

Malpractice and Maladministration Policy



May 2020

Review Date: May 2023

Malpractice and Maladministration Policy

Introduction

in at the deep end Ltd as a company includes the Training Wave brand. Therefore, throughout all of our policies where we refer to in at the deep end it also applies to any bookings or courses undertaken within the Training Wave brand.

Definitions of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and/or Awarding Organisation procedures and compromises the integrity of the internal or external assessment processes and/or 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 any Awarding Organisations
- 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 guidance this term also covers misconduct and forms of unnecessary discrimination or bias towards certain individuals or groups of learners.

Examples of Malpractice

The categories listed below are some examples of Centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance for our definition of malpractice:

- Denial of access to premises, records, information, learners and staff to any authorised Highfield representative and/or the regulatory authorities;
- Threatening or abusive behaviour that threatens the safety of staff and/or is intended to put undue influence on the outcomes of an assessment/award;
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our 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 your Centre;
- Deliberate failure to maintain appropriate auditable records, for example certification claims and/or forgery of evidence;

- Fraudulent claim for certificates;
- The unauthorised use of inappropriate materials/equipment in assessment settings (for example mobile phones);
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications;
- Deliberate misuse of our Awarding Organisation's logos and trademarks or misrepresentation of a Centre's relationship with them, and/or its recognition and approval status with them;
- Collusion or permitting collusion in exams/assessments;
- Learners still working towards qualification after certification claims have been made;
- Persistent instances of maladministration within the Centre;
- Deliberate contravention by a Centre and/or its learners of the assessment arrangements we specify for our qualifications;
- A loss, theft of, or a breach of confidentiality in, any assessment materials;
- Plagiarism by learners/staff;
- Copying from another candidate (including using ICT to do so);
- Impersonation - assuming the identity of another candidate or having someone assume your identity during an assessment;
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials;
- Inappropriate assistance to learners by Centre staff (for example unfairly helping them to pass a unit or qualification);
- Deliberate submission of false information to gain a qualification or unit;
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy;
- False ID used at the registration stage;
- Creation of false records;
- Inappropriate use of technology during assessments (for example mobile phone);
- Cheating;
- Cash for certificates (for example the selling of certificates for cash);
- Selling papers/assessment details;
- Extortion;
- Fraud;
- Deliberate breach of our Awarding Organisation or regulatory policies, procedures or practices; and
- Deliberately using an unapproved tutor to undertake training.

Definitions of Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations or requirements set down by the Awarding Organisations, and includes the application of persistent mistakes or poor administration within a Centre (for example, inappropriate learner records).

Examples of Maladministration

The categories listed below are examples of Centre and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance for our definition of malpractice:

- Persistent failure to adhere to Highfield learner registration and certification procedures;
- Failure to adhere to Awarding Organisation and regulated policies, procedures and practices;
- Persistent failure to adhere to Awarding Organisation Agreement and/or qualification requirements and/or associated actions assigned to the Centre;
- Failure to adhere to Awarding Organisation financial payment terms and/or plans (both infrequent and persistent);
- 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, for example, certification claims and/or forgery of evidence;
- Withholding of information, by deliberate act or omission, from Awarding Organisation which is required to assure Awarding Organisation of the Centre's ability to deliver qualifications appropriately;
- Misuse of the Awarding Organisation's logo and trademarks or misrepresentation of a Centre's relationship with Awarding Organisation's and/or its recognition and approval status with them; and
- Failure to adhere to, or to circumvent, the requirements of our own and our Awarding Organisation's Reasonable Adjustments and Special Considerations Policies.

Our Responsibilities

in at the deep end will ensure that the risk of maladministration and malpractice is kept to a minimum by ensuring the following is in place:

- Robust policies and procedures which all staff are aware of and are kept regularly up to date—at least annually
- Take all reasonable steps to ensure that incidents of malpractice and

- maladministration do not occur
- Investigate all suspected incidents of malpractice and maladministration and rectify the negative impact of these incidents
- Develop an action plan for managing and rectifying the negative impact of any incidents of malpractice or maladministration and make it available to Awarding Organisations as required. The plan will also include any areas of further improvement needed to ensure that the malpractice or maladministration does not recur in the future
- The appropriate and proportionate action against those responsible for the maladministration and malpractice and to ensure it does not recur in the future
- Deliver in full the actions required as per the Action Plan
- Notify the relevant Awarding Organisation of any incidents of malpractice or maladministration in line with the appropriate policy and procedures
- Provide access to documents, records, staff, data, third parties, sub-contractors, learners and any other resources as required by any Awarding Organisations during any further investigations
- Fully co-operate with any internal investigations. This includes, but is not limited to, attending meetings and providing prompt responses as directed towards us
- Inform all learners of this policy as the need arises and in any event that the policy is in place.

