



# Malpractice and Maladministration Policy

## Scope

This policy is aimed at centre staff and centre learners, who are delivering/registered on a regulated or non-regulated qualification(s) or unit(s). It is used by staff to ensure they deal with all malpractice or maladministration in a consistent manner.

## Responsibility

It is important that Centre staff involved in the management, assessment and quality assurance of regulated and non-regulated qualification(s) or unit(s) and all registered learners, are fully informed of the contents of the policy. Centres will need to have in place arrangements to prevent and investigate instances of malpractice and maladministration.

Any failure to report suspected or actual malpractice and maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on Centres.

A Centre's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by Smart Awards periodically through the ongoing Centre monitoring arrangements.

Should an investigation be undertaken within a Centre, the Centre Manager must;

- Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes.
- Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the immediate reported issues to assure Smart Awards that arrangements at the Centre are appropriate for all qualifications and courses.
- Respond speedily and openly to all requests relating to the allegations and/or investigation
- Ensure their staff cooperate fully with any investigation and/or request for information.

## Review Arrangements

Smart Awards will review the policy annually as part of the self-evaluation arrangement and revise it as and when necessary in response to Centre and learner feedback, changes in internal practices, actions from the regulatory authorities or external agencies or changes in legislation.

In addition, this policy may be updated in light of operational feedback to ensure the arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

## Definition of Malpractice

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal and external assessment and quality assurance 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 Smart Awards, regulated and non-regulated qualifications

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

## Examples of Malpractice

The categories listed below are examples of Centre and learner malpractice. Please note that these examples are not exhaustive and are intended as guidance on the definition of malpractice and maladministration.

### Examples of Centre Malpractice

- Failure to satisfactorily conditions of Centre recognition within an agreed timescale.
- Denial of access to resources (premises, records, information, learners and staff) for any authorised Smart Awards representative and/or the regulatory authorities (SQA Accreditation and Ofqual).
- Actions required by External quality assurers not being met within agreed timescales.
- Deliberate failure to carry out delivery, internal and external assessment, internal quality assurance in accordance with the requirements of Smart Awards.
- Deliberate failure to adhere to learner registration and certification procedures.
- Deliberate failure to continually adhere to Centre recognition and/or qualification approval criteria.
- Deliberate failure to maintain auditable records, e.g. certification claims.
- Fraudulent claim for certificates.
- Persistent instances of maladministration.
- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones).
- Intentional withholding of information from Smart Awards which is critical to maintaining the quality assurance rigor.
- Deliberate misuse of Smart Awards logo or trademarks.
- Misrepresentation of a Centre's relationship with Smart Awards and/or its recognition and approval status within Smart Awards.
- Collusion or permitting collusion in exams.
- Contravention by Centres and their learners of the assessment arrangements specified for qualifications offered by Smart Awards.
- Learners still working towards a qualification after certification claims have been made.
- Condoning plagiarism by Centre staff.
- Creation of false records.
- Impersonation of a learner for internal or external assessment.
- Cash for certificates (e.g. the selling of certificates for cash).
- A loss, theft of, or a breach of confidentiality, in any assessment materials.
- Unauthorised amendment, copying or distributing of exam papers and controlled assessments.
- Inappropriate assistance to learners by Centre staff (e.g. unfairly helping them to pass a unit,

- qualification or a training course).
- Deliberate failure to adhere to the requirements of the Reasonable Adjustments and Special Consideration Policy and Procedures.

## Examples of Learner Malpractice

- Forgery of evidence.
- Plagiarism of any nature by learners.
- Collusion in an exam or controlled assessment.
- Tampering with another learner's assessment evidence.
- Not adhering to exam or controlled assessment conditions.
- Not following instructions from invigilators, examiners or Smart Awards staff during supervised exam or controlled assessments.
- Obtaining, receiving, exchanging or passing on information relating to and during an exam or controlled assessment by: talking, written paper or notes or electronic means.
- Copying from other learners during an exam or controlled assessment.
- A loss, theft of, or a breach of confidentiality, in any assessment materials.
- Destruction of another learner's work.
- Submission of false information to gain a qualification or unit.
- False ID used in the registration process.
- Making a false declaration of authenticity.
- Impersonation of a learner for an internal or external assessment.
- Disruptive behavior during an exam or controlled assessment.
- Accessing prohibited websites during an exam or controlled assessment.
- Inappropriate use of technology during assessments (e.g. mobile phone or tablet computer)
- Cheating.

## Examples of Maladministration

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

- Persistent failure to adhere to our learner registration and certification procedures.
- Persistent failure to adhere to Centre recognition and/or qualification/training requirements.
- Persistent late learner registrations
- Unreasonable delays in responding to requests and/or communications from Smart Awards (e.g Centre postponement of visits by External quality assurer and Smart Awards staff for more than 6 months).
- Failure to train invigilators adequately.
- Failure to ensure that assessment venues meet Smart Awards requirements.
- Inaccurate claim for certificates.
- Failure to maintain appropriate auditable records (3 years), e.g. certification claims and/or forgery of evidence.
- Withholding of information, by deliberate act or omission, from Smart Awards which is required to assure Smart Awards of the Centre's ability to deliver qualifications/training appropriately.

