

# Malpractice, Maladministration and Sanctions Policy

This APP will ensure that their programme for the delivery and administration of any WSET qualification complies in all respects to the rules, regulations and procedures set out in the WSET APP Operating Handbook. All WSET® examinations run by this APP 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 our ability to continue teaching WSET 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 the APP to offer WSET Qualifications in accordance with the rules, regulations and operating procedures set out in this Handbook Programme Providers must have in place procedures for dealing with instances of Malpractice and Maladministration should they arise. These policies will be made available to WSET® Awards upon request, and form part of the criteria which must be met to become an APP.

The headings below list categories of maladministration by the staff of the APP and malpractice by APP staff and / or candidates which may adversely affect the integrity of WSET® qualifications and certification. These examples are not exhaustive and are intended as guidance to APPs and their candidates on the WSET®'s definition of malpractice and maladministration.

: Malpractice will include, but is not limited to:

- a) Actual or attempted Plagiarism, or cheating, of any nature by candidates;
- b) Use or attempted use of any reference material or electronic device during a closed book examination
- c) Disruptive behaviour by candidates in the examination;
- d) Candidates in breach of published Examination Regulations and APP in breach of invigilation rules or the Code of Conduct;
- e) Fraudulent use of WSET® certificates;

- f) A deliberate attempt to discredit the WSET®, or to bring the WSET® into disrepute in any way;
  - g) Issue of bogus examination results;
  - h) Insecure storage of examination papers;
  - i) Unauthorised amendment, copying or distribution of examination papers;
  - j) Use of unapproved or ineligible educators to deliver a qualification course, or use of un-authorized internal assessors
  - k) Change of examination location or altered facilities so they no longer meet the required standards;
  - l) Failure to administer examination in line with the assessment requirements;
  - m) Denial of access to resources (premises, records, information, candidates and staff) by authorised WSET® representatives and / or the Regulatory Authorities; Maladministration will include, but is not limited to:
    - a) Failure to follow procedures or adhere to regulations as laid out in the APP Operating Handbook;
    - b) Failure to return examination papers within the required timeframe
- or
- c) Returning exam papers by regular post and not recorded delivery or trackable courier;
  - d) Failure to issues results to candidates in a timely manner
  - e) Breach or infringement of WSET® copyright and trademarks;
  - f) Non-payment of fees for WSET® services or examinations;
  - g) Breach of the Conflicts of Interest Policy
  - h) Breach of the Centre Agreement or APP Code of Conduct;
  - i) A change in control of the APP that results in new management being unable to meet WSET® Awards criteria;

Malpractice is divided into two main categories;

#### Major Malpractice

Serious and /or deliberate breaches of conduct, or serious neglect of professional duty, 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 the APP. In this instance OfQual must be informed of the malpractice case and WSET® Awards will take all appropriate action as directed by the Regulatory Authority, which may include notification to other Awarding Bodies. 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, represents 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'.

#### Reporting Malpractice

This APP 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® Awards immediately using the Notification of Potential Malpractice Form. Failure to do so may result in the refusal to issue results and Certification to candidates, the invalidation of examination results or the withdrawal of approval to offer WSET® qualifications. Where APP personnel are involved, the APP should follow its own procedures and keep WSET® Awards informed of the steps taken to resolve the situation. Malpractice may be reported to WSET® Awards by a WSET® Awards appointed Approval Visitor. In this instance the APP will be advised during the approval visit that a case of Malpractice is being reported. WSET® Awards will also act upon reports of suspected or actual malpractice received from candidates or other parties regarding an APP' s activities or personnel which may affect the integrity of WSET® qualifications.

#### WSET® Awards responsibility

WSET® Awards will confirm receipt of a report of suspected or actual malpractice within 3 working days. Should a case of malpractice be raised with WSET® Awards against the Programme Provider, the main contact, or other appropriate person within the management of the APP, will be notified and invited to respond prior to further action being taken.

Notwithstanding the foregoing, WSET® Awards reserves the right to immediately suspend an APP' s approval if, after consultation with the WSET' s Chief Executive, it is decided that such a suspension is required to protect the reputation of the WSET, and to prevent any possible reoccurrence of the alleged malpractice. In such circumstances, the APP will be notified immediately and will be required to co-operate with the WSET® whilst the alleged malpractice is investigated.

WSET® Awards will appoint a suitably trained officer to investigate the alleged malpractice and this officer will request supporting evidence from the APP, Candidate or other parties to validate the report of suspected or actual malpractice. When supporting evidence has been supplied, WSET® Awards will 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, and specify any sanctions that are to be applied to the APP, their staff or the candidate concerned. If malpractice has been alleged against a candidate, a summary of the investigation and the findings will be sent to the candidate; if the malpractice has been alleged against the APP the summary will be sent to the Main Contact, and the candidate or APP Main Contact will be advised of the sanctions being imposed. They will also be advised of the General Appeals Policy should they wish to appeal the decision that has been made. Any case of malpractice that threatens the integrity of the qualification, results issued or certification will be reported to the Regulatory Authority, and following discussion with the Regulatory Authority, other Awarding Bodies may be notified. Where the report is the result of an internal investigation by the APP, WSET® Awards will review all the documentation supplied and action taken to ensure that any decisions made by the APP are valid and conform to this policy. WSET® Awards may request additional information to determine whether any additional sanctions should be applied to the APP, their staff or the candidate concerned. Our responsibility as the APP which we agree to carry out in full The APP Main Contact is responsible for ensuring that all staff involved in the delivery and / or administration of the WSET® programme run it in accordance with the rules, regulations and procedures set out in this manual, and are aware of, and comply with, this policy. The APP must also establish their own framework of controls and checks that in their opinion is adequate to minimise and identify any instances of malpractice and is fit for purpose of reporting and investigating any alleged malpractice. Should an APP require help in establishing a framework that will prevent, investigate and deal with Malpractice, please contact [awards@wset.co.uk](mailto:awards@wset.co.uk) The main Contact agrees to co-operate fully with WSET® Awards in any investigation of alleged malpractice at the APP including the removal and / or suspension of staff from their WSET® duties during such investigation.

Sanctions

In cases of alleged malpractice or maladministration WSET® Awards has the right to apply sanctions. This may include suspend an APP' s approval with immediate effect if such action is approved by the Chief Executive of the WSET® whilst an investigation is carried out. Following an investigation by WSET® Awards, it may be necessary to apply one or more of the following sanctions against the APP and/or their staff.

- 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. It is WSET Awards intent that no learner should be disadvantaged by any instance of malpractice or maladministration that has arisen by the actions (or non-action) of the APP. However where such breach undermines the integrity of the assessment process, it may be necessary to invalidate the exam that has been held and require the APP to arrange a free resit for candidates at their convenience. 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. Any candidate, educator, invigilator or APP has the right to appeal any decision made against them using the General Appeals section of this handbook, or as detailed in the WSET® Customer Service Statement.

I confirm that I agree to implement all the criteria detailed in the policy statements above, and accept that failure to comply with the criteria may affect the status of my approval to offer WSET® courses and qualifications.

APP Name:

.....Vine Lab Wine & Spirits Academy  
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APP No:

.....in process  
.....

APP Main Contact Signature

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APP Main Contact (PRINT NAME)

.....Nikki Erpelding  
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