Risk Reduction

It is impossible to completely remove the risk of malpractice and maladministration, however, In at the deep end believes the following help to mitigate the risk as much as possible:

- Ensuring all staff are aware of all relevant policies and procedures
- Ensuring staff have clear roles and responsibilities
- Ensuring there are documented internal QA procedures and methodologies in place which is subject to regular review
- Ensuring that there are documented internal standardisation sessions which take place at least annually
- Ensuring that learners are informed of their responsibilities and roles, and in terms of not doing anything which may be deemed malpractice and jeopardise their potential achievements
- Ensure all assessment and internal verification activities are accurately recorded and carried out in accordance with our quality assurance arrangements and in line with the expectations of qualification guides
- Ensuring that all courses are subject to the appropriate internal reviews before being submitted to the Awarding Organisation.

While delivering courses staff should be aware of the following to help reduce risk:

- Inspecting the examination room to ensure that the accommodation is suitable and the seating is arranged in such a way to avoid malpractice
- Ensuring that all learning aids (such as wall posters) that may assist learners with the examination are covered or removed
- Ensuring 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
- Ensuring absolute silence is maintained throughout the examination
- In the event that an Invigilator/Assessor observes or suspects a learner of cheating, that learner should be asked to stop. Should the action be considered serious enough, a learner's examination paper and answer sheet should be collected and the learner asked to leave the examination room. In the latter scenario the Invigilator / Assessor must submit a written report to the Mark Mc Nichol, Director, who will notify the appropriate Awarding Organisation of the incident.

Reporting Malpractice and Maladministration

- Candidates, Trainers or Assessors who feel they have witnessed malpractice or maladministration should contact Mark Mc Nichol, Company Director, in writing within 5 working days of the occurrence. This can be done via the contact details show above.
- All correspondence should include an account of the suspected malpractice or maladministration, including the date and time of anybody involved
- The Company Director will send a confirmation of receipt of the suspected malpractice/ maladministration within 5 working days of receiving it
- The suspected malpractice/maladministration will be investigated by Mark Mc Nichol, or another director if it involves him, and will come to a decision within 15 working days and respond directly to the person witnessing the concern
- Candidates who are not satisfied of the decision reached will have the opportunity to follow our complaints procedure before appealing to the Awarding Body directly.
- All cases of malpractice/maladministration within the company which require further support or guidance will be immediately escalated to the appropriate Awarding Organisation by the investigating director.

Awarding Organisations

For information the Awarding Organisations this policy relates to are as follows:

Highfield Qualifications

Web: www.highfieldqualifications.com

Tel: 0845 226 0350

Safety Training Awards

Web: www.safetytrainingawards.co.uk

Tel: 01922 645 097

Nuco Training

Web: www.nucotraining.com

Tel: 03456 444 999

RLSS / IQL UK

Web: www.rlss.org.uk

Tel: 0300 3230 096

Monitoring and Review

We will monitor all of the feedback that we receive in relation to the issues affected by the Policy and will amend the policy as necessary.

The Policy will be updated with any amendments to existing legislation or new legislation.

In any event, all policies are reviewed annually although updates to versions etc. will only take place every three years should there be no other changes to the policy.

Document Owner and Approval

The Data Protection Officer (DPO) is the owner of this document and is responsible for ensuring that this policy document is reviewed in line with the review requirements stated above.

A current version of this document is available to all members of staff on BaseCamp.

This policy was approved by the Company Directors and is issued on a version controlled basis under the signature of Managing Director.

Date	Version	Author/Contributor	Amendment Details
December 2016	1.20	Mark Mc Nichol	Implementation
December 2017	1.30	Mark Mc Nichol	Added ref. to Safety Training Awards
May 2018	1.40	Mark Mc Nichol	Addition of Training Wave brand
August 2018	1.50	Mark Mc Nichol	Addition of examples of malpractice and maladministration
May 2020	1.60	Mark Mc Nichol	Addition of Nuco Training contact details