- Misuse of Smart Awards logo and trademarks or misrepresentation of a Centre's relationship with Smart Awards and/or its recognition status with Smart Awards.
- Failure to adhere to, or to circumnavigate, the requirements of Smart Awards Reasonable Adjustments and Special Considerations Policy.

## 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 Smart Awards. In doing so they should put this in writing and enclose supporting evidence.

All allegations should include (where relevant);

- The Centre's name, address and number.
- The learner's name and Smart Awards registration number.
- The name and position of any Centre staff member(s) involved in the case.
- Details of the Smart Awards Qualifications/Training course affected, or nature of the service affected.
- Nature of the suspected or actual malpractice or maladministration.
- Details of any initial investigation carried out by the Centre or anybody else involved in the case, including any mitigating circumstances.
- Date of the report and the informant's name, position and signature.

If a Centre has conducted an initial investigation prior to formally notifying Smart Awards, the Centre should ensure that staff involved in the initial investigation are competent 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 Smart Awards if they suspect malpractice or maladministration has occurred as Smart Awards has a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice or maladministration reported to Smart Awards the organisation will protect the identity of the 'informant' in accordance with the duty of confidentiality and/or other legal duty.

### Confidentiality and Whistle Blowing

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, if you are concerned about possible adverse consequences you may request Smart Awards not to divulge your identity. If it helps to reassure you on this point Smart Awards can confirm that the organisation is not obliged (as recommended by the regulator SQA Accreditation or Ofqual) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

While Smart Awards is prepared to investigate issues which are reported anonymously, the organisation 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. For example, where appropriate:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
- The courts (in connection with any court proceedings).
- Other third parties such as the relevant regulatory authority (e.g. Ofqual in England and SQA Accreditation in Scotland, Qualification Wales).

At all times Smart Awards will investigate such allegations from whistle blowers in accordance with relevant whistle blowing legislation.

## Responsibility for the Investigation

In accordance with regulatory requirements all suspected cases of malpractice and maladministration will be examined promptly by Smart Awards to establish if malpractice or maladministration has occurred and all reasonable steps will be taken to prevent any adverse effect from occurring as defined by the regulators.

All suspected cases of malpractice and maladministration will be passed to the CEO who will notify the Board and the regulators within 2 days.

The CEO 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 the committee to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Smart Awards.

At all times Smart Awards will ensure that personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

## Notifying Relevant Parties

In all cases of suspected or actual malpractice or maladministration, Smart Awards will notify the Board. We will only ask the Centre to investigate the matter where we have confidence that the investigation will be prompt, thorough, independent and effective.

Where applicable, the CEO will inform the appropriate regulatory authorities, SQA Accreditation or Ofqual promptly if it is believed 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. In particular, we will keep them informed of progress in large and/or complex cases.

Where the allegation may affect another awarding organisation and their provision, Smart Awards will also inform them in accordance with the regulatory requirements and obligations imposed on it by the regulator SQA Accreditation or Ofqual. If the details of organisations that might be affected are not known Smart Awards will ask SQA Accreditation or Ofqual for help to identify relevant parties that should be informed.

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 and whether other qualifications may be affected.
- To evaluate any action already taken by the Centre
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification.
- To ascertain whether any action is required in respect of certificates/cards already issued.
- To obtain clear evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with the Sanctions Policy.
- 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, Smart Awards will:

- Ensure all material collected as part of an investigation must be kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a Centre be retained for a period of not less than five years. 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 cooperate with the organisation.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, Smart Awards reserves the right to impose sanctions on the Centre in accordance with the Sanctions Policy in order to protect the interests of learners and the integrity of qualifications.

Smart Awards also reserves the right to withhold a learner's and/or cohort's, results for all the Smart Awards Qualifications' regulated qualifications or units or courses they are studying at the time of the notification or investigation of suspected or actual malpractice or maladministration.

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

Where a member of Smart Awards' staff is under investigation the organisation may suspend them or move them to other duties until the investigation is complete.

If Smart Awards believes there is sufficient evidence to implicate an individual/Centre in malpractice and/or maladministration it will;

- Inform them (in writing) of the allegation.
- Provide them with details of the evidence found to support the judgement.
- Inform them of the possible consequences.
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
- Provided them with an opportunity to consider and respond to the allegation and findings.



- Inform them of the Appeals policy should they wish to appeal against the decision.

After an investigation, Smart Awards will produce a draft report for the parties concerned to check the factual accuracy (Centres will normally receive this via Smart Awards' Centre Management).

Throughout the investigation the Responsible Officer 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 relevant external parties informed.

## **Allegations Involving Smart Awards Staff or Consultants or Assessors**

Where allegations of malpractice and/or maladministration relate to a member of staff, consultant or assessor of Smart Awards an investigation will be undertaken by the CEO in accordance with the investigation procedure. In cases where the allegation relates to the CEO the investigation will be undertaken by the Managing Director (MD).

