



# MALPRACTICE AND MALADMINISTRATION POLICY

The aim of this policy is to protect the interests of Comercial Escolà students, contestants, customers and other stakeholders and safeguard the integrity of WSET qualifications provided by Comercial Escolà, as an Approved Programme Provider (hereinafter also referred to as the APP), by ensuring compliance with WSET Policies and Procedures. It provides a framework for the identification, reporting and management of any potential malpractice or maladministration and plagiarism and cheating and for the application of sanctions.

## PURPOSE STATEMENT

The purpose of this policy is to ensure:

- All Comercial Escolà stakeholders act honestly, conscientiously, professionally and reasonably at times, mindful of their responsibilities, the interests of the Approved Program Provider (APP), the welfare of all other stakeholders and respectful for the work of others.
- The orderly conduct of affairs and operations of the Comercial Escolà APP at all times.
- The ongoing preservation and maintenance of the professional and business reputation of Comercial Escolà and its products and services at all times.
- Comercial Escolà complies at all times with all aspects of relevant legislation, regulations, standards and codes of practice.

## SCOPE

This policy applies to all staff providing support services to students, contestants, customers and other stakeholders while they are participating in Comercial Escolà's education, training and competition services.



It also includes students, contestants, customers and other stakeholders enrolled in Comercial Escolà's education, training and competition services and covers student and/or contestant malpractice and maladministration and plagiarism and cheating as defined in the Comercial Escolà Code of conduct.

## POLICY STATEMENT

Comercial Escolà is committed to nurturing and maintaining an educational, learning and competition environment that supports and allows all stakeholders to engage in and benefit from (the use of) opportunities, services, resources, equipment and facilities. With personal freedom in the maintained context of an orderly and non-disruptive environment. Comercial Escolà will therefore ensure that any inappropriate behaviour or actions putting at risk the enjoyment of such an environment are promptly identified and managed. As such, acts of malpractice or maladministration and/or plagiarism and cheating will be subjected to disciplinary measures as deemed appropriate in the circumstances.

Non-compliance with Comercial Escolà Policies and Procedures generally falls into one of three categories:

1. Maladministration, where non-compliance is accidental rather than intentional; and
2. Malpractice where non-compliance is intentional or the result of negligence.
3. Plagiarism and cheating

The boundaries between maladministration and malpractice are not clear-cut. Some incidents may fall into either category depending on the wider context. Some maladministration incidents may become malpractice e.g. through failure to implement corrective measures, repetition of the incident, or subsequent attempt at non disclosure or misrepresentation.

A malpractice incident may be deemed to be maladministration if there are extenuating circumstances. Whether a situation is maladministration or malpractice will be determined by Comercial Escolà following an investigation.



Malpractice or maladministration may include:

- Failure to adhere to the Comercial Escolà Policies and Procedures;
- Failure to comply with the APP Code of Conduct;
- Failure to adhere to APP's candidate registration and certification procedures;
- Late student and/or contestants registrations;
- Fraudulent claim for certificates/fraudulent use of certificates/reproduction or forgery of certificates;
- Withholding of information from Comercial Escolà which is critical to maintaining the rigour of quality assurance;
- Submission of false or inaccurate information to gain a qualification;
- Cheating, including the use of unauthorised devices or materials;
- Disruptive behaviour in an exam;
- Plagiarism of any nature by students and/or contestants;
- Impersonation (including forgery of signatures);
- Breach of confidentiality;

Comercial Escolà regards plagiarism and cheating as an extremely serious academic offence. The penalties associated with plagiarism and cheating are severe and extend from cancelling/revoking all results for the specific assessment item or for the entire unit through to exclusions from the course in which the student and/or contestant is enrolled.

The following principles underline and are embedded into this policy:

- Matters of malpractice and maladministration will be treated in a conciliatory manner. Individual circumstances, including extenuating circumstances or factors, that may affect or influence an individual's behaviour will be afforded due consideration
- When dealing with malpractice and maladministration, the emphasis is on timely and prompt resolution of matters
- The penalty imposed by Comercial Escolà will depend upon the severity of the plagiarism and/or cheating, whether the student and/or contestant is a repeat offender, whether there is evidence of deliberate deceit and whether another student and/or contestants have been coerced into participating in the plagiarism and/or cheating.



- Comercial Escolà Main Contact will take all reasonable attempts to assist individuals in difficulties
- Confidentiality will be guaranteed at all stages of disciplinary counselling discussion and communication in respect of the malpractice and maladministration. The mandates of the privacy policy will be strictly adhered to at all times; individuals' rights in tis regards will be protected at all times
- Comercial Escolà recognises that individuals have the right to access and instigate complaint or grievance claims in response to disciplinary actions in accordance with the provision of the Complaints and Appeals policy.

## DEFINITIONS

### MALPRACTICE AND MALADMINISTRATION

Malpractice and maladministration are defined as a behaviour that impairs the reasonable freedom of another person to pursue their learning, assessment or other activities that breaches the rules of the APP; or that otherwise damages the resources, equipment, facilities and/or professional and business reputation of Comercial Escolà.

