



## Malpractice Policy

ELT manager	Assistant Principal Quality, Learning & Teaching
Responsible officer	Quality & Registry Manager/Head of Centre
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Reviewer	Date	Review Action/Impact	BoM approval
TM/AC	27/07/2016	Updated: Responsibilities of staff and Student Updated: Actions and Sanctions if Malpractice Proven	
TM/AC	28/03/2017	Updated: Meet new criteria implemented by SQA	

# MALPRACTICE

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## 1 Purpose

This Policy is necessary for maintaining the integrity of qualifications.

This policy sets out how West Highland College UHI will deal with suspected cases of malpractice in internally-assessed Further Education qualifications up to SCQF Level 6. All Higher Education programmes from SCQF Level 7 and above please refer to UHI [UHI Academic Standards and Quality Regulations](#).

## 2 Scope

The policy applies to all staff and students of West Highland College UHI. The policy explains the systems and procedures that will be implemented and followed to prevent malpractice and handle allegations of malpractice appropriately.

## 3 Policy

This policy:

- Defines student malpractice and centre malpractice in the context of internally assessed qualifications.
- Sets out the responsibilities of West Highland College UHI in relation to malpractice.
- The policy sets out and refers to the standards and requirements of all awarding bodies.
- Describes how to proceed in cases where there is reason to suspect malpractice

The procedures apply to all Awarding Bodies qualifications (including those that are subject to statutory regulation by SQA Accreditation Ofqual)

## 4 Responsibilities

The Quality & Registry Manager/Head of Centre is responsible for managing and updating this policy.

It is the responsibility of all West Highland College UHI staff and students to ensure the integrity of any qualification being delivered at the college and to follow the procedures if it is suspected that there has been **student malpractice**.

It is the responsibility of all West Highland College UHI staff and students to ensure the integrity of any qualification being delivered at the college and to follow the procedures if it is suspected that there has been **centre malpractice**.

All West Highland College UHI staff and students are responsible for following these policy guidelines.

## 5 Definition

Malpractice means any act, default or practice (whether deliberate or resulting from neglect or default) which is a breach of SQA assessment requirements including any act, default or practice which:

- compromises, attempts to compromise or may compromise, the process of assessment, the integrity of any SQA qualification, or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of SQA or any officer, employee or agent of SQA.

Malpractice can arise for a variety of reasons:

- Some incidents are intentional and aim to give an unfair advantage or disadvantage in an examination or assessment (deliberate non-compliance).
- Some incidents arise due to ignorance of SQA requirements, carelessness or neglect in applying the requirements (maladministration).

Malpractice can include both maladministration in the assessment and delivery of SQA qualifications and deliberate non-compliance with SQA requirements.

Whether intentional or not, it is necessary to investigate and act upon any suspected instances of malpractice, to protect the integrity of the qualification and to identify any wider lessons to be learned.

## 6 STUDENT MALPRACTICE

Student malpractice means any type of [malpractice](#) by a candidate which threatens the integrity of an examination or assessment.

Malpractice by a candidate can occur, for example, in:

- the preparation and authentication of coursework
- the preparation or presentation of practical work
- the compilation of a portfolio of assessment evidence
- the completion of an examination paper, or the controlled write-up stage of externally assessed coursework; and
- conduct during or after an assessment

The following are examples of student malpractice, but you should be vigilant to other instances of suspected malpractice that may undermine the integrity of qualifications. Examples could include:

- Collusion with others when an assessment must be completed by individual candidates.
- Copying from another candidate (including using ICT to do so) and/or working collaboratively with other candidates on an individual task.
- Frivolous content — producing content that is unrelated to the assessment.
- Misconduct — inappropriate behaviour in an assessment room that causes disruption to others. This includes talking, shouting and/or aggressive behavior or

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- language, and having a prohibited electronic device that emits any kind of sound in the assessment room.
- Offensive content — content in assessment materials that includes vulgarity and swearing that is outwith the context of the assessment, or any material that is discriminatory in nature (including discrimination in relation to the protected characteristics identified in the Equality Act 2010). This should not be read as inhibiting candidates' rights to freedom of expression.
- Personation — assuming the identity of another candidate or a candidate having someone assume their identity during an assessment.
- Plagiarism — failure to acknowledge sources properly and/or the submission of another person's work as if it were the candidate's own.
- Prohibited items — physical possession of prohibited materials (including mobile phones, electronic devices and handwritten notes etc.) during a controlled assessment.
- Breaching the security of assessment materials in a way which threatens the integrity of any exam or assessment.