The report will be agreed by the MD with the relevant internal managers informed and appropriate internal disciplinary procedures will be implemented, in accordance with Smart Award disciplinary policy.

In the event that an allegation is against the MD the Chair of the Board and the CEO will investigate and agree the appropriate actions.

Where allegations of malpractice and/or maladministration relate to a consultant or assessor working for Smart Awards an investigation will be undertaken by the CEO in accordance with the investigation procedure.

Upon the conclusion of the investigation the MD will review the outcome of the investigation in terms of the on-going contractual arrangements.

## **Investigation Report**

After an investigation, Smart Awards will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and Smart Awards. The report will;

- Identify the breach of the regulatory conditions, if any, that 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.

Smart Awards will 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 Smart Awards of the suspected or actual case of malpractice or maladministration, the organisation will also inform them of the outcome – normally within 10 working days of making the decision – in doing so some details may be withheld if to disclose such information would breach a duty of confidentiality or any other legal duty.



## Investigation Outcomes

If the investigation confirms that Centre malpractice or maladministration had taken place Smart Awards will consider what action to take 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 and maladministration.
- Ensure there has been no gain from compromising Smart Awards' standards.

The action Smart Awards may take includes:

- Impose actions with specified deadlines in order to address the instance of malpractice or maladministration and to prevent it from reoccurring. For example by:
  - Undertaking additional/increased visits to a Centre to provide them with a greater level of support and/or monitoring depending on their needs and performance.
  - Requiring specific Centre staff to undergo additional training and/or scrutiny by the Centre if there are concerns about their ability to undertake their role in the delivery of qualifications/training offered by Smart Awards effectively.
  - No permitting specific Centre staff to be involved in the delivery or assessment of qualifications/training offered by Smart Awards (e.g. not permitting an individual to assess).
  - Altering the way, and the period in which, Centres receive assessment materials from Smart Awards if there are concerns around their ability to maintain the security and confidentiality of such materials.
  - Appointing independent invigilators to observe an examination (when appropriate at the Centre if there are concerns around the Centre's arrangements and/or the Centre is unable to resource particular examinations.
  - Impose sanctions on Centres – if so, these will be communicated in accordance with the Sanctions Policy along with the rationale for the sanctions(s) selected.
  - Take action against a learner(s) in relation to proven instances of cheating, plagiarism, fraud, such as:
    - Loss of credits/marks for the related work/unit.
    - Disqualification from the unit(s) qualification or A possible withdrawal of certification
    - Placing a ban for a set period of time from taking any further qualifications with Smart Awards.
- In cases where certificates are deemed to be invalid, Smart Awards will inform Centres concerned and the regulatory authorities why they are invalid and nay action to be taken for reassessment and/or for the withdrawal of the certificates. Smart Awards will also ask the Centre to let the affected learners know the action being taken and that their original certificates are invalid and ask the Centre, where possible, to return the invalid certificates to Smart Awards. Smart Awards will also amend the internal database so that duplicates of the invalid certificates cannot be issued and the organisation expects the Centre to amend their records to show that the original awards are invalid.
- Amend aspects of the qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- Inform relevant third parties (e.g. funding bodies) of the findings in case they need to take

relevant action in relation to the Centre.

- Carry out additional, related investigations if we suspect the issue may be more widespread at the Centre and/or other Centres.

In proven cases of malpractice or maladministration by a Centre, Smart Awards reserves the right to charge the Centre for any re-sits and reissuing of certificates and/or additional external Verifier visits. The fees for which will be the current Smart Awards prices for such activities at the time of the investigation. In addition, to the above the Responsible Officer will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help Smart Awards prevent the same instance of malpractice or maladministration from reoccurring. If Centres wish to appeal against the decision to impose sanctions, please refer to the Appeals Policy.

## Monitoring

Smart Awards CEO will be responsible for monitoring the effectiveness of the appeals process. Summary reports will be submitted to enable the Board to review the effectiveness of the process and, where appropriate, monitor changes to the policy and procedures, which will be submitted annually to the Board for monitoring and appropriate action.

## Notification to the regulators (SQA Accreditation or Ofqual)

In all cases of suspected or actual malpractice or maladministration resulting in a regulatory incident, Smart Awards will notify the regulators, SQA Accreditation or Ofqual at the earliest opportunity.

A regulatory incident can be described as any action or event which has or may yet occur, and which has or may have the potential to cause an adverse effect for learners or the awarding body. A regulatory incident may therefore take the form of, but is not limited to, a breach in any of the Standard Conditions of Recognition (or other regulatory document), a security breach, the discovery of errors within a qualification or assessment materials, issues regarding the awarding of a qualification, or any other event which has the potential to cause an adverse effect.

Smart Awards will always notify SQA Accreditation or Ofqual when a regulatory incident, or the potential for a regulatory incident, has been identified, in accordance with the principles or conditions of approval/recognition.

