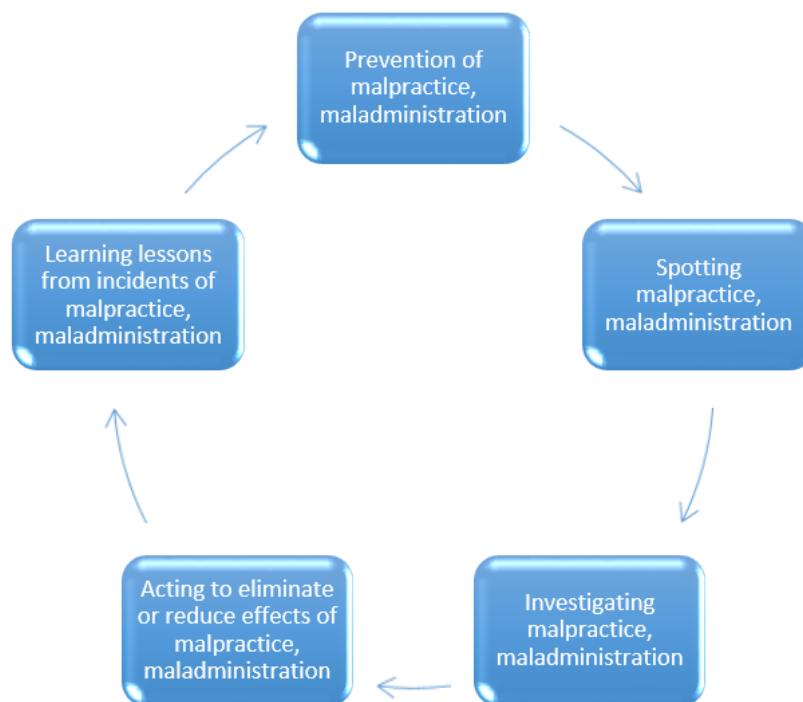




The Learning Machine
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Issue 4 Issue Date 28/07/2026

TLM Malpractice and Maladministration Policy

This policy sets out The Learning Machine Ltd.'s (TLM) approach to spotting, recording and acting upon malpractice and maladministration that could affect our reputation, or the safety of any of our awards, products or services.



Policy statement

TLM is committed to protecting the integrity, validity and public confidence of the qualifications and assessments that it develops, delivers and awards.

TLM recognises that effective prevention, identification, investigation and management of malpractice and maladministration are fundamental to maintaining the standards expected of an Ofqual and Qualifications Wales recognised Awarding Organisation.

TLM will take all reasonable steps to:

- prevent malpractice and maladministration occurring;
- identify concerns at the earliest opportunity;
- investigate allegations fairly, consistently and proportionately;
- protect the interests of learners;
- minimise any adverse effects arising from malpractice or maladministration;
- apply appropriate sanctions where malpractice or maladministration is established;
- learn from incidents to continuously improve systems, policies and practices.



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All allegations will be considered objectively, investigated where appropriate and determined on the balance of probabilities, ensuring that decisions are evidence-based, proportionate and consistent.

Scope

The policy also applies to all those involved with the development and/or delivery of TLM qualifications and assessments including TLM staff and contractors, approved Centre staff, assessors, internal and external verifiers, independent end-point assessors and lead assessors.

Responsibility

TLM's Responsible Officer has overall responsibility for ensuring that this policy is implemented.

Definitions

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process, and/or the validity of our awards. Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates. Failure by a Centre to deal with identified issues may constitute malpractice.

Maladministration is any activity, neglect, default or other practice that results in the Centre or candidate not complying with the specified requirements for delivery of the qualifications. Maladministration may or may not be deliberate. Malpractice and maladministration overlap.

Malpractice and maladministration can lead to Adverse Effects. An Adverse Effect is defined thus:

An act, omission, event, incident, or circumstance has an Adverse Effect if it –

- (a) gives rise to prejudice to Learners or potential Learners, or
- (b) adversely affects –
 - (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,
 - (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - (iii) public confidence in qualifications.