### Types of Assessment

#### Internal assessment:

an assessment for an SQA qualification where the assessment judgement is made within the centre. Internal assessments are subject to both internal verification by the centre and external verification by SQA. This includes assessments which are externally set, but internally marked.

#### External assessment:

an assessment set and marked by SQA examiners. Most SQA external assessments relate to our National Qualifications. These procedures will rarely apply to our vocational qualifications as very few of these have externally marked elements. Procedures for dealing with malpractice in internal assessments apply where the assessment is set by SQA but marked by the centre (including e-marking of online assessments).

### Responsibilities – Reporting Suspected Student Malpractice

Students and staff will be made aware at induction of the Malpractice Policy and Procedure. It is the responsibility of all staff and students to ensure the integrity of any qualification being delivered at the college and to follow the procedures if it is suspected that there has been student malpractice.

In cases of suspected student malpractice, a student or a member of staff suspecting malpractice must inform the Head of Centre immediately by emailing [ga.whc@uhi.ac.uk](mailto:ga.whc@uhi.ac.uk). This will then be followed by the completion of the Statement of Facts form stage 1 (Appendix 1) which must then be emailed to the Head of Centre [ga.whc@uhi.ac.uk](mailto:ga.whc@uhi.ac.uk)

Head of Centre will inform SQA in the first instance of any suspected cases of student malpractice that involves a criminal act and then report it to the police.

### External Assessments for National Qualifications

The Head of Centre will inform SQA of any student malpractice concerns for external assessments after affected materials have been submitted to SQA in writing or by telephone:

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E-mail: [Investigation.enquiries@sqa.org.uk](mailto:Investigation.enquiries@sqa.org.uk)

Tel: 0345 213 6741

### **Regulated Qualifications by SQA Accreditation or Ofqual**

The Head of Centre will inform SQA of any suspected cases of student malpractice promptly, in writing to:

[gav@sqa.org.uk](mailto:gav@sqa.org.uk)

WHC UHI must provide a report of its investigation findings and any recommended actions, supported by relevant documentation, to SQA.

## 7 Procedure for Student Malpractice Investigations in Internal Assessment

### Stage 1

Head of Centre, along with the assessor and internal verifier of the qualification will in the first instance conduct the investigation of the suspected student malpractice completing the Statement of Facts form (Appendix 1).

Head of Centre will inform Registry that no results for the student are to be submitted until the investigation is completed, the outcome decided and any appeal concluded.

The student will be informed of the decision in writing within 10 working days.

### Stage 2

If student malpractice has been identified, further investigation will be carried out by the Academic Affairs Committee.

The student will be informed of the decision in writing within 10 working days.

Student malpractice concerns for internal assessments must be brought to the attention of SQA **only if**:

- the concern came to the centre's attention after submission of internal assessment marks
- the concern relates to student malpractice for a qualification regulated by SQA Accreditation or Ofqual
- any student affected by a centre's student malpractice decision, having exhausted their right of appeal within the centre, wishes to exercise their right of appeal to SQA; or
- there are other exceptional circumstances, e.g. the centre believes that the malpractice case involves a criminal act

Individual students who are under investigation for suspected malpractice must be provided with:

- information about the allegation made against them and information about the evidence used in support of the allegation
- information about the possible consequences should malpractice be established
- the opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- the opportunity to consider their response to the allegations (if required)
- the opportunity to submit a written statement
- information on the applicable SQA appeals procedure, should a decision be made against them

During an investigation, the conduct of the student in other examinations or assessments should not be taken into account in reaching a finding of malpractice. However, any previous findings of malpractice against the same student may be taken into account for the purposes of determining the appropriate sanction.