A notification will include:

- the date on which we became aware of the incident,
- the nature of the incident,
- the qualification(s) affected,
- the number of centres affected,
- the number of learners affected
- details of any actions taken at present,
- details of and a proposed timescale for any planned future actions,
- a proposal for when the regulators will next be updated on the incident.

## Malpractice and Maladministration process

| Action   | Target timescale       |
|--|------------------------|
| Receive initial information. All relevant documents must be passed to the CEO to review. Log issue on risk register  | Within 1 working day   |
| <p>Arrange management meeting to discuss the relevant course of action in order to decide whether;</p> <ul style="list-style-type: none"> <li>• Is there a case of malpractice/maladministration?</li> <li>• Does this require an immediate sanction?</li> <li>• Is this a risk to the business?</li> </ul> <p>If it is deemed to be a risk to the business this must be added to the Risk Register and inform the Board, regulators, SQA Accreditation or Ofqual. If the management team have decided that there is a case to investigate, please follow the process below. If the committee decide that there isn't a case of malpractice or maladministration to answer all relevant parties should be informed of this decision as soon as possible.</p> | Within 2 working days  |
| Notify all parties/centres concerned and request that a written account of the circumstances surrounding the case to be forwarded to Smart Awards within five working days along with any other relevant evidence  | Within 5 working days  |
| Receive written and other evidence of the circumstances surrounding the case. Gather all information relating to case and the personnel involved. Consult with others in order to get a full picture if necessary, e.g. Internal Staff, Centre, External Quality Assurer (EQA)   | Within 10 working days |
| Arrange for the Board to meet to consider the case. Where there is potential for adverse effects, agree actions to prevent/mitigate, this includes potential reoccurrences and preventive actions.   | Within 15 working days |
| Following the meeting communicate outcomes to all parties concerned, including SQA Accreditation/ Ofqual and other Awarding Bodies of qualifications where applicable. Upload all case findings and information to relevant centre/assessor records on database, complete Malpractice Log Sheet  | Within 20 working days |
| Implement and action any preventive measures discussed and monitor where appropriate.  | On going               |

## Account Detail Document

|                       |  |
|-----------------------|--|
| Title of Notification |  |
|-----------------------|--|

|  |  |             |  |
|--|--|-------------|--|
| Raised by  |  | Date Raised |  |
| Details of Notification or adverse effect  |  |             |  |
|  | Name of accountable/<br>responsible officer      |             |  |
|  | Change of<br>accountable/<br>responsible officer |             |  |
|  | Name of senior<br>officer/s                      |             |  |
|  | Change of senior<br>officer/s                    |             |  |
|  | Change in governance<br>structure                |             |  |
|  | Notification of an<br>adverse effect             |             |  |
|  | other  |             |  |
| Summary of change or adverse effect  |  |             |  |
|  |  |             |  |
| Impact analysis  |  |             |  |
| Implications and relationships   |  |             |  |
|  |  |             |  |
| Details of consultation internal and external stakeholders (Enter details of the consultation that |  |             |  |

|   |   |      |
|---|---|------|
| has taken place to ensure that all parties have been consulted have been consulted) |   |      |
|   |   |      |
| Internal approval and level of priority   |   |      |
|   | Priority 1 = Mission critical problem resolution, immediate response required 1-2 weeks |      |
|   | Priority 2 = High importance, no workaround -1 month                                    |      |
|   | Priority 3 = Important, workaround is available – 1-3 months                            |      |
|   | Priority 4 = Low importance – 3 -6 months’ plus   |      |
| Authorised Signature  | Business Deadline   | Date |
|   |   |      |

# HOLD

## Introduction

This policy is aimed at Safety Training Awards (STA) Approved Training Centres (ATCs), including learners’, who are delivering, assessing or are registered on STA regulated qualifications within or outside the UK, and who are involved in suspected or actual cases of malpractice and / or maladministration.

This policy applies to Safety Training Awards staff who are suspected of being involved in such cases. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps the ATC, and learners’ or other personnel must follow when reporting suspected or actual cases of malpractice and / or maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps to be followed when reviewing any cases of malpractice and / or maladministration.

## Approved Training Centre (ATC) Responsibility

It is important that all ATC personnel involved in the management, delivery, assessment and quality assurance of STA regulated qualifications, and learners', are fully aware of the contents of the policy and that the ATC has arrangements in place to prevent and investigate instances of malpractice and / or maladministration.

A failure to report suspected or actual cases of malpractice and / or maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the ATC (see the Sanctions Policy for details of the sanctions that may be imposed).

If you wish to receive guidance and / or advice from Safety Training Awards on how to prevent, investigate, and deal with malpractice and maladministration then please contact us and we will happily provide you with such advice and / or guidance.

The ATCs compliance with this policy and how it takes reasonable steps to prevent and / or investigate instances of malpractice and maladministration will be reviewed by Safety Training Awards periodically through ongoing ATC monitoring arrangements.