Candidate Malpractice is any deliberate act by a learner intended to obtain an unfair advantage or compromise the integrity of assessment.

Centre Malpractice is any deliberate act or omission by a centre that compromises assessment integrity or regulatory compliance.

Staff Malpractice is malpractice committed by:

- TLM employees;
- contractors;
- assessors;
- quality assurers;



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- invigilators;
- centre staff.

AI Misuse is the use of Artificial Intelligence in a manner that breaches TLM assessment requirements or misrepresents authorship or competence.

Remote Assessment is any assessment undertaken under remote invigilation or remote supervision using approved technology.

Whistleblower is any individual who raises a genuine concern regarding suspected malpractice or maladministration. Whistleblowers will be treated confidentially wherever reasonably practicable.

Regulation

- Ofqual General Conditions of Recognition;
- Qualifications Wales Regulatory Framework (where applicable);
- Data Protection legislation;
- Equality Act 2010;

Preventing malpractice and maladministration

A8.1 An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.

Investigating and managing the effect of malpractice and maladministration

A8.2 Where any such malpractice or maladministration is suspected by an awarding organisation or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding organisation must –

- (a) so far as possible, establish whether or not the malpractice or maladministration has occurred, and
- (b) promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it.

Procedures relating to malpractice and maladministration

A8.3 For the purposes of this condition, an awarding organisation must –

- (a) establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and
- (b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

A8.4 Where a Centre undertakes any part of the delivery of a qualification which an awarding organisation makes available, the awarding organisation must take all reasonable steps to keep



under review the arrangements put in place by that Centre for preventing and investigating malpractice and maladministration.

A8.5 An awarding organisation must, following a request from such a Centre, provide guidance to the Centre as to how best to prevent, investigate, and deal with malpractice and maladministration.

Dealing with malpractice and maladministration

A8.6 Where an awarding organisation establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to –

- (a) prevent that malpractice or maladministration from recurring, and
- (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding organisation has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence –

- (a) may affect a Centre undertaking any part of the delivery of a qualification which an awarding organisation makes available, it must inform that Centre, and
- (b) may affect another awarding organisation, it must inform that awarding organisation.

How TLM prevents malpractice/maladministration

TLM's operating procedures are designed to prevent malpractice/maladministration from occurring:

- TLM has ways of working that reduce the risks of malpractice/maladministration occurring;
- TLM recruits, inducts and trains our staff, contractors, Centres and associates so that individuals involved in the development, delivery and award of our qualifications understand and routinely follow these ways of working;
- TLM takes all reasonable steps to ensure that current (and former) staff and third parties do not provide information about our qualifications which is inaccurate or misleading;
- TLM follows policies, practices and procedures that reduce the risk of malpractice and maladministration, covering, among other things:
 - plagiarism, collusion, tampering, breach of confidentiality of assessment materials;
 - incidents that occur outside of England.

TLM takes several actions to seek to prevent malpractice, including:

- Attending any events run by the regulators;
- Disseminating information to staff, contractors, Centres and external verifiers as necessary;
- Covering malpractice within centre meetings;
- Annual **Centre Agreement** reminding centres of their responsibilities;



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- Regular monitoring visits or training workshops;
- Imposition of sanctions to prevent escalation of issues.

In general, TLM seeks to ensure that malpractice has high visibility.

TLM's requirements of its approved centres

Approved centres must have their own malpractice/maladministration policy, the implementation of which may be audited at centre monitoring visits and confirmation sought at training workshops. Guidance on the policy is included in the **Centre Handbook**.

