



# Malpractice and Maladministration Policy

## Introduction

This policy relates to suspected or actual malpractice and maladministration on the part of Learners, Centre staff and anyone involved in the delivery of Qualseafe Awards (QA) qualifications.

## Centre's responsibility

A QA Centre must take all reasonable steps to prevent the occurrence of malpractice or maladministration in the delivery of qualifications which it makes available or proposes to make available.

Centre staff involved in the management, delivery, assessment and quality assurance of QA qualifications should be fully aware of the:

- *QA Malpractice and Maladministration Policy*
- Centre's own internal policy to prevent and investigate instances of malpractice and maladministration

QA may impose sanctions on Centres for failure to:

- Report a suspected or actual malpractice/maladministration case
- Have in place effective arrangements to prevent such cases

Note: *QA Sanctions Policy* has more details.

QA may give guidance to Centres about how to prevent, investigate and deal with malpractice and maladministration.

Through ongoing quality assurance monitoring activity, QA will periodically review how Centres take reasonable steps to prevent and/or investigate instances of malpractice and maladministration.

If a Centre investigates a suspected or actual malpractice/maladministration case, the Responsible Person must:

- Respond quickly and openly to all requests relating to the allegation and investigation
- Cooperate and make sure staff cooperate fully with any investigation and requests for information
- Immediately inform QA that a malpractice/maladministration investigation is being carried out

If QA is investigating a case of suspected or actual malpractice/maladministration at a Centre, the Centre must cooperate fully in all respects and grant QA full access to all records, documentation and premises required for the purposes of the investigation.

## Definitions

### Malpractice

Malpractice is any activity or practice which deliberately contravenes regulations and compromises the integrity of qualifications.

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

- Assessment process
- Integrity of a qualification
- Validity of a result or certificate
- Reputation and credibility of Quallsafe Awards
- Qualification or the wider qualification community

Malpractice may include a range of issues from the failure to follow correct assessment procedures, 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.

Note: Appendix 1 lists examples of malpractice.

### Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes mistakes being made and poor administration within a Centre.

Notes:

- 1 Appendix 1 lists examples of maladministration.
- 2 More serious or persistent cases of maladministration may be malpractice.

## Reporting

Anyone who identifies or becomes aware of suspected or actual cases of malpractice or maladministration must immediately notify QA by completing a Malpractice and Maladministration Report Form and emailing this and any supporting evidence to: [malpractice@quallsafeawards.org](mailto:malpractice@quallsafeawards.org)

All forms must include (if possible):

- Centre's name, address and number
- Learner's name (if appropriate)
- Centre/QA personnel's details (name, job role) if they are involved
- Details of the QA course/qualification affected or nature of the service affected
- Nature of the suspected or actual malpractice/maladministration and associated dates
- Details and outcome of any initial investigation carried out by the Centre or anybody else involved, including any mitigating circumstances

Anyone submitting a *Malpractice or Maladministration Form* to the malpractice mailbox will receive an auto-acknowledgement.

If a Centre conducts an initial informal investigation prior to formally notifying QA, the Centre should make sure staff involved in the initial investigation are competent (i.e. sufficiently experienced in centre operations and the processes associated with qualification delivery) and have no personal interest in the outcome of the investigation. However, it is important to note that, in all instances, the Centre must immediately notify QA if they suspect malpractice or maladministration as we have a responsibility to the Qualification Regulators to make sure all investigations are carried out rigorously and effectively.

When suspected or actual malpractice or maladministration cases are reported to QA, we will protect the identity of the informant in accordance with our duty of confidentiality and other legal duties.

## Confidentiality and whistle blowing

A person making an allegation of malpractice or maladministration may want to remain anonymous.

Although it is preferable to reveal your identity and contact details to QA, if you are concerned about possible adverse consequences, you may ask us not to divulge your identity. QA confirm we are not obliged (as recommended by the regulators) to disclose information if this would be a breach of confidentiality or other legal duty. Please refer to the *QA Whistleblowing Policy* for further details on how QA manages such cases.

When investigating malpractice or maladministration, QA will firstly try to confirm any allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

## QA's Responsibilities

In accordance with regulatory requirements, QA will promptly investigate all suspected cases of maladministration or malpractice to establish if either has occurred. We will take all reasonable steps to prevent any adverse effect from occurring as defined by the regulators.