## 8 Procedure for Student Malpractice Investigations in External Assessment

### Stage 1

Head of Centre, along with the assessor and internal verifier of the qualification will in the first instance conduct the Investigation of the suspected student malpractice, completing the Statement of Facts form (Appendix 1).

Head of Centre will inform Registry that no results for the student are to be submitted until the investigation is completed, the outcome decided and any appeal concluded.

The student will be informed of the decision in writing within 10 Working days.

### Stage 2

If suspected student malpractice has been identified, further investigation will be carried out by the Academic Affairs Committee.

The student will be informed of the decision in writing within 10 working days.

### Stage 3

If suspected student malpractice has been identified Head of Centre is to complete the SQA Investigation Report Form (Appendix 2) and inform SQA immediately in writing or by telephone to

- E-mail: [Investigation.enquiries@sqa.org.uk](mailto:Investigation.enquiries@sqa.org.uk)
- Tel: 0345 213 6741

Individual students who are under investigation for suspected malpractice must be provided with:

- information about the allegation made against them and information about the evidence used in support of the allegation
- information about the possible consequences should malpractice be established
- the opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- the opportunity to consider their response to the allegations (if required)
- the opportunity to submit a written statement
- information on the applicable [SQA appeals procedure](#), should a decision be made against them.

During an investigation, the conduct of the student in other examinations or assessments should not be taken into account in reaching a finding of malpractice. However any previous findings of malpractice against the same student may be taken into account by the SQA malpractice panel for the purposes of determining the appropriate sanction.

A full written report must be provided to SQA, accompanied by supporting documentation as appropriate, which may include:

- a statement of the facts and a detailed account of the circumstances relating to the malpractice concerns
- details of any investigation undertaken by the centre
- written statements from relevant candidates or staff members as appropriate



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- details of any mitigating factors
- student seat numbers (if applicable)
- details of unauthorised material found in the controlled assessment
- any work of the student(s) and any associated material (for example, source materials for coursework) that is relevant to the investigation

It is particularly important for National Qualifications external assessments that the report is provided to SQA as quickly as possible, to minimise the risk of incorrect or delayed student certification.

SQA may seek further clarification of the report. At the conclusion of the investigation, SQA will refer the matter to an SQA malpractice panel.

### **Additional Requirements to Responding to Concerns of Student Malpractice for Qualifications Regulated by SQA Accreditation or Ofqual**

WHC UHI must provide a report of its investigation findings and any recommended actions, supported by relevant documentation, to SQA.

Statement of Facts form stage 1 (Appendix 1) must be completed and emailed to the quality office immediately [ga.whc@uhi.ac.uk](mailto:ga.whc@uhi.ac.uk)

### **Actions and Sanctions if Student Malpractice is Proven**

The following will apply when SQA refers a matter to a malpractice panel.

In reaching the conclusion that there has been malpractice, the panel must be satisfied on the balance of probabilities that the concern of student malpractice is substantiated. This means that the panel must be satisfied it is more likely than not that malpractice occurred.

Where the malpractice panel has made a finding of malpractice, the range of sanctions includes, but is not limited to:

- a written warning
- revision of marks
- cancellation of awards
- disqualification from future entries

SQA will inform the head of centre or third party (where appropriate) of the panel's decision in writing, stating their reasons. SQA will advise on the panel's decision within **20 working days** of reaching that decision. The head of centre or third party will then communicate the decision to relevant candidates and/or centre staff.

## 9 CENTRE MALPRACTICE

Centre malpractice means any type of **malpractice** by a centre, or someone acting on its behalf (for example an assessor), which threatens the integrity of an examination or assessment.