Malpractice and maladministration are a disciplinary offence and include, but are not limited to, such behaviours, conduct or actions as:

- Wilfully obstructing or disrupting any Comercial Escolà meeting, activity, learning opportunity, assessment or competition
- Failing to comply with the reasonable instruction of a Comercial Escolà staff member
- Wilfully behaving in any manner that may be detrimental to the health, safety and well-being of the students, contestants, customers, staff or other APP stakeholders and interested parties of Comercial Escolà
- Wilfully damaging or wrongfully dealing with any Comercial Escolà property, resources or equipment or the property resources or equipment of any persons within premises under the control of Comercial Escolà
- Making a false, fraudulent or misleading representation as to a matter affecting student, contestants, customers and other stakeholders' status
- Breaching any rules relating to the Code of Conduct



## SPIRIT ~ ESSENCE

- Any indictable offence which impinges on the operations of Comercial Escolà
- Using Comercial Escolà technology or communication facilities or resources in a manner which is illegal, or which will be detrimental to the rights or property of others (including Comercial Escolà)

### GROSS OR SERIOUS MALPRACTICE AND MALADMINISTRATION IN THE WORKPLACE

Gross or serious malpractice and maladministration in the workplace is characterised as an objectionable action that is wilful and cannot be described as a mistake or an act of negligence. Examples of gross malpractice and maladministration include:

- Wanton disregard for the safety of others
- Deliberate acts of violence or hostility
- Attempts to financially defraud a company
- Significant levels of insubordination
- Dishonesty through falsification of documents
- Physical or sexual assault
- Embezzlement

### PLAGIARISM

Involves using the work of another person and presenting it as one's own. Students and/or contestants are expected to acknowledge the intellectual property of others used in the preparation of projects and assessment tasks. Plagiarism is the copying of another person's ideas or expressions without appropriate acknowledgement and presenting these ideas or forms of expressions as their own. It includes not only written works such as books or journals, but data or images that may be presented in tables, diagrams, designs, plans, photographs, film, music, formulae, web sites and computer programs.



## CHEATING

The definition of cheating is:

- “to deprive of something valuable by the use of deceit or fraud”
- “to influence or lead by deceit, trick or artifice”
- “to elude, thwart or as if by outwitting”
- “to practice fraud or trickery”
- “to violate rules dishonestly”

## PROCEDURE

Notwithstanding specific procedure instructions listed below, all malpractice and maladministration and plagiarism and cheating notifications should be submitted in writing (email is accepted) and should include:

- A detailed account of the circumstances surrounding the suspicions and allegations;
- Details of any consequent actions or investigations carried out by the person who has identified the malpractice and maladministration and/or plagiarism and cheating;
- Any extenuating circumstances (e.g. medical reports);
- Details of any procedures followed for informing staff/students of consequences of malpractice and maladministration and plagiarism and cheating;
- Any unauthorised materials found during assessment;
- Written statements signed and dated by any individuals involved.

Notwithstanding the applicable procedure to be applied according to each specific case of potential malpractice and maladministration and plagiarism and cheating, Comercial Escolà, as a WSET Approved Programme Provider (APP) may automatically apply the following penalties to students and/or contestants

- **Written warning:** the student and/or contestant is issued with a written warning that if the offence is repeated within a set period of time then further specified sanctions will be applied.
- **Exam result declared null and void:** A student’s and/or contestant’s exam result is disallowed. This may include invalidation and recall of a certificate already issued.



- **Disqualification from a qualification:** The student and/or contestant is disqualified from participating in the concerned qualification with immediate effect and further excluded from participating in any further WSET qualifications for a period of 12 months. This includes access to WSET materials.
- **Student and/or contestant disqualification:** The student and/or contestant is disqualified from participating in any courses, assessments or competitions leading to WSET qualifications. This includes access to WSET materials.
- **Disqualification from use of WSET certified logos and postnominals:** actions bringing WSET into disrepute may result in the student and/or contestant or graduate being barred from use of WSET postnominals and WSET certified logos.

## PROCEDURAL STEPS

### CONSEQUENCES OF MALPRACTICE AND MALADMINISTRATION

Where behaviour, conduct or action is deemed malpractice and maladministration (not being serious or gross malpractice and maladministration as determined by the APP Main Contact) the following steps will be taken:

- **Step one (1):** in the first instance (a first offence) a verbal warning will be issued by the APP Main Contact at a witnessed meeting or communication session. A written record of this verbal warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the APP Main Contact, student and/or contestant and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file.
- **Step two (2):** in the second instance (second offence) a written warning will be issued by the APP Main Contact at a witnessed meeting or communication session. The written warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the APP Main Contact, student and/or contestant and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file.