How TLM spots malpractice/maladministration

TLM recruits, inducts and trains our staff, contractors, Centres and associates so that individuals involved in the development, delivery and award of our qualifications, are aware of malpractice/maladministration risks, and the effects. Through all our policies, practices and procedures – we make clear:

- The nature of malpractice/maladministration
- The potential effects of malpractice/maladministration
- The risks and the obligation to reduce those risks, of malpractice/maladministration occurring
- The duty not to commit malpractice/maladministration
- The obligation to appropriately report malpractice/maladministration
- The duty wherever possible, to minimise or eliminate the effects of any malpractice/maladministration that has occurred
- The duty to properly consider the causes of any malpractice/maladministration that has occurred, and take appropriate action to reduce the risk of that malpractice/maladministration occurring in a similar way

Allegations of malpractice/maladministration

Allegations of malpractice and/or maladministration must be raised directly with TLM's Responsible Officer who will not disclose, and will seek to protect, the identity of any whistle blower.

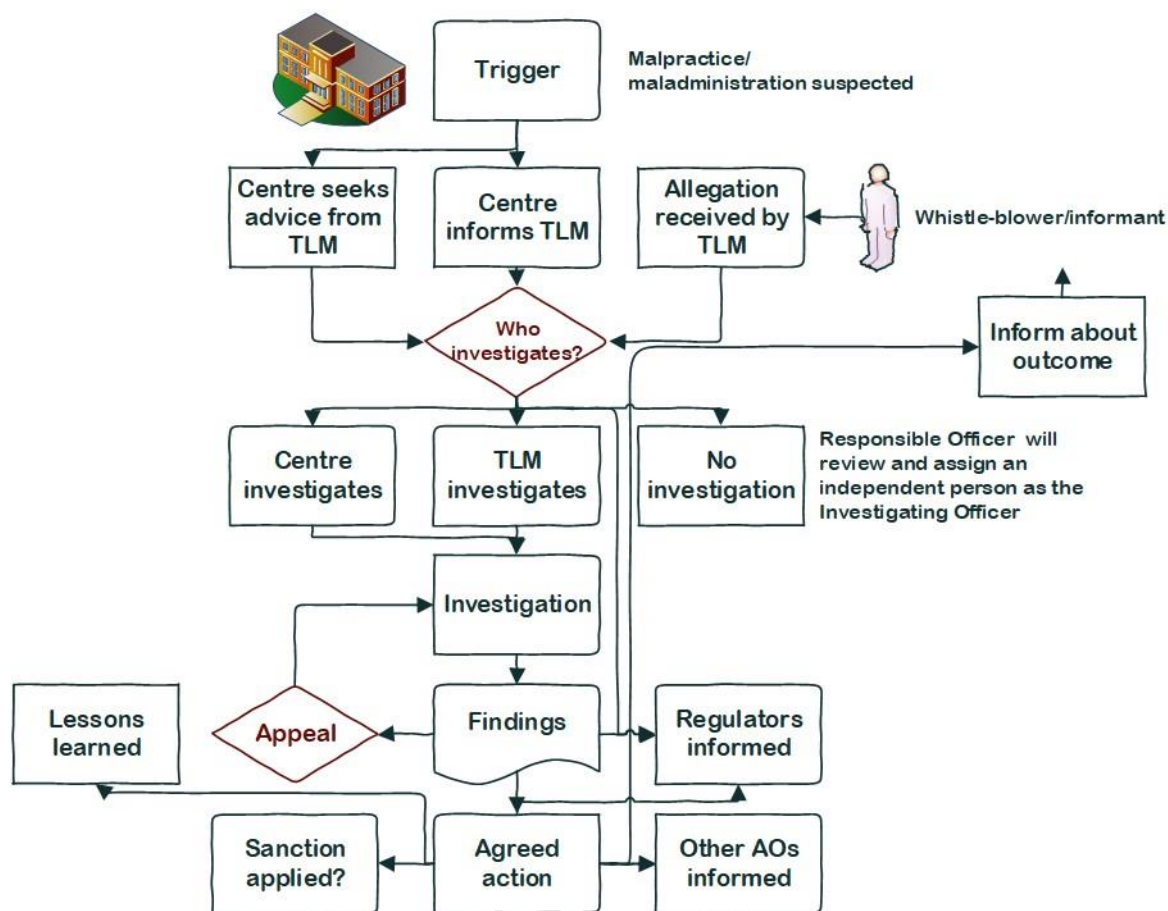
As much detail as possible should be submitted along with any available supporting evidence, i.e.:

- Date(s) and time(s) of incident(s)
- Person(s) involved
- Nature of incident(s)
- Findings of any Centre investigation

TLM will make an initial response/ acknowledgement in writing within **10 working days**.