Malpractice can include both maladministration in the assessment and delivery of SQA qualifications and deliberate non-compliance with SQA requirements.

Whether intentional or not, it is necessary to investigate and act upon any suspected instances of malpractice, to protect the integrity of the qualification and to identify any wider lessons to be learned.

The following are examples of centre malpractice, but SQA reserves the right to consider other instances of suspected centre malpractice which may undermine the integrity of their qualifications. The examples include:

- Managers or others exerting undue pressure on staff to pass candidates who have not met the requirements for an award.
- Excessive direction from assessors to candidates on how to meet national standards.
- Failure to assess internally assessed unit or course assessment work fairly, consistently and in line with national standards.
- Failure to apply specified SQA assessment conditions in assessments, such as limits on resources or time available to candidates to complete their assessments.
- Misuse of assessments, including repeated re-assessment contrary to requirements, or inappropriate adjustments to assessment decisions.
- Insecure storage of assessment instruments, materials and marking instructions.
- Failure to comply with requirements for accurate and safe retention of candidate evidence, assessment and internal verification records.
- Failure to comply with SQA's procedures for managing and transferring accurate candidate data.
- Deliberate falsification of records in order to claim certificates.
- For all SQA qualifications, failure by a centre to notify, investigate and report to SQA allegations of suspected centre malpractice.
- Failure to take action as required by SQA or to co-operate with an SQA investigation in relation to concerns of malpractice.
- For qualifications subject to regulation by SQA Accreditation or Ofqual, failure by a centre to notify, investigate and report to SQA allegations of suspected candidate malpractice.
- Deliberately withholding information about circumstances which may compromise the integrity of any SQA qualification and/or credibility of SQA.

### Responsibilities – Reporting Suspected Centre Malpractice

Students and staff will be made aware at induction of the Malpractice Policy and Procedure. It is the responsibility of all staff and students to ensure the integrity of any qualification being delivered at the college and to follow the procedures if it is suspected that there has been centre malpractice.

In cases of suspected centre malpractice, a student or a member of staff suspecting malpractice must inform the Head of Centre immediately by emailing [qa.whc@uhi.ac.uk](mailto:qa.whc@uhi.ac.uk).

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This will then be followed by the completion of the Statement of Facts form stage 1

(Appendix 1) which must then be emailed to the Head of Centre [ga.whc@uhi.ac.uk](mailto:ga.whc@uhi.ac.uk)

Head of Centre will inform SQA in the first instance of any suspected cases of centre malpractice that involves a criminal act and then report it to the police.

## 10 Procedure for Centre Malpractice Investigations

### Stage 1

Head of Centre, along with a manager from the College Management Group will in the first instance conduct the investigation of the suspected centre malpractice completing the

Statement of Facts form (Appendix 1).

Head of Centre will inform Registry that no results for student/s are to be submitted until the investigation is completed, the outcome decided and any appeal concluded.

The individual suspected of centre malpractice will be informed of the decision in writing within 10 Working days.

### Stage 2

If suspected centre malpractice has been identified, further investigation will be carried out by the Academic Affairs Committee.

The individual will be informed of the decision in writing within 10 working days.

### Stage 3

If centre malpractice has been identified, Head of Centre is to complete the SQA Investigation Report Form (Appendix 2) and inform SQA immediately in writing or by telephone to

- E-mail: [malpractice@sqa.org.uk](mailto:malpractice@sqa.org.uk)
- Tel: 0345 213 5363/ 5567

Individuals who are under investigation for suspected malpractice must be provided with:

- information about the allegation made against them and information about the evidence used in support of the allegation
- information about the possible consequences should malpractice be established
- the opportunity to seek advice (as necessary) and the right to be accompanied and supported in any interviews or meetings
- the opportunity to consider their response to the allegations (if required)
- the opportunity to submit a written statement
- information on any applicable appeals procedure

The full written report provided to SQA must be accompanied by supporting documentation as appropriate, which may include:

- a statement of the facts and a detailed account of the circumstances relating to the malpractice concerns
- details of any investigation undertaken by the centre
- written statements from relevant candidates or staff members as appropriate
- details of any mitigating factors
- any work of the candidate(s) and any associated material (for example, source

materials for coursework) that is relevant to the investigation

Where a concern of malpractice is brought to SQA's attention by someone other than the centre, SQA will take steps to establish the merits of the allegation. This may include contacting the individual(s) (if contact details are provided) seeking permission to use their

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name(s), communicating the details of the allegation with the centre, and finding out whether any relevant internal procedures within the centre have been exhausted.