Note: An Adverse Effect is any act, omission, event, incident or circumstance that: prejudices Learners; affects public confidence in qualifications; affects the standards of qualifications which the awarding organisation makes available; or, affects the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with the Conditions.

QA will appoint a relevant staff member to lead the investigation and they will be responsible for making sure the investigation is carried out efficiently, effectively and in accordance with the procedures in this policy. They will work to establish if malpractice or maladministration has occurred and review all evidence associated with the case. At all times we will make sure any QA personnel assigned to the investigation have:

- The appropriate level of training and competence
- No previous involvement or personal interest in the matter

### Notifying relevant parties

QA will notify the Centre's Responsible Person that we will be investigating the matter.

In cases of Learner malpractice, we may ask the Centre to investigate in liaison with our personnel.

We may withhold details of the person reporting the suspicions to avoid a breach in our duty of confidentiality or other legal duty.

If applicable, the QA Responsible Officer will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration.

If the suspicion may affect another awarding organisation and their provision, QA will also inform them in accordance with existing regulatory requirements.

### Investigation process

QA will conduct all investigations in a fair, reasonable and legal manner, making sure we consider all relevant evidence without bias. Investigations may include:

- Establishing the facts relating to the allegations in order to determine whether irregularities have occurred
- Identifying the cause of the irregularities and those involved
- Establishing the scale of the irregularities
- Evaluating any action already taken by the Centre
- Determining whether remedial action is required to reduce the risk to current registered Learners and to preserve the integrity of the qualification
- Ascertaining whether any action is required in respect of certificates already issued
- Obtaining clear evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with *QA Sanctions Policy*
- Identifying any adverse patterns or trends

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

- Make sure all material collected as part of an investigation is kept secure
- Retain all records and original documentation concerning a completed investigation that ultimately leads to sanctions against a Centre for at least three years. If an investigation leads to invalidation of certificates, 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 a further three years
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us

At any time during the investigation, QA reserve the right to impose sanctions on the Centre in accordance with *QA Sanctions Policy* to protect the interests of Learners and the integrity of the qualifications.

QA reserve the right to withhold certificates for all the QA courses/qualifications at the time of the notification or investigation of suspected or actual malpractice/maladministration.

If appropriate, we may find that the complexity of a case or a lack of cooperation from a Centre means that we are unable to complete an investigation. In such circumstances we will consult the relevant regulatory authority in order to determine how best to progress the matter.

If a member of QA staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation the QA Quality and Compliance Manager is responsible for overseeing the work of the investigation team:

- To make sure due process is being followed
- To make sure appropriate evidence has been gathered and reviewed
- For liaising with relevant external parties and keeping them informed

## Report

On completion of an investigation, QA will produce a draft report for the parties concerned so they can check the content is true and accurate. 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 and/or any sanctions to be applied

The parties concerned will be given five working days from the date of issue of the draft report to request amendments to the content. Any amendments to the draft report will be agreed between the parties concerned and QA within this five day period. It should be noted that any agreed changes will not alter the decisions made by QA that are included within the report.

Once the report content has been finalised, QA will make the final report available to the parties concerned and to the regulatory authorities and other external stakeholders as required. From the date on which QA issues the final investigation report, the parties concerned will be given 20 working days in which to appeal the decisions made that affect them.

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

If the investigation is internal, relating to a member of QA staff the report will be agreed by the Chief Executive Officer, along with the relevant internal managers, HR and appropriate internal disciplinary procedures will be implemented.

## Outcomes

If the investigation confirms malpractice or maladministration has taken place QA 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 QA takes may include:

- Imposing actions in relation to the Centre with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- Imposing sanctions on the Centre – if so these will be communicated in accordance with QA Sanctions Policy along with the rationale for the sanctions selected
- If certificates are deemed invalid, informing the Centre concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also ask the Centre to let the affected Learners know the action we are taking and that their original certificates are invalid and ask the Centre, when possible, to return the invalid certificates to QA. We will amend our records to make sure duplicates of the invalid certificates cannot be reissued and we expect the Centre to amend their records to show the original awards are invalid
- Amending aspects of our qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring



- Informing relevant third parties of our findings in case they need to take action in relation to the Centre

In proven cases of malpractice and/or maladministration by a Centre, QA reserves the right to charge the Centre for any re-sits and reissuing of certificates and/or additional external monitoring visits. The fees will be the current QA prices for such activities, *Fees and Charges* on our website.