Should an investigation be undertaken into the ATC, the ATC Co-ordinator must:

- Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes
- Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the immediate reported issues to assure the ATC that arrangements at the centre are appropriate for all qualifications
- Respond speedily and openly to all requests relating to the allegation and / or investigation
- Co-operate and ensure their staff co-operate fully with any investigation and / or request for information.

## Definition of Malpractice

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal or external assessment process and / or validity of certificates of a qualification awarded by Safety Training Awards. By contrast malpractice will generally involve some form of intent, it covers the deliberate actions, neglect, default or other practice that compromises, or could compromise the following:

- The assessment process
- Integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of Safety Training Awards qualifications
- The qualification of the wider qualification's 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 learners’.

### **Examples of Malpractice**

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

- Plagiarism by learners’ or ATC staff / ATC personnel
- Cheating by learners’ or ATC staff / ATC personnel or facilitating cheating in an assessment
- Attempting intentionally to manipulate a result so it does not reflect the learners’ actual performance in an assessment
- Collusion or permitting collusion in assessments
- Personation, assuming the identity of another learner or having someone assume their identity during an assessment
- Deliberate contravention by learners’ of the assessment arrangements we specify for our qualifications
- Fraudulent claim for certificates and / or deliberate submission of false information to gain a qualification or unit
- False records
- Learners’ still working towards qualification after certification claims have been made
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Insecure storage of assessment materials
- Inappropriate circulation / distribution of assessment materials
- Unauthorised amendment, copying or distributing of assessment papers / materials
- Inappropriate assistance / support to learners’ by ATC personnel, e.g. unfairly helping them to pass a unit or qualification
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- Deliberate failure to continually adhere to Safety Training Awards centre recognition and / or qualification approval requirements or actions assigned to the ATC
- Deliberate failure to adhere to our learner registration and certification procedures
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and / or forgery of evidence
- Denial of access to premises, records, information, learners’ and ATC personnel to any authorised Safety Training Awards representative and / or the regulatory authorities
- Intentional withholding of information, which is critical to maintaining the rigour of quality assurance and standards of qualifications



- Deliberate failure to carry out internal assessment, internal moderation or internal quality assurance monitoring in accordance with our requirements
- Deliberate misuse of our logo, brand, name and trademarks or misrepresentation of an ATCs relationship with Safety Training Awards and / or its recognition and approval status with Safety Training Awards
- The unauthorised use of inappropriate materials / equipment in assessment settings, e.g. mobile phones
- Selling certificates for cash
- Selling papers / assessment details
- Extortion
- Fraud
- Threatening or abusive behaviour that threatens the safety of ATC personnel and / or staff and / or is intended to put undue influence on the outcomes of an assessment / award.

### Definition of Maladministration

Maladministration is defined as any activity, neglect, default or other practice that results in the ATC, tutor, assessor, learner or quality assurer not complying with Safety Training Awards requirements, Safety Training Awards Tutor and IQA agreement, the General Conditions of Recognition, or Regulatory Principles.

Maladministration generally covers mistakes and poor processes and is in effect an activity or practice which results to non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within the ATC including inappropriate learner records.

### Examples of Maladministration

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

- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and / or communications from Safety Training Awards
- Inaccurate claim for certificates
- Persistent failure to adhere to learner registration and certification procedures
- Persistent failure to adhere to ATC approval criteria and / or qualification requirements and / or associated actions assigned to the ATC
- Late learner certification requests, e.g. beyond the certification end date for the qualification
- Failure to maintain appropriate auditable records, e.g. certification claims and / or forgery of evidence
- Poor administration arrangements and / or records

- Persistent mistakes in relation to our delivery arrangements
- Failure to adhere to, or to circumnavigate the requirements of our Reasonable Adjustments and Special Considerations Policy
- Withholding or the delaying of information, by deliberate act or omission, which is required to assure Safety Training Awards of the ATCs ability to deliver qualifications appropriately
- Misuse of our logo and trademarks or misrepresentation of an ATCs relationship with Safety Training Awards and / or its recognition and approval status with Safety Training Awards

#### 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 Safety Training Awards**. In doing so they should put this in writing / email and enclose appropriate supporting evidence. Other parties such as learners', parents or whistle-blowers may contact us direct, Safety Training Awards contact details are outlined at the end of this policy.

All allegations must include (where possible):

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

In addition, we ask that the person making the allegation declares any personal interest they may have in the matter to us at the outset.

If the ATC has conducted an initial investigation prior to formally notifying us, they should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. We would expect that such investigations would normally involve the ATC co-ordinator (if there is an investigation into allegations of malpractice and / or maladministration or irregularities against the ATC co-ordinator or the management of the ATC then such investigations should be carried out by the chair of the governing body of the ATC or his / her nominee). However, it is important to note that in all instances the ATC must immediately notify us if they suspect malpractice or maladministration has occurred as we have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

## Confidentiality and Whistle Blowing

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 provide us with contact details. However, if you are concerned about possible adverse consequences that may occur should your identity be revealed to another party then please inform us that you do not wish for us to divulge your identity and we will work to ensure your details are not disclosed.

