

## Graded Music Examinations, Performance Arts Awards, Graded Dance Examinations, Music Theory, Music Production and Diplomas

### 1. Introduction

This policy is aimed at teachers, examiners and candidates who are involved in the assessment of RSL graded examination examinations, including Graded Music Examinations, Performance Arts Awards, Graded Dance Examinations, Music Theory, Music Production and Diplomas at levels 4 and 6.

The purpose of this policy is to set out the procedures that teachers, examiners and candidates should follow if they wish to contact us about any potential instances of malpractice. The policy also gives details of the service provided by RSL in these cases.

This policy is available on our website at [www.rslawards.com](http://www.rslawards.com) or can be obtained by calling **0845 460 4747** or e-mailing [info@rslawards.com](mailto:info@rslawards.com)

This policy will be subject to review and monitoring by RSL and if necessary will be amended and updated following feedback from candidates and centres. All future versions to this policy will be flagged and will be posted on our website.

Please note that we treat all correspondence with individuals who make complaints or inform us of suspected malpractice in confidence and will not make details available to any other parties.

### 2. Issue and Review

The date of issue of this policy is January 2023. This policy will be reviewed annually.

### 3. What is malpractice and maladministration?

**Malpractice** covers any actions, neglect, default or other practices that deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates. For the purpose of this policy, this term also covers misconduct.

**Maladministration** relates to any activity, neglect, default or other practice by an RSL centre/teacher/candidate that results in the RSL centre teacher/candidate not complying with the specified requirements for delivery of the qualifications. In broad terms, maladministration generally covers mistakes or poor processes where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude, or may result from carelessness or inexperience.

RSL obliged to investigate all cases of malpractice and maladministration in liaison with the parties concerned. If an investigation results in evidence of malpractice, we will need to impose the appropriate sanction and take the necessary steps to ensure that the candidates' interests are protected as far as is reasonably possible. This may include making arrangements for re-assessment or certification, as appropriate.

The categories listed below are examples of potential teacher, examiner and/or candidate malpractice. Please note that this is not an exhaustive list.

- » Denial of access to resources (premises, records, information, candidates and staff) by any authorised representative and/or the regulatory authorities
- » Failure to adhere to our candidate registration and certification procedures
- » Failure to maintain auditable records, e.g. certification claims
- » Fraudulent claim for certificates
- » Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance
- » Deliberate misuse of our logo
- » Plagiarism of any nature by candidates.
- » Collusion of examiners with candidates
- » Disclosure of confidential information by examiners to candidates
- » Breaches of confidentiality and security of assessment materials
- » Submission of false information to gain a proxy or a qualification
- » Disruptive behaviour by candidates
- » Teacher prompted restarts
- » Page turning for the candidate
- » Singing along/whistling
- » Providing a time reference (clicking fingers, clapping, nodding etc.)
- » Facial communication
- » Counting in a solo piece (which provides time reference)
- » Counting in Tech Ex's with no fixed time reference (e.g., classical piano/violin)
- » Teacher playing an instrument in the background (distinct from Live Accompaniment)
- » Failure to comply with any action plan set by RSL under conditions A7 and A8 (General Conditions of Recognition, Ofqual)

The use of artificial intelligence (AI) is not encouraged, however should AI platforms or tools be used then this must be fully evidenced. Evidence must include the prompts used, a full indication of how the AI responses have been utilised and any use of AI must be fully referenced within the work.

### 4. How to notify us of suspected or actual cases of malpractice and maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice at any time must immediately report their findings to the Head of Compliance by post, telephone or e-mail.

**Head of Compliance**  
**RSL Ltd**  
**Ground Floor**  
**Harlequin House**  
**7 High Street**  
**Teddington**  
**TW11 8EE**

E-mail: [compliancemanager@rslawards.com](mailto:compliancemanager@rslawards.com) or [fernchantele-carter@rslawards.com](mailto:fernchantele-carter@rslawards.com)

Tel: **0845 460 4747**

Please send the report and any accompanying evidence to the Head of Compliance by post, or email. Reports must include:

- » Examiner's name and examination location(s)
- » Candidate's name and registration number
- » Title and number of the qualification affected
- » Date(s) suspected or actual malpractice occurred
- » Full nature of the suspected or actual malpractice
- » Written statements from those involved in the case, e.g. witness statements
- » Date of the report and the informant's name, position and signature

## 5. The investigation process for graded examinations and Diplomas

### 5.1 Investigation

RSL will carry out an investigation into the suspected malpractice. This will include a review of paper-based evidence as well as interviews with those involved. RSL reserves the right to:

- » Conduct an investigation ourselves or
- » Nominate a third party to carry out the investigation on its behalf

The fundamental principle of the investigation is that it is conducted in a fair, reasonable and legal manner, ensuring that all relevant information is considered without bias. Investigations will be carried out by the Head of Compliance at RSL.

