




## Malpractice and Maladministration Policy

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Policy Approved by	CEO – Gavin Deane - 
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This policy will be reviewed bi-annually and updated accordingly by The Senior Management Team for approval by the governance board. The CEO will hold overall responsibility and ownership for this policy.

# **MALPRACTICE/MALADMINISTRATION POLICY**

## **1. Introduction**

It is acknowledged that the Centre will adopt and implement a Malpractice & Maladministration Policy for use in all qualifications delivered by the Centre.

This policy aims to protect the integrity, reliability and reputation of the Centre, the Awarding Organisation any Sector Skills Requirements and the qualifications undertaken.

The policy relates to the centre and its management team, IQA Team, Assessors/Trainers and learners who wish to report alleged malpractice or maladministration.

## **Code of Conduct**

All management, centre staff, tutors, IQA's and learners are expected to conduct themselves at all times in an ethical manner and be bound by Educationwise's Code of Conduct. Our Charter includes disciplinary procedures that enable the governing body to investigate complaints against members and, if it is found that the Code of Conduct has been breached, to take appropriate action

This policy sets out the process in place for investigation.

This document is produced in line with various sector skills councils & awarding organisational requirements. And detail the requirements of the centre to have robust policies and procedures regarding the regulation of external qualifications.

## **2. The Scope of the policy covers;**

All regulated qualifications

## **3. Policy aims and objectives**

The policy sets out the process an individual or centre needs to follow to report cases of alleged malpractice.

The policy will detail how alleged malpractice should be reported and the time scales in which the Centre will investigate and act upon its findings. The policy will also layout how the Centre will deal with alleged malpractice if the allegations are proven.

## **4. Access to the policy**

The Centre will ensure that the policy is communicated and understood by learners via the website and their tutors and centre staff through its team of Quality Advisors. The quality advisor team will through its scheduled monitoring of the Centre team and their training delivery/assessment explain the policy to centre staff and answer any questions relating to the policy. The policy will relate and acknowledge guidance that is provided by the awarding organisation.

## **5. Definition of Malpractice**

Malpractice is a deliberate or reckless act of an individual or business to dishonestly claim learning outcomes and or certificates for learners. Furthermore, malpractice is an act that does not comply with the

awarding organisation or regulatory authority's conditions and brings the authenticity, reliability and integrity of a qualification into question.

Examples of malpractice could be, but are not limited to; Learner malpractice

- Plagiarism of work
- Forgery of evidence
- Forgery of signatures

### **Centre malpractice**

Failure to follow the awarding organisation requirements for centre approval including action plans Failure to allow quality advisor or authorised regulator access to centre, records and learners when requested without good reason

- Unqualified tutors/trainers, assessor and IQA's claiming learning outcomes
- Fraudulent claims for certificates
- Absence of verification process
- Failure to follow invigilation guidelines.
- Failure to register learners within timescales

### **Trainer/Assessor malpractice**

- Forgery of exam/assessment results outcomes and plans
- Forgery of signatures
- Forgery of learner evidence

## **6. 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.

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 awarding organisations
- 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
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with awarding organisations requirements
- Deliberate failure to adhere to our learner registration and certification procedures.
- Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to the 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 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).

## 7. Reduction of risk

Whilst it is nearly impossible to completely remove the risk of maladministration or malpractice occurring within

Centres, we will ensure the following would go some way to strengthening our centre's arrangements;

- Ensure all staff are aware of the centres Policies and Procedures
- The centre team have clear roles and responsibilities
- Monitoring takes place in line with the internal quality assurance procedure and is subject to regular review
- Standardisation takes place at least once a year (as a minimum)
- Learners are informed of their roles and responsibilities, and in terms of not doing anything that may be deemed malpractice and jeopardise their potential achievements
- All assessment and internal verification activities are accurately recorded and carried out in accordance with their internal quality assurance arrangements and in line with expectations contained in qualification specification
- Ensure any examination room is set out to ensure that the seating is arranged in such a way to avoid malpractice
- Ensure that all learning aids (such as wall posters) that may assist learners with the examination are covered or removed
- Ensure learners turn off and put away mobile phones, smart devices, laptops and/or any other form of device that could be classed as a learning aid
- Ensure absolute silence is maintained throughout the examination and that an Invigilator/Assessor follows the required invigilation process.
- Qualifications are checked for authenticity and validity

## 8. 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 head of centre and potentially the awarding organisation. In doing so they should put it in writing/email to **Nick Preston** [npreston@education-wise.org](mailto:npreston@education-wise.org) – **0117 3790450** and enclose appropriate supporting evidence. Every reasonable effort will be made to protect the identity of the person making the report.

### **All allegations must include (where possible):**

- Learner's name
- Any 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 of EDUCATIONWISE ACADEMY will then conduct an initial investigation prior 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.

## 9. Investigation process, responsibility for the investigation and timelines

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by EDUCATIONWISE ACADEMY 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 head of centre and one or more of the directors 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 establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by EDUCATIONWISE ACADEMY.

Where practicable the centre will suspend any awards of units/qualifications and the person/persons involved if deemed necessary and carry out the investigation remotely and the process will be concluded within 14 days. However, if a more detailed investigation is required then arrangements will be made with the awarding organisation for the centre to be visited and interviews conducted with the people involved. Wherever possible we will aim to complete the investigation in 28 days. However, on occasions the investigation may take longer. The centre reserves the right to extend the amount of time to conclude the investigation to ensure thorough and appropriate action can be taken.

Following the investigation, we will detail our findings in a written report to the centre team and awarding organisation and if required the regulator, along with any remedial action required by the centre. This report will be sent within 5 days follow the completion of the investigation.

There is an expectation that all parties that are involved in the investigation process co-operate with centre and awarding organisation staff. Failure to cooperate at any stage of the investigation process will result in suspension being applied to the parties involved. In all cases of alleged malpractice and maladministration any regulator will be informed. From time to time the investigation will require additional information to be supplied, the centre will be clear what it would like to be presented and give strict deadlines to supply the additional information. The centre reserves the right to interview anyone involved in the training/assessment and quality assurance process that may be able to provide evidence about the alleged malpractice.

If the investigation requires a centre visit by the awarding organisation, this will be arranged and a date given to all parties involved. The centre will use its staff who have an understanding of the particular qualifications where possible, however the investigation and findings will be made by impartial staff. The centre will confirm there is a conflict of interest, prior to the investigation.

## 10. Informing and notifying investigation findings

The centre will make an informed decision based on the investigations findings and will exercise due diligence when formalising its decision using the evidence gathered during the investigation. For malpractice and maladministration, the findings will be presented to the Head of Centre.

Agreement will be sought for any action plan that is put in place. QA's will work to provide guidance and support to achieve the action plan objectives. Where applicable, our centre manager 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.

If the malpractice is at a learner level the individual(s) may be removed from the programme. The centre will be given an action plan to prevent further occurrences of learner malpractice. This may still be viewed as a breakdown of the centres management systems.

## 11. Confidentiality, whistle blowing & appeals

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to us; however, 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 the allegation relates. If you do not agree with the findings of the investigation you can appeal. The centre has an appeal procedure that must be followed and can be found in the centre policies and procedures, the appeal must be made within 7 days of the published date of the report.