If the concerned individual does not grant permission to use their name, and the allegation merits investigation, SQA will advise them that the scope of any investigation may be impaired and that SQA will seek to preserve their anonymity in bringing the matter to the attention of the Head of Centre or their delegate.

SQA will then decide the most appropriate next step which may include:

- commissioning the centre to investigate further, in line with the [SQA Standards for Devolved Investigations](#)
- commissioning a third party to investigate further
- investigating directly themselves
- notifying relevant regulators or other government agencies where appropriate
- informal action; or no further action

### Decision of Investigation

At the conclusion of the investigation, SQA will make a decision on any further action to take, which might include referral to a malpractice panel. The decision of whether or not to refer a matter to the malpractice panel will be informed by:

- the seriousness of the allegation of malpractice
- the ability of SQA to make a decision, based on the investigation and available evidence, as to whether or not malpractice has occurred; and
- the extent to which any residual risk to the integrity of certification remains following the investigation and any action taken as a result

A decision to determine the outcome of the investigation without a referral to a malpractice panel may be made in cases where SQA are satisfied that there is no residual risk to the assessment process, the integrity of the qualification, the validity of an SQA certificate, or the reputation and credibility of SQA.

If the decision is taken not to refer the matter to a malpractice panel, SQA will decide what (if any) further action is appropriate in the circumstances. The range of options available to SQA includes (but is not limited to):

- taking no further action; or
- requiring the centre to carry out a review of its internal policies or procedures for dealing with malpractice

The head of centre will be notified of the outcome in writing following the conclusion of the investigation and will be given reasons for any further action taken. The rules on appealing against malpractice decisions do not apply in these circumstances.

### Actions and Sanctions if Centre Malpractice is Proven

The following will apply when SQA refers a matter to a malpractice panel.

In reaching the conclusion that there has been malpractice, the panel must be satisfied on the balance of probabilities that the concern of centre malpractice is substantiated. This means that the panel must be satisfied it is more likely than not that malpractice occurred.

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Where the malpractice panel has made a finding of malpractice, the range of sanctions includes, but is not limited to:

- a written warning
- application of required actions to enable certification to proceed
- withdrawal of approval to offer specific qualifications
- withdrawal of centre approval status

SQA will inform the head of centre or third party of the panel's decision in writing, stating their reasons. SQA will advise on the panel's decision within **20 working days** of reaching that

decision. The head of centre or third party must then communicate the decision to relevant candidates and/or centre staff.

## 11 APPEALS

### Student Malpractice

Students have a right to appeal to SQA where:

- The centre has conducted its own investigation and the candidate disagrees with the outcome, where the centre's internal appeals process has been exhausted
- SQA has asked the centre to conduct an investigation and the candidate disagrees with the outcome, where the centre's internal appeals process has been exhausted; or
- SQA conducts its own investigation and the candidate disagrees with that decision

Refer to [WHC UHI Appeals Policy & Procedure](#)

### Centre Malpractice

The centre has a right to appeal a decision by SQA where a case of reported malpractice by the centre has been confirmed through investigation by SQA.

The head of centre must first contact the relevant SQA manager within **10 working days** of receiving notification of the malpractice panel's decision to agree a time to discuss the matter. If, after this discussion, the head of centre is not satisfied, an appeal can be raised with an SQA director who was not involved in the malpractice panel's decision.