We will always aim to keep a whistleblower's identity confidential where asked to do so although we cannot guarantee this, and we may need to disclose your identity should the complaint lead to issues that need to be taken forward by other parties. For example:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- The courts (in connection with any court proceedings)
- Other third parties such as the relevant regulatory authority (e.g. Ofqual in England).

The investigator(s) assigned to review the allegation will not reveal the whistleblower's identity unless the whistleblower agrees or it is absolutely necessary for the purposes of the investigation (as noted above). The investigator(s) will advise the whistleblower if it becomes necessary to reveal their identity against their wishes.

A whistleblower should also recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure (e.g. the party which the allegation is made against may manage to identify possible sources of disclosure without such details being disclosed to them).

Once a concern has been raised we have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing their concern as we are obliged by the regulators to follow-up and investigate allegations of malpractice or maladministration.

In all cases, we will keep you updated as to how we have progressed the allegation (e.g. we have undertaken an investigation) and the whistle-blower will have the opportunity to raise any concerns about the way the investigation is being conducted with the investigator(s). However, we won't disclose details of all of the investigation activities and it may not be appropriate for us to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons (e.g. disclose full details on the action that may be taken against the parties concerned). While we cannot guarantee that we will disclose all matters in the way that you might wish, we will strive to handle the matter fairly and properly.

Please see our [Whistleblowing Policy](#) for further information in relation to our whistleblowing arrangements.

## Responsibility for the Investigation

In accordance with regulatory requirements all suspected cases of malpractice and / or maladministration will be examined promptly by Safety Training Awards to establish if malpractice or maladministration has occurred and we will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulators.

All suspected cases of malpractice and maladministration will be passed to the Compliance Team and we will acknowledge receipt, as appropriate, to external parties within five working days. All high-risk cases of malpractice and / or maladministration will be escalated to the Head of Compliance and Assurance to investigate further.

Our Head of Compliance and Assurance 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 (e.g. a member of our ATC management team / escalated to compliance and assurance) to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Safety Training Awards.

At all times we will ensure that Safety Training Awards personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

## Notifying Relevant Parties

In all cases we will tell the person who made the allegation who will be handling the matter, how they can contact them, what further assistance we may need from them and agree a timetable for feedback (see the above section on 'Confidentiality and Whistleblowing' for possible limitations in relation to the feedback and the section below, 'Investigation Timelines and Summary Process,' for details of our anticipated response times).

In cases of suspected or actual malpractice and / or maladministration at an ATC, we will notify the ATC co-ordinator involved in the allegation (except when the ATC co-ordinator or management is under investigation) that we will be investigating the matter.

In the case of learner malpractice, we may ask your ATC to investigate the issue in liaison with our own personnel. We will only ask the ATC to investigate the matter where we have confidence that the investigation will be prompt, thorough, independent and effective.

In all cases we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

We may engage and communicate directly with ATC personnel who have been accused of malpractice if appropriate (e.g. the staff member is no longer employed by the ATC) and/or

communicate directly with a learner or their representative (e.g. if there is a contradiction in the evidence provided during an investigation or where the centre is suspected of being involved in malpractice).

Where applicable, Safety Training Awards' Head of Compliance and Assurance 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. In particular we will keep them informed of progress in large and/or any complex cases.

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 on Safety Training Awards by the regulators and / or seek to undertake a joint investigation with them if appropriate. If we do not know the details of organisations that might be affected, we will ask the regulators to help us identify relevant parties that should be informed.

If fraud is suspected and / or identified, we may also notify the police.

#### Investigation Timelines and Summary Process

Once Safety Training Awards has received an allegation of malpractice or maladministration you will be sent an acknowledgement of receipt within 7 working days. The allegation will be reviewed in line with our policies and procedures and an investigation will be conducted where necessary. To ensure a fair and thorough process is followed the duration of the investigation will depend on the nature and severity of the allegation we receive at this stage, or the complexity of the response required.

We do aim to provide this as soon as the outcome is available or within a maximum of 28 days. Please note that in some cases the investigation may take longer; for example, if an ATC visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

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 underpinned by terms of reference and 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 and whether other qualifications may be affected
- To evaluate any action already taken by the ATC

- To determine whether remedial action is required to reduce the risk to current registered learners' and to preserve the integrity of the qualification
- To ascertain whether any action is required in respect of certificates already issued
- To obtain clear evidence to support any sanctions to be applied to the ATC, and / or to ATC personnel, in accordance with our sanctions policy
- To identify any adverse patterns or trends.

In carrying out any investigation Safety Training Awards will be sensitive to the effect on, and reputation of, the ATC and / or those ATC personnel who may be subject to an investigation. We will strive to ensure that the investigation is carried out as confidentially as possible and the organisation / person who is the subject of the allegation will have the opportunity to raise any issues about the proposed approach and the conduct of the investigation with the investigator(s) during the investigation.