How TLM investigates malpractice/maladministration

TLM's approach to investigation is as follows:



TLM has procedures in place to initiate and conduct investigations into suspected malpractice/maladministration. The main purpose of the investigation is to establish if any regulations have been breached and to determine whether there is any irregularity. The fundamental principle of investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias.

TLM will decide whether to allow the Centre to investigate, investigate itself or that an investigation is not necessary. TLM will allocate someone suitably qualified that is independent of the Centre and any individual(s) concerned for the purpose of the investigation. Centres are required to fully co-operate with TLM investigations. This includes providing access to records, staff and candidates where required for the purpose of the investigation.

TLM will normally deal with the head of the Centre or someone with suitable authority delegated for this purpose. Incidents will be investigated as follows by gathering relevant information and consulting with those concerned and others. All parties are required to co-operate fully with the investigation.

Depending upon the gravity of the incident, Centre and/or assessor approval status may be suspended whilst the investigation takes place (this may relate to a qualification or all TLM's



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qualifications) – in line with TLM's **Sanctions Policy**. TLM will normally impose a sanction of Level 3 or above until a full investigation has been conducted.

Investigations may take days, weeks or months depending upon the nature and scale of the incident; TLM seeks to conduct investigations and produce the report as soon as practically possible with a target of **30 working days**.

TLM has, uses and regularly reviews a **Standardised Investigations Policy** and approach that sets out:

- who investigates concerns about malpractice or maladministration;
- how an investigation is undertaken;
- how whistleblowers will be treated, and in such a way that individuals will not be prejudiced;
- when and how interested parties will be notified lawfully;
- how any interviews should be conducted;
- how facts will be gathered and evidence found, collated and stored;
- how evidence will be verified;
- how confidentiality of investigation materials is assured;
- how the records of its investigations will be presented and their accuracy assured;
- how and when any visits to Centres will be announced and undertaken;
- which principles will be followed when it undertakes an investigation with other bodies.

TLM will keep on record:

- clear terms of reference for the investigations that it has undertaken;
- a log of all allegations, including those that were not investigated, that it can cross-reference if new information is provided.

How TLM acts after investigating malpractice/maladministration

Following the investigation, a draft report will be produced that the parties involved will be invited to check for factual accuracy and comment upon. Upon receipt of the final version of the report an appeal may be made regarding actions imposed. Details of how to appeal are included in the **TLM Appeals Policy**.

Conclusions will be based on established evidence which will be reviewed by a member of the Board that has not been involved with the investigation. Where investigations establish that malpractice/maladministration has in fact occurred, a course of proposed action will be identified, agreed, implemented and monitored. Actions will be proportionate to the gravity and scope of the occurrence and may include the following:

- The development and implementation of action plans to prevent re-occurrence;
- Suspending or removing registration for units/qualifications;
- Suspending or removing approval;
- Imposing other sanctions as appropriate.

Certificates could be revoked if the result on the certificate is false because of malpractice or maladministration.



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TLM will take all reasonable steps to prevent any potential Adverse Effect to which any incident may give rise. Where an incident brings the outcome of other results into serious question this would be considered a potential 'Adverse Effect' as other candidates may be affected. In such cases TLM will:

- Identify any other candidate who has been affected;
- Correct or mitigate the effect as far as possible – for example adjusting marks
- Take action to avoid a re-occurrence – this may include removal of assessors or provision of additional training or monitoring.

Where there is cause to believe that an incident may also affect Centres and/or other awarding bodies these will be notified by TLM.

TLM will inform the regulators and other relevant bodies where any incidents, or suspected incidents, of malpractice/maladministration are discovered, and where a potential Adverse Effect is identified.