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- **Step three (3):** in the third instance (third offence) a final written warning will be issued by the APP Main Contact at a witnessed meeting or communication session. The final written warning will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the APP Main Contact, student and/or contestant and witness). A copy of the disciplinary notification form will be placed on the relevant individual's file.
- **Step four (4):** In the fourth instance (fourth offence), a dismissal notice will be issued by the APP Main Contact at a witnessed meeting or communication session. The dismissal notice will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the APP Main Contact, student and/or contestant and witness) A copy of the disciplinary notification form will be placed on the relevant individual's file.

### CONSEQUENCES OF GROSS OR SERIOUS MALPRACTICE AND MALADMINISTRATION

Where behaviour, conduct or actions are deemed gross or serious as determined by the CEO of the APP or APP Main Contact, the following steps will be taken:

- The individual will be immediately suspended by the APP Main Contact, pending investigation into the behaviour, conduct or action as documented on a file note (as signed and dated or otherwise acknowledged by the APP Main Contact, student and/or contestant and witness).
- The individual will be notified in writing of a meeting time with the APP Main Contact and such other independent person or persons arranged by the Exams Officer.
- The individual will be provided with a disciplinary notification form detailing the reasons for the disciplinary action and being given reasonable time and opportunity to respond to the allegation(s).
- The individual will attend the witnessed meeting at the appointed time.
- The individual will be advised of their rights in terms of grievance procedure in respect of the matter.





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- The Exams Officer with the support of the Human Recourses Manager will make a final decision in respect of the matter, which will be documented in a disciplinary notification form (as signed and dated or otherwise acknowledged by the Exams Officer, student and/or contestant and witness and subsequently placed on the individual's file).

### CONSEQUENCES OF PLAGIARISM AND CHEATING

- **Reporting of suspected plagiarism and cheating:** a workplace trainer/assessor or any other APP stakeholder who suspects plagiarism should report this to the Comercial Escolà Main Contact.
- **If plagiarism and cheating has occurred:** the APP Main Contact must decide whether the plagiarism amounts to cheating by conducting a thorough investigation which involves reviewing the suspected student's/contestant's written work and discussing the workplace trainer/assessors' suspicions in regards to plagiarism and cheating.

If after the investigation, the APP Main Contact decides there was no plagiarism or cheating and that it is a case of unsatisfactory assessment, he/she will then ask an independent assessor to mark the work appropriately.

In some cases the APP Main Contact may require the student and/or contestant to meet with them to discuss the issue of plagiarism and cheating. If this occurs, the APP Main Contact should send a student and/or contestant a plagiarism and cheating warning letter to the individual. A copy of the letter is to be uploaded into the students and/or contestant file.

If having heard the student's and/or contestant explanation, and the APP Main Contact has decided that the student's and/or contestant's conduct did not amount to plagiarism and/or cheating, Comercial Escolà:

- Will treat the case as one of unsatisfactory academic work and ask an independent assessor to mark the assessment
- May, if it is deemed necessary, advice and counsel the student and/or contestant about the rules relating to plagiarism and cheating.



## SPIRIT ~ ESSENCE

If after the investigation, the APP Main Contact decides that there is a possible case of plagiarism and/or cheating, that there is evidence that the student and/or contestant intended to obtain an unfair disadvantage, the APP Main Contact must give the student and/or contestant an opportunity to respond before making a final decision. In addition to more obvious cases of plagiarism and/or cheating (i.e., copying large amounts of information from the internet) this situation would arise where two students and/or contestants, contrary to instructions, submit substantially the same work. The APP Main Contact will send the student and/or contestant a plagiarism and cheating warning letter.

Once the APP Main Contact decides that the student and/or contestant has acted with an intention to obtain an unfair advantage he /she will cancel/revoke competency for that unit and impose the following penalties:

- Inform the student and/or contestant that the results have been revoked/cancelled and advise the student and/or contestant that they have a right to appeal as per the complaints and appeals policy.
- Place a notification of student and/or contestant plagiarism and cheating disallowance letter on the student's and/or contestant's file. The student and/or contestant will be deemed as not yet competent for the relevant unit of competence.
- The student and/or contestant can appeal the decision as per the complaints and appeals policy.
- The APP Main Contact may allow the student and/or contestant to enrol and re-submit the assessment depending upon the severity of the plagiarism and/or cheating.
- If the student and/or contestant is found cheating or guilty of plagiarism for a second time, they will need to re-enrol and repeat the entire unit of competence and pay applicable fees.
- Students and/or contestants who are found cheating or guilty of plagiarism for a third or subsequent time, will be referred to the CEO.
- Continued behaviour of this kind may result in the student and/or contestant being expelled from Comercial Escolà.



SPIRIT  
ESSENCE

## APPEALS

Any organisation or individual that wishes to consider appealing against penalties or sanctions imposed by Comercial Escolà should follow the procedures laid out in the Complaints and Appeals Policy.

## CROSS REFERENCES

- Disciplinary notification form
- Privacy policy
- Complaints and appeals policy
- Code of conduct policy

## RELATED DOCUMENTS

- Disciplinary notification form
- Complaints and appeals policy
- Comercial Escolà APP code of conduct
- Bullying and harassment policy
- Privacy policy