The investigation may involve a request for further information from relevant parties and/or interviews with ATC personnel involved in the investigation. In any interviews carried out with the person(s) accused of malpractice or maladministration they can choose to be accompanied by a representative, this could be a colleague, trade union representative, or other third party.

In addition, we will:

- Ensure all material collected as part of an investigation is kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against an ATC will be retained for a period of no less than five years. 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 impose sanctions on the ATC in accordance with our sanctions policy in order to protect the interests of learners and the integrity of the regulated qualifications. The Head of Compliance and Assurance will be responsible for regularly reviewing the application and maintenance of sanctions to ensure they continue to be appropriate and proportionate to the incident(s) and risk of future incidents occurring.

We also reserve the right to withhold a learner's, and / or cohorts, results for all the Safety Training Awards course/qualifications and / or units they are studying at the time of the notification / investigation.

If appropriate, we may find that the complexity of a case or a lack of cooperation from the ATC 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.

Where a member of Safety Training Awards staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our Head of Compliance and Assurance 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

If we believe there is sufficient evidence to implicate an individual / ATC in malpractice and / or maladministration we will:

- Inform them (preferably in writing) of the allegation
- Inform them of the evidence we found to support our judgment
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
- Provided them with an opportunity to consider and respond to the allegation and our findings
- Inform them of the appeals policy should they wish to appeal against the decisions.

After an investigation, we will 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 cover the following areas:

- Identify where the breach, if any, occurred
- Confirm the facts of the case (and any mitigating factors if relevant)
- Identify who is responsible for the breach (if any)
- Contain supporting evidence where appropriate (e.g. written statements)
- Confirm an appropriate level of remedial action to be applied.

We will make the final report available 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 and / or maladministration we may also inform them of the outcome, normally within 7 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 is an internal investigation against a member of our staff the Head of Compliance and Assurance will agree the report with the relevant internal managers and appropriate



internal disciplinary procedures may be implemented. In some circumstances the police or other external authorities may need to be alerted.

### Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place, we will consider what action to take 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 may take includes (this list is indicative only and is not meant to form an exhaustive list):

- Impose actions in relation to the ATC with specified deadlines in order to address the instance of malpractice / maladministration and to prevent it from reoccurring such as:
  - Undertaking additional / increased visits to the ATC to provide them with a greater level of support and / or monitoring depending on their needs and performance
  - Requiring specific ATC personnel to undergo additional training and/or scrutiny by the ATC if there are concerns about their ability to undertake their role in the delivery of Safety Training Awards qualifications effectively
  - Not permitting specific ATC personnel to be involved in the delivery or assessment of Safety Training Awards qualifications (e.g. not permitting an individual to invigilate assessments)
  - Altering the way, and the period in which, ATCs receive assessment materials from Safety Training Awards if there are concerns around their ability to maintain the security and confidentiality of such materials
  - Appointing independent invigilators to observe an assessment at the ATC if there are concerns around the ATCs arrangements and/or the ATC is unable to resource particular assessments
  - Appointing independent assessors to undertake assessments at the ATC if there are concerns around the ATCs arrangements or resource level.
- Impose sanctions on your ATC, these will be communicated in accordance with the Sanctions Policy along with the rationale for the sanction(s) selected
- Take action against a learner in relation to proven instances of malpractice and/or maladministration such as some or all of the following (which may be communicated to the learner by Safety Training Awards and / or the learner's ATC):
  - Issuing a written warning that if the offence is repeated further action may be taken
  - Loss of all marks / credits for the related work/unit

- Disqualification from the unit(s)/qualification
- Placing a ban from taking any further qualifications with us (e.g. for a set period of time).
- In cases where certificates are deemed to be invalid, inform ATC(s) 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 ATC(s) to let the affected learners' know the action we are taking and that their original certificates are invalid and ask the ATC where possible to return the invalid certificates to Safety Training Awards. We will also amend our database so that duplicates of the invalid certificates cannot be issued, and we expect the ATC to amend their records to show that the original awards are invalid
- Implementing disciplinary or dismissal procedures against Safety Training Awards staff if they have been found to be responsible / involved in the malpractice and/or maladministration
- Amend aspects of our qualification development, delivery and awarding arrangements and if required assessment and / or monitoring arrangements and associated guidance to prevent the issue from reoccurring
- Inform relevant third parties of our findings in case they need to take relevant action in relation to the ATC
- Carry out additional, related investigations if we suspect the issue may be more widespread at the ATC and/or at other ATCs.

In proven cases of malpractice and / or maladministration within an ATC, Safety Training Awards reserves the right to charge the ATC fees for any resits and reissuing of certificates and / or additional quality assurance activities / EQA monitoring visits. The fees for which will be the current Safety Training Awards prices for such activities at the time of the investigation.

In proven cases of malpractice and / or maladministration, where the evidence suggests the actions of the ATC and / or ATC staff is high risk and may or has had an adverse effect on the validity of STA regulated qualifications and / or there has been consistent compliance issues / concerns with the delivery and assessment of STA regulated qualifications within the ATC, once the investigation is concluded the Head of Compliance and Assurance will submit a report and supporting evidence to the Safety Training Awards Governing Body.