Types of Malpractice and Maladministration

General Principles

Malpractice may be committed intentionally or through reckless disregard for TLM requirements. Maladministration generally arises from procedural failures, negligence or poor administration rather than deliberate intent. However, repeated or serious maladministration may be treated as malpractice where it compromises assessment integrity or public confidence.

The examples contained within this section are not exhaustive. TLM reserves the right to investigate any act or omission that may adversely affect the integrity, validity or reputation of its qualifications.

Principal Assessors and Assessor Trainers

- Giving assessor status to people who cannot assess appropriately to the criteria
- Failure to adequately monitor the work of assessors
- Failure to inform the AB about instances of malpractice
- Failure to co-operate with those investigating allegations of malpractice
- Failure to co-operate adequately with QA and Formative Sampling procedures

Assessors

- Failure to adequately ensure that the candidate fully meets the criteria before awarding a certificate
 - Failure to attend mandatory training required by the AB
 - Failure to keep passwords and account access secure
 - Failure to take the candidate's views of the candidate's competence into account
 - Failure to notify the AB of significant student malpractice
 - Failure to co-operate with internal quality assurance procedures
-
- Failure to co-operate with the AB quality assurance procedures
 - Failure to keep up to date with notices from the AB on the web site



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- Failure to keep up to date and extend knowledge in the subject matter at a level appropriate to the certification being carried out.

Candidate Malpractice

Candidate malpractice is any deliberate action or omission by a learner that seeks to obtain an unfair advantage, misrepresent competence or compromise the integrity of an assessment.

Examples include, but are not limited to:

Assessment Integrity

- Plagiarism.
- Copying another learner's work.
- Collusion where collaboration is not permitted.
- Submitting work produced wholly or substantially by another individual.
- Passing off the work composed using AI (Artificial Intelligence) as if it is their own.
- Purchasing or commissioning assessment evidence.
- Reusing previously assessed work without permission.
- Fabricating evidence or assessment records.

Examination Misconduct

- Possession of unauthorised materials.
- Use of prohibited notes.
- Use of mobile phones or smart devices.
- Accessing the internet where prohibited.
- Communicating with another individual during an assessment.
- Attempting to obtain confidential assessment materials.

Identity Fraud

- Impersonating another learner.
- Allowing another individual to sit an assessment.
- Providing false identification.
- Misrepresenting identity during remote assessment.

Behaviour

- Disrupting an assessment.
- Refusing to follow invigilator instructions.
- Intimidating staff or other learners.
- Offensive or abusive behaviour.
- Deliberately damaging assessment materials or equipment. Failure to co-operate appropriately with assessors in quality assurance

Centre Malpractice

Centre malpractice occurs where a centre, or individuals acting on behalf of a centre, deliberately compromise assessment standards or regulatory compliance.

Examples include, but are not limited to:



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Assessment Decisions

- Awarding achievement where evidence does not support the assessment decision.
- Altering assessment decisions without justification.
- Falsifying Internal Quality Assurance records.
- Certifying learners who have not met the assessment requirements.

Examination Administration

- Failure to maintain secure assessment materials.
- Allowing unauthorised access to live assessment content.
- Deliberately failing to follow examination procedures.
- Permitting unauthorised assistance during assessments.

Learner Records

- Falsifying learner evidence.
- Altering learner records.
- Creating fictitious learners.
- Manipulating assessment documentation.

Quality Assurance

- Fabricating sampling records.
- Preventing External Quality Assurance activity.
- Withholding evidence.
- Deliberately misleading TLM.

Commercial Misconduct

- Charging unauthorised fees.
- Misrepresenting TLM qualifications.
- Using TLM branding without permission.
- Fraudulent claims regarding centre approval.

Artificial Intelligence (AI) Misuse

TLM recognises that Artificial Intelligence (AI) technologies are becoming increasingly common within education and employment.

AI may be used legitimately to support learning were permitted by the assessment requirements. However, learners must always demonstrate their own knowledge, understanding and competence.

