



# Malpractice and Maladministration Policy

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## **1. Introduction**

Should malpractice or maladministration occur or be suspected, this document sets out the procedures to be used to report directly to Nigel Singleton. The full support of trainers involved is of paramount importance in a matter of this type.

## **2. Malpractice and maladministration**

Malpractice and maladministration shall be deemed as the improper actions of learners, trainers, and anyone involved with providing qualifications, that would have an adverse effect on others and the integrity of the qualification.

### **Definition of Malpractice**

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates.

It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process
- the integrity of a regulated qualification
- the validity of a result or certificate
- the reputation and credibility of [Centre name] or
- the qualification or the wider qualifications community

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.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

### **Definition of Maladministration**

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration.

### 3. Examples of malpractice

Below are some examples of events which could lead to a report of malpractice or maladministration. Please note, this list is not exhaustive:

- Centre staff prompting or assisting learners during assessment
- Falsifying paperwork pertaining to a qualification
- Failure to provide relevant information required by the awarding body
- Overruling or ignoring guidance or policies provided by the awarding body
- Claiming invalid qualification results or certificates
- Breach of assessment security
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with requirements
- Deliberate failure to adhere to learner registration and certification procedures.
- Deliberate failure to continually adhere to Centre recognition and/or qualification approval requirements or actions assigned to your Centre
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim(s) for certificates
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so).

#### **4. Examples of maladministration**

- Persistent failure to adhere to our learner registration and certification procedures.
- Persistent failure to adhere to our Centre recognition and/or qualification requirements and/or associated actions assigned to the Centre
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from regulators, Awarding Organisations or learners.
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission.

#### **5. Reporting malpractice**

Singleton Training Services Ltd will report any case of malpractice or maladministration to the awarding body using the correct notification form from the awarding bodies web site.

#### **6. Allegations against the learner**

If allegations are received against a learner, the following steps will be taken:

1. The allegation will be acknowledged by Singleton Training Services Ltd
2. Certification for the learner will be suspended
3. The allegation will be thoroughly investigated by Singleton Training Services Ltd
4. The findings of the investigation will be reported back to the learner within 14 days

If the allegations are confirmed, the following steps will be taken:

1. Singleton Training Services Ltd will notify the awarding body
2. Certification will remain suspended until the awarding body notifies the company of the correct course of action

3. The learner will be barred from completing any further courses with Singleton Training Services Ltd

## **7. Process for making an allegation of malpractice or maladministration**

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the Directors of Singleton Training Services Ltd. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

- All allegations must include (where possible):
- Learner's name and Singleton Training Services Ltd registration number
- Singleton Training Services Ltd staff members name and job role - if they are involved in the case
- Details of the course/qualification affected or nature of the service affected
- Nature of the suspected or actual malpractice and associated dates details and outcome of any initial investigation carried out by the Centre or anybody else involved in the case, including any mitigating circumstances

The Directors will then conduct an initial investigation to ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

In all cases of suspected malpractice and maladministration reported we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

### **Confidentiality and whistle blowing**

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. If you are concerned about possible adverse consequences you may request that the Directors do not divulge your identity.

While we are prepared to investigate issues which are reported to us anonymously we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

## **Responsibility for the investigation**

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by Singleton Training Services Ltd to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence as defined by Ofqual.

We will acknowledge receipt, as appropriate, to external parties within 48 hours.

Our Director will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Singleton Training Services Ltd

## **Notifying relevant parties**

Where applicable, our Director will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation.

Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed by the regulator Ofqual. If we do not know the details of organisations that might be affected we will ask Ofqual to help us identify relevant parties that should be informed.

## **Investigation timelines and summary process**

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred.
- To identify the cause of the irregularities and those involved.
- To establish the scale of the irregularities.

- To evaluate any action already taken
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of Singleton Training Services Ltd and the qualification.
- To identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation.

Therefore, we will:

- Ensure all material collected as part of an investigation must be kept secure.
- If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to withhold a learner's, and/or cohort's, results.

Where a member of Singleton Training Services Ltd staff or a Singleton Training Services Ltd associate is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our Director will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.

#### Investigation report

After an investigation, we'll produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- Identify where the breach, if any, occurred.
- Confirm the facts of the case.
- Identify who is responsible for the breach (if any)

- Confirm an appropriate level of remedial action to be applied.

We'll make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we'll also inform them of the outcome – normally within 10 working days of making our decision - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it's an internal investigation against a member of our staff the report will be agreed by the Managing Director, along with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

### **Investigation outcomes**

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take in order 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 carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising our standards.

The action we take may include:

- Imposing actions in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid, inform the Awarding Organisation and the regulatory authorities concerned as to why they are deemed invalid. Further, inform the Awarding Organisation and the regulatory authorities concerned of any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also let the affected learners know the action we're taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to Singleton Training Services Ltd
- Informing relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre.

In addition to the above the Director will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant party (ies) wishes to appeal against our decision to impose sanctions, please refer to our Complaints Procedure

## **8. Policy Review**

This Policy will be reviewed every 3 years and updated accordingly.  
A copy of this policy can be obtained by learners from Singleton Training Services Ltd. Trainers can download copies of this policy document from the intranet.