in breach of published Examination Regulations and APP in breach of invigilation rules or the Code of Conduct;
- Fraudulent use of WSET<sup>®</sup> certificates;
- A deliberate attempt to discredit the WSET<sup>®</sup>, or to bring the WSET<sup>®</sup> into disrepute in any way;
- Issue of bogus examination results;
- Insecure storage of examination papers;

- Unauthorised amendment, copying or distribution of examination papers;
- Use of unapproved or ineligible educators to deliver a qualification course, or use of unauthorised Internal Assessors
- Change of examination location or altered facilities so they no longer meet the required standards;
- Failure to administer examinations in line with the assessment requirements;
- Denial of access to resources (premises, records, information, candidates and staff) by authorised WSET® representatives;
- Denial of access to resources (premises, records, information, candidates and staff) by authorised Regulatory Authorities.
- For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

### **Major Malpractice**

Serious and/or deliberate breaches of conduct, or serious neglect of professional duty which represents a high risk to the integrity of the qualification. Major Malpractice could result in the invalidation or revocation of examination results to a student and/or approval of Wine and Spirit Inc to act as an APP. An example of Major Malpractice would be, 'Fraudulent use of WSET® certificates and the issue of false examination results' or 'Unauthorised amendment, copying or distribution of examination papers'.

### **Minor Malpractice**

Minor and/or accidental breaches of conduct or neglect of professional duty, or those more major breaches not considered to be deliberate or malicious in intent, represent a lower risk to the integrity of the qualification and would not affect examination results or certification. Examples of minor malpractice could include, 'failure to follow procedures laid out in the Operating Handbook' or 'Change of examination location or altered facilities so they no longer meet the required standards'.

### **Definition of Maladministration**

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration. The following list is not exhaustive but is intended to give examples of maladministration:

**Maladministration** will include, but is not limited to:

- Failure to follow procedures or adhere to regulations as laid out in the APP Operating Handbook;
- Failure to return examination papers within the required timeframe;
- Returning exam papers by regular post and not recorded delivery or trackable courier;
- Failure to issue results to candidates in a timely manner
- Breach or infringement of WSET® copyright and trademarks;
- Non-payment of fees for WSET® services or examinations;
- Breach of the Conflicts of Interest Policy;

- Breach of the Centre Agreement or APP Code of Conduct;
- A change in ownership or senior personnel of Wine and Spirit Inc that results in new management being unable to meet WSET® Awards criteria.

## **Policy:**

Wine and Spirit Inc will treat all allegations or reports of suspected malpractice and/or maladministration seriously and conduct a full investigation into such allegations. In addition, Wine and Spirit Inc will report any potential case of Malpractice by Candidates, Educators, Invigilators or Centre Staff to the Centres Co-ordinator and Quality Assurance Manager at WSET® immediately, using the Notification of Potential Malpractice Form.

In cases where allegations of malpractice and/or maladministration made against staff of Wine and Spirit Inc, staff will cooperate fully with all investigations, whether internal or conducted by an Officer of WSET®. The Main Contact agrees to co-operate fully with WSET® in any investigation of alleged Malpractice at Wine and Spirit Inc, including the removal and/or suspension of staff from their WSET® duties during such investigation.

## **Procedures:**

### **Procedure for making an allegation of malpractice or maladministration:**

Anybody who identifies, or is made aware of suspected or actual cases of malpractice or maladministration at any time, must immediately notify the Main Contact. The notification should be in writing/email and enclose appropriate supporting evidence.

All allegations must include (where applicable):

- Candidate's name (where a candidate is involved);
- Wine and Spirit Inc staff member(s)' name and job role (where staff are involved);
- Nature of the suspected or actual malpractice or maladministration, and associated dates and details;

Allegations of malpractice must be reported without delay to WSET®, using the appropriate form, regardless of any internal investigation that may be in progress.

In the case of suspected or confirmed maladministration, investigation should be carried and advice sought from WSET® regarding corrective actions and any other consequences.

Candidates making an allegation directly against Wine and Spirit Inc staff also have the avenue to notify WSET® directly if they so choose.

## **Responsibilities and Outcomes**

### **Wine and Spirit Inc will:**

- Inform WSET® immediately of any allegation of suspected or actual malpractice using the prescribed form;
- Inform WSET® without delay in cases of confirmed maladministration;

- Provide evidence or supporting documentation as required by WSET®, including any initial internal investigation report
- Cooperate fully with the WSET® in any resulting investigation by WSET® officers
- Where an initial internal investigation is carried out by Wine and Spirit Inc, ensure that personnel assigned to the investigation have the appropriate level of training and competence, and that they have had no previous involvement or personal interest in the matter.
- Take all reasonable steps to prevent any further adverse effect from occurring as a result of malpractice and/or maladministration;
- Implement all required corrective actions and/or sanctions that are imposed as a result of investigation; provide evidence that corrective actions have been taken as required.

**WSET® will:**

- Confirm receipt of a report of suspected or actual malpractice within 3 working days;
- Contact the Main Contact at Wine and Spirit Inc and invite them to respond prior to further action being taken;
- Request supporting evidence from Wine and Spirit Inc, Candidate or other parties to validate the report of suspected or actual malpractice;
- Review the details and outcome of any initial investigation carried out by the APP or anybody else involved in the case, including any mitigating circumstances;
- When supporting evidence has been supplied, conduct a full investigation of the suspected or actual malpractice to identify the cause and to determine whether malpractice has actually occurred;
- Where it is determined that malpractice has occurred, a report will be filed. This will include whether the malpractice is accidental or deliberate, and represents a major or minor threat to the integrity of the qualification;
- Determine whether any sanctions should be applied to Wine and Spirit Inc, their staff or the candidate concerned;
- Where maladministration has occurred, review any investigation report provided, or carry out appropriate investigation and provide advice of appropriate corrective action and follow up of such corrective action;

**Sanctions**

Following an investigation by WSET® Awards, it may be necessary to apply one or more of the following sanctions against Wine and Spirit Inc:

- Creation of an action plan / letter of warning;
- Completion of a self-assessment form by the APP;
- Completion of an APP re-approval visit (travel costs may be charged to the APP);

- Mandatory re-training of educators and / or assessors;
- Application of administration charges;
- Withdrawal of internal assessment permissions;
- Invalidation of examination results / certification;
- Withdrawal or temporary suspension of approval to offer a specific WSET® qualification;
- Withdrawal or temporary suspension of approval to offer all WSET® qualifications;
- Withholding examination results that are under investigation;
- Rejection of orders for further materials or examination papers;
- Withdrawal of credit facilities, and moving account to a "cash on order" basis;
- Charging of interest on overdue amounts..

Where previously agreed corrective measures are not implemented, the sanctions will progress to the next level of severity following the guidelines of the NVQ Code of Practice.

Following an investigation by WSET® Awards, it may be necessary to apply one of more of the following sanctions against an individual candidate or candidates.

- Letter of warning;
- The disallowing of an examination result;
- The invalidation of a certificate and/or unit certificate and recall of certification already issued;
- Refusal of entry to future WSET® qualifications.
- All decisions with regard to malpractice will be communicated in writing within 20 working days following receipt of supporting documentation. Where it is not possible to respond within this timeframe, a written response will be given providing a date for completion.
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- **Any candidate, educator, invigilator or APP has the right to appeal any decision made against them as detailed in the WSET® Customer Service Statement.**
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