If there are any concerns about a potential issue of Non-Compliance, the Compliance Team will complete a risk assessment to determine the level of risk involved and the security of the certification. Where evidence suggests there are consistent areas of concern and cases of non-compliance that impose a risk upon the assessment process, validity of STA regulated qualifications, the learner journey and STAs reputation, as part of the investigation the Head of Compliance and Assurance will submit the findings and supporting documentation to the Governing Body for review.

At this stage the Governing Body will review the evidence and confirm if the ATCs performance is having an adverse effect on the learners' journey, the validity of STA

regulated qualifications and STAs reputation. In cases where the Governing Body agree that a suite of qualifications are to be withdrawn from an ATC, this is decided according to the level of risk to the assessment process, validity of STA regulated qualifications, the learner journey and STAs reputation. For example, high risk cases where there has been an adverse effect on the validity of STA regulated qualifications and the learner journey, the qualification may be withdrawn indefinitely and Safety Training Awards may refuse any future applications to offer this qualification within the ATC under investigation. However, if the ATC can provide evidence to demonstrate they have retrained / upskilled and have the appropriate occupational competence to offer the qualifications this will be reported to the Governing Body for review and reconsideration of the withdrawal of STA qualifications.

Should an ATC have its approval for a Safety Training Awards qualification(s) removed, we will take all necessary steps to protect the interests of any learners' that are currently registered against the qualification in question. For example, we will either certificate them for any achievements to date and / or seek to transfer them where possible to another Safety Training Awards ATC to enable them to continue with their learning.

If the evidence suggests to the Governing Body that the ATC remaining active imposes a significant risk to the assessment process and learner journey for STA regulated qualifications, the ATCs approval status will be reviewed in detail to confirm if ATC approval can continue or if it is to be withdrawn following a suitable notice period. This will allow the ATC Co-ordinator to complete any outstanding courses where learners' are registered against or in the process of completing their chosen qualification. The notice period given by Safety Training Awards will take all of this into account, providing the ATC Co-ordinator with sufficient time to certificate any outstanding learners'. Alternatively if the evidence suggests there are significant risks to the outstanding learners', Safety Training Awards may choose to arrange for the learners' to complete their chosen qualification with another ATC and the ATC under investigation is liable for the additional costs incurred. For any additional information please refer to the Safety Training Awards Sanctions Policy.

In addition to the above, the Head of Compliance and Assurance will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help Safety Training Awards prevent the same instance of malpractice and / or maladministration from reoccurring.

If the relevant party(ies) wishes to appeal against our decision to impose sanctions, please refer to our [Enquiries and Appeals Policy](#).

### Monitoring and Review

We will review this policy annually as part of our quality assurance requirements and revise it as and when necessary in response to ATC and learner feedback, changes in our practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

If you would like to feedback any views, please contact us via the details provided at the end of this policy.

## **Malpractice Policy**

Courage Consultants UK Limited has a responsibility to ensure that malpractice, non-compliance and maladministration is addressed effectively. Courage Consultants UK Limited has laid down the following procedures in dealing with malpractice on the part of learners, centre staff and any others involved in any of recognized qualification delivered by Courage Consultants UK Limited

Courage Consultants UK Limited requires any member of personnel within the centre, any learner or any relevant person such as Tutor, Assessor and Internal Quality Assurer to report immediately to the Admin Manager if any suspected case of malpractice is committed in direct relation to the centre requirements and/or any qualification-specific criteria.

### **1 Definition of Malpractice**

Any act, default, or practice which is in breach of the regulations, or compromises, or attempts to compromise the integrity of any qualifications. Malpractice could involve centre staff, learners, QA assessor / Tutor and IQA.

#### **1.1 Examples of Malpractice by Centre Staff**

- Failure to meet the approval requirements including the provision and updating of information relating to assessment locations, assessment, verification staff and learner details to meet the quality assurance practice.
- Failure to meet action plans required by Awarding body External Quality Assurer
- Failure to meet Courage Consultants UK Limited requirements for quality assurance of assessments
- Failure to meet Courage Consultants UK Limited requirements for registration and certification of learners including fraudulent claims for certificates
- Failure to meet Courage Consultants UK Limited requirements for the safeguarding of learner evidence
- Improper assistance to learners and/or insufficient evidence to justify assessment decision

#### **1.2 Examples of Malpractice by Learners**

- Plagiarism of any nature collusion with others
- Deliberate destruction of another’s work
- False declaration of authenticity in relation to learner evidence impersonation
- Introduction of unauthorized material into the on-line testing room
- Use of mobile phone while undertaking on-line testing or during the class
- Disruptive or offensive behavior while undertaking on line tests or during the class
- Failure to abide by the instructions when undertaking on line tests or during the class.

## Documents Associated with this Procedure

| Name | Stored |
|------|--------|
|      |        |
|      |        |
|      |        |
|      |        |