The use of AI must never undermine the validity of assessment.

Acceptable Use

Unless explicitly prohibited within an assessment, examples of acceptable use may include:

- supporting research;
- checking spelling or grammar;
- improving readability;



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- brainstorming ideas;
- generating revision materials;
- language translation where specifically permitted;
- accessibility support.

Learners remain fully responsible for all work submitted in their name.

Unacceptable Use

Examples include:

- submitting AI-generated work as the learner's own;
- using AI to answer examination questions;
- using AI during a live assessment without permission;
- using AI to generate portfolio evidence where personal competence is being assessed;
- editing AI-generated work sufficiently to disguise its origin;
- using AI to fabricate practical evidence;
- generating witness statements or observation records using AI.

Remote Assessment Malpractice

Remote assessment provides increased flexibility while introducing additional risks.

Examples of malpractice include:

Identity

- another individual completing the assessment;
- use of false identification;
- multiple candidates sharing one assessment.

Environment

- hidden persons within the room;
- receiving verbal prompts;
- concealed notes;
- concealed electronic devices;
- use of additional monitors.

Technology

- remote desktop software;
- screen sharing;
- unauthorised internet searches;
- hidden communication software;
- unauthorised recording.

Examination Conduct

- leaving the camera view without permission;



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- refusing a room inspection;
- disabling recording;
- covering the camera;
- obstructing audio.

Failure to complete mandatory identity verification or room inspection may result in the assessment being terminated.

Cyber Security Related Malpractice

Cyber security incidents may also constitute malpractice.

Examples include:

- unauthorised access to examination systems;
- sharing passwords;
- compromising assessment platforms;
- downloading confidential assessment materials;
- malware attacks;
- deliberate manipulation of assessment systems;
- phishing relating to assessment materials;
- data theft.

Cyber security incidents may be referred to external authorities where criminal activity is suspected.

Offensive, Abusive or Inappropriate Behaviour

TLM is committed to providing an assessment environment that is professional, respectful, inclusive and free from intimidation, discrimination or abuse.

Offensive, abusive or inappropriate behaviour will not be tolerated during any activity connected with the delivery, assessment or quality assurance of TLM qualifications.

Such behaviour may constitute malpractice where it undermines the integrity of the assessment process, affects the wellbeing of others or damages public confidence in TLM qualifications.

Examples

Examples include, but are not limited to:

- offensive or abusive language;
- racist, sexist or discriminatory remarks;
- threatening behaviour;
- harassment;

- intimidation;
- aggressive conduct;



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- offensive hand gestures;
- deliberate attempts to provoke staff or learners;
- discriminatory symbols or imagery displayed during remote assessments;
- abusive behaviour directed towards invigilators, assessors, quality assurers or TLM staff.

Remote Assessments

Where remote invigilation recordings clearly capture offensive or abusive behaviour, TLM may determine the matter, provided that:

- the evidence is clear and unambiguous;
- the individual is given an opportunity to respond;
- the right of appeal is preserved.

Appendix 1: Malpractice/Maladministration Declaration

Actual, potential or perceived malpractice or maladministration could arise from any of the above-mentioned instances (the list is not exhaustive – therefore notification must be given so TLM can determine if malpractice or maladministration is an issue):

Full Name	
Job Role	
Centre Name	
Centre Number	
Address	
Telephone number	
Email Address	

Information for declaration must include:

- The type of event/issue
- The nature of the event/issue
- A description of circumstances and persons responsible or accountable.

Declaration



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I declare that the information is correct and I will assist TLM in any enquiry or investigation required.

Signed: Date:

Approved by

Issue	Date	Change Detail	Name
1	01/07/20	First Writing	Rosemary Lynch
2	05/11/21		Marite Vane
3	6/11/2023	AI included	Marite Vane
4	28/07/2026	Comprehensive policy review incorporating enhanced governance, AI misuse, remote assessment malpractice, offensive behaviour, summary procedures, investigation framework and regulatory updates	Marite Vane