In addition to the above QA will record any lessons learned from the investigation and pass these onto relevant internal colleagues to help prevent similar instances of maladministration or malpractice from reoccurring.

If the relevant parties want to appeal against QA's decision to impose sanctions, refer to *QA Appeals Policy*.

### Timescales

QA aims to action and resolve all stages of any investigation within 10 working days of receipt of the allegations, however, in some cases, the investigation may take longer. Once 10 working days have passed from the receipt of the *Malpractice or Maladministration Report Form*, QA will either:

- update the relevant parties on progress and provide an indication of when the investigation may be completed (if the investigation has not yet been completed)

or

- issue a draft report on the completed investigation to the relevant parties to check (as outlined above) with the finalised report subsequently being issued

### Policy review arrangements

QA will review this policy on an ongoing basis as part of our continuous improvement activity and revise it as and when necessary in response to customer and Learner feedback, changes in our policies and processes and actions from allegations.

In addition, we may update this policy in light of operational feedback to make sure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

### Contact us

If you have any queries about the contents of the policy, contact our customer service team:

Tel: 0845 644 3305

Email: [info@qualsafeawards.org](mailto:info@qualsafeawards.org)



Anita Goodfellow

**Chief Executive**

01 August 2017

Owner: CEO

Regulatory references: Ofqual General Conditions of Recognition A8, B3.2, I1.1, I4.2

QA documents referenced: *QA Sanctions Policy*, *QA Whistleblowing Policy*, *QA Appeals Policy*, *QA Access to Assessment Policy*,

# Appendix 1

## Examples of malpractice

Examples of Centre and Learner malpractice include:

- Denial of access to any authorised QA representative or regulatory authorities to premises, records, information, Learners and staff
- Deliberate failure to carry out assessment, moderation or quality assurance activities in accordance with QA requirements
- Intentionally withholding information from QA which is critical to maintaining the quality assurance and standards of our qualifications
- Deliberate failure to continually adhere to QA Centre approval requirements or agreed action plans
- Deliberate failure to maintain appropriate auditable records, eg certification claims or forgery of evidence
- Deliberate failure to adhere to QA Learner registration, submission of results and certification procedures
- Fraudulent claim for certificates
- Deliberate misuse of QA logo or misrepresentation of a Centre's relationship with Quasafe Awards or its recognition and approval status
- Persistent instances of maladministration within the Centre
- Deliberate failure to adhere to, or to circumnavigate, the requirements of QA *Reasonable Adjustments and Special Considerations Policy*
- Creation of false records
- Cash for certificates, eg selling certificates for cash
- Extortion
- Fraud
- Deliberate contravention by a Centre and/or its Learners of the assessment arrangements QA specify for our qualifications
- False ID used at the registration stage
- Impersonation of a Learner for an assessment
- Selling and/or publishing assessment materials
- A loss, theft of, or a breach of confidentiality in, any assessment materials, including answers to question papers
- Unauthorised amending, copying or distributing of assessment papers/materials
- Inappropriate assistance to Learners by Centre staff, eg helping them to pass a unit or qualification
- Plagiarism by Learners or Centre staff
- The unauthorised use of inappropriate materials/equipment in assessment settings, eg mobile phones
- Collusion or permitting collusion during assessments
- Copying from another Learner, including by using IT
- Deliberate submission of false information to gain a qualification or unit
- Repeated instances of maladministration

Note: This list is not exhaustive and is only intended as guidance



### Examples of maladministration

Examples of Centre and Learner maladministration include:

- Persistent failure to adhere to QA Learner registration, submission of results and certification procedures
- Persistent failure to adhere to QA Centre approval and/or qualification requirements and/or associated actions assigned to the Centre
- Unreasonable delays in responding to requests and/or communications from Qualseafe Awards
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, eg certification claims or forgery of evidence
- Withholding information, by deliberate act or omission, from QA which is required to assure us of the Centre's ability to deliver qualifications appropriately
- Misuse of QA logo or misrepresentation of a Centre's relationship with Qualseafe Awards or its recognition and approval status
- Failure to adhere to, or to circumnavigate, the requirements of *QA Access to Assessment Policy*
- Incorrect marking of assessments
- Failure by a Centre to inform QA of changes to personnel

Note: This list is not exhaustive and is only intended as guidance