Refer to [WHC UHI Appeals Policy & Procedure](#)

### Qualifications Regulated by SQA Accreditation or OFqual

For those qualifications that are subject to regulation, such as Scottish Vocational Qualifications, and other qualifications regulated by SQA Accreditation or Ofqual, centres and candidates have the right to request a review of the awarding body's process in reaching this decision with SQA Accreditation or Ofqual (depending on the qualification).

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Refer to [WHC UHI Appeals Policy & Procedure](#)

## 12 Retention of Evidence

Where an investigation of suspected malpractice is carried out, the centre must retain related records and documentation for three years. Records must include any work of the candidate and assessment or verification records relevant to the investigation.

In the case of an appeal to SQA against the outcome of a malpractice investigation, assessment records must be retained for five years.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation must be retained for six years after the case and any appeal has been heard. If the centre is in any doubt about whether criminal or civil proceedings will take place, it must keep records for the full six year period.

## 13 Data Protection

To comply with the law, personal information must be collected and used fairly, stored and disposed of safely, and not disclosed to any other person unlawfully.

Refer to [WHC Data Protection Policy](#)

## 14 References

[Appeals Policy & Procedure](#)

[Data Protection Policy](#)

[Positive Behaviour Management Policy and Disciplinary Procedure](#)

[Staff Discipline Policy](#)

[Staff Discipline Procedure](#)

[UHI Academic Standards and Quality Regulations](#)

## 15 Review

Every 3 years or sooner if changes in linking policies or awarding bodies necessitate amendments.

## Appendix 1 – Statement of Facts

### 1<sup>st</sup> Stage

<b>Centre Name:</b>	West Highland College UHI	<b>Centre Number</b>	3004325
<b>Subject</b>		<b>Group/Unit Code</b>	
<b>Date(s) on which alleged malpractice occurred</b>			
<b>Student/s Name/s involved (if appropriate)</b>			
<b>Staff/s Name/s and Title/s Involved (if appropriate)</b>			
<b>Please give specific details of the nature of the alleged malpractice</b>			

**Please ensure that the following documents are presented for the 1<sup>st</sup> Stage of Investigation to the Head of Centre [qa.whc@uhi.ac.uk](mailto:qa.whc@uhi.ac.uk)**

- a. Written statements from the staff members involved
- b. Written statements from the student/s involved
- c. Any work of the student and internal assessment or verification records relevant to the investigation.



## 2<sup>nd</sup> Stage

### Academic Affairs Committee will request copies of the documents for the 2<sup>nd</sup> Stage of Investigation

- i. Written statements from the staff members involved
- ii. Written statements from the student/s involved
- iii. Any work of the student and internal assessment or verification records relevant to the investigation.

Details of Investigation carried out and by whom.	
<b>Outcome:</b>	

<b>Name</b>	
<b>Position</b>	
<b>Date</b>	

**Proceed to 3<sup>rd</sup> Stage - Formal – Complete Appendix 2**

**NO**

**YES**  **Complete Appendix 2**

## Appendix 2 – SQA Investigation Report Form

<b>Qualification title</b>	
<b>Date of Issue</b>	
<b>Centre Number</b>	
<b>Centre Name</b>	
<b>Unit code(s)/name</b>	
<b>Level:</b>	
<b>Student(s) involved (if appropriate)</b>	
<b>Staff involved (if appropriate)</b>	

Area of Concern
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To be completed by the Head of Centre or designated contact.

I confirm that all individuals involved have been notified about the above issue and have been given opportunity to comment.

Where appropriate, a signed statement from each individual is available.

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Our findings, based on these investigations, are as follows: (attach additional documentation if required)

The individuals involved have been notified of these findings and have been given further opportunity to comment. All parties are aware that this information will inform the decision made by SQA regarding any application of sanction.

Signature		Date	
Position			

Please return this form and supporting documentation/evidence as soon as possible after the date of issue to:

Verification Planning Manager  
Operations Directorate  
SQA  
Optima Building  
58 Robertson Street  
Glasgow  
G2 8DQ