### 5.2 Objective of investigations

Investigations should aim to:

- » Establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred. It is important to remember that just because an allegation has been made, it should not be assumed that any irregularity has actually occurred
- » Establish the facts, circumstances, and scale of the allegation
- » Identify the cause of the irregularities and those involved
- » Identify and, if necessary, take action to minimise the risk to current candidates and requests for certification
- » Determine whether remedial action is required to reduce the risk to current candidates and to preserve the integrity of the qualification
- » Ascertain whether any action is required in respect of certificates already issued
- » Obtain evidence to support any sanctions to be applied to a teacher, candidate or examiner in accordance with RSL procedures
- » Identify any patterns or trends
- » Identify any changes to policy or procedure that need to be made by RSL

### 5.3 During the investigation

During any investigation the following principles should be adhered to:

- » Confidentiality- by their very nature investigations usually necessitate access to information that is confidential to a centre or individuals. All materials collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators, or in relation to GCR, or the police, where appropriate)
- » Rights of individuals- where an individual is suspected they will be:
  - Informed of the allegation made against them in writing and the evidence that supports the allegation
  - Provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to
  - Informed of what the possible consequences could be if the allegation is proven and of the possibility that other parties may be informed e.g. regulators, police, funding agencies and professional bodies, or other AOS.
  - Given the appeals process
- » During investigations it is probable that individuals will need to be interviewed to gather information on the allegations
- » Where a teacher or examiner is interviewed during an investigation that is being carried out by the centre, they may request that they are accompanied by a friend or colleague and these requests should be processed in line with RSL policy
- » Where a candidate is to be interviewed and they are a minor or vulnerable adult, they should consider the need to have a parent or guardian or carer present or to have the permission of a parent or guardian or carer prior to the interview taking place
- » Where legal advisors are to be present during interviews, this must be made known to other parties involved to give them the same opportunity to be similarly supported
- » Retention and storage of evidence and records- all relevant documents and evidence should be retained in line with the RSL's policy and procedures
- » Decisions and action plans- all conclusions and decisions will be based on evidence. A course of proposed action will be identified, agreed between the centre and RSL, implemented and monitored by the Head of Compliance to the point of completion. The actions will address the improvements that are required to the RSL's policy and procedures as well as any action that is related to staff or other resources.
- » Sanctions- any sanctions applied to the teacher, candidate or examiner by RSL will be commensurate with the level of non-compliance identified and evidenced during the investigation and will be in line with the RSL's sanctions policy

### 5.4 The Investigation Report

The Head of Compliance will produce a report which will be accompanied by the following documentation, as appropriate:

- » A statement of the facts, a detailed account of the circumstances and details of any investigations carried out
- » Written statements from individuals who have been interviewed as part of the investigation
- » Any candidate work relevant to the investigation
- » In the case of candidate malpractice, any remedial action being taken by the centre to ensure the integrity of certification now and in the future
- » Any mitigating factors that should be considered

### 5.5 Making decisions about malpractice/maladministration

The investigation report will be submitted to the Malpractice Panel for a final decision on the investigation.

The decision stage will aim to:

- » Identify the regulatory criteria which it is alleged have been compromised
- » Consider the facts of the case
- » Decide on the facts whether malpractice has occurred
- » Establish who is responsible if criteria have been compromised
- » Determine an appropriate level of remedial action to be applied

RSL will consider action to:

- » Minimise the risk to the integrity of certification now and in the future
- » Maintain public confidence in the delivery and awarding of qualifications
- » Discourage others from doing likewise
- » Ensure there has been no gain from compromising our standards
- » Advise the regulatory authorities of the outcome, where relevant

RSL's decision to take further action following the outcome of the investigation will be based only on the evidence available. The decision will be justifiable, reasonable and consistent.

RSL will impose sanctions and penalties on teachers, candidates or examiners where the allegations have been proven. These will be in line with the published Sanctions policy . These sanctions and penalties will aim to:

- » Minimise the risk to the integrity of RSL qualifications, both now and in the future
- » Ensure that only candidates who have reached the required standards are awarded the qualification
- » Maintain the confidence of the public in the delivery and awarding of qualifications
- » Deter others from doing likewise

The sanction to be applied will depend on the nature and scale of the allegation.

### 5.7 Maintaining Records of Investigations

In conducting an investigation, RSL will retain the following records and documentation in line with record retention requirements. In an investigation involving a criminal prosecution or civil claim, records and documentation should be retained for the required period after the case and any appeal has been heard.

Records should include:

- » A report containing a statement of the facts, a detailed account of the circumstances of alleged wrong doing, and details of any investigations carried out
- » Written statements from any candidates, teachers or examiners involved
- » Any candidate work relevant to the investigation
- » Details of any remedial action taken to ensure the integrity of certification now and in the future.

### 6. Appeals against decisions

Please refer to the Appeals Policies for the relevant qualifications which are available on the RSL website.

### 7. Alerting other Awarding Organisations

Regulations require that RSL notify other Awarding Organisations of cases that could have an adverse effect and where these cases are likely to impact on the other Awarding Organisation. This will usually be appropriate where:

- » A teacher may be entering candidates with an Awarding Organisation (for the same or different qualifications and the (suspected) wrong doing could potentially impact on the activities undertaken on behalf of that other Awarding Organisation
- » An examiner may be working for another Awarding Organisation or may be entering candidates with another Awarding Organisation as a teacher and the (suspected) wrong doing could potentially impact on the activities undertaken on behalf of that other Awarding Organisation

### 8. Notifying regulatory authorities

RSL will notify the appropriate regulatory authority\* of the potential malpractice or maladministration and the progress and outcomes of investigations.

*\*The regulatory authority for England and Northern Ireland is Ofqual, for Wales Qualifications Wales, for Northern Ireland CCEA and for Scotland SQA Accreditation.*