

## **EDGE Services – Malpractice and Maladministration Policy**

### **Introduction**

This policy is aimed at our staff and learners, who are involved in qualification, delivery, assessment and internal verification. It is for use by EDGE Services staff to ensure they understand what constitutes malpractice and maladministration, how to mitigate it within their organisation and how to investigate malpractice in a consistent manner.

This policy outlines risk control measures to mitigate malpractice and maladministration risk and sets out the steps personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

### **EDGE Services responsibility**

It is important that all centre staff are fully aware of the contents of the policy, and that it is made available to learners.

A failure to mitigate a risk of malpractice/maladministration and report suspected or actual malpractice/maladministration cases, or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed by the Awarding Organisation.

EDGE Services will;

- mitigate any risk relating to malpractice and maladministration associated with each qualification assessment
- if malpractice and maladministration is identified ensure the Awarding Organisation is contacted immediately, who will determine whether it is investigated by the centre or the awarding organisation. (The Centre may always not have the necessary competence to undertake an investigation or there may be a situation that the only person who has the necessary competence has personal interest in the outcome in the incident or

interest in the outcomes) In these situations the investigation will be carried the Awarding Organisation, who will ensure the investigation is carried out by persons with the appropriate competence level, and no personal interest in the outcome in the incident or interest in the outcomes

- ensure if the centre is carrying out the investigation, it is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the immediate reported issues raised
- respond speedily and openly to all requests relating to the allegation and/or investigation

### **Definition of Malpractice**

Malpractice will generally involve some form of intent, 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 RoSPA Qualifications
- Qualification or the wider qualification community

Bias or discrimination could also lead to malpractice.

- Two of the clearest examples of potential malpractice are:
- Cheating, or facilitating cheating, in an assessment;
- Attempting intentionally to manipulate a result so that it does not reflect the Learner's actual performance in an assessment.

Such action could be taken by the learner themselves, an assessor, or any other individual involved in, or with access to, the assessment process.

### **Examples of malpractice**

The categories listed below are examples of malpractice that may be committed by Centre staff or learners. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Deliberate failure to carry out internal assessment, internal moderation or internal verification in accordance with requirements.
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones).
- 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 materials.
- Inappropriate assistance/support to learners (e.g. unfairly helping them to pass a qualification).
- Deliberate failure to adhere to, or to circumnavigate, the requirements the Reasonable Adjustments and Special Considerations Policy.
- Plagiarism by learners/staff.
- Copying from another learner.
- Cheating by learners/staff.
- Impersonation - assuming the identity of another learner or having someone assume their identity during an assessment.
- Collusion or permitting collusion in assessments.
- 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.
- False records.
- 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.
- Learners still working towards qualification after certification claims have been made.
- Selling certificates for cash.
- Selling papers/assessment details.
- Extortion.
- Fraud.

- 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.

### **Definition of Maladministration**

Generally covers mistakes or poor process where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude, or may result from carelessness or inexperience. The categories listed below are examples of centre and learner maladministration. Please note that this list is not exhaustive, and is only intended as guidance on our definition of maladministration.

- Examples of maladministration
- Persistent failure to adhere to our learner registration and certification procedures.
- • Persistent failure to adhere to our centre recognition or qualification requirements, or associated actions assigned to the centre.
- Late learner registrations, both infrequent and persistent.
- Unreasonable delays in responding to requests or communications from accrediting/professional bodies.
- Inaccurate claims for certificates.
- Late learner certification requests, i.e. beyond the certification end date for the qualification.
- Failure to maintain appropriate auditable records, e.g. certification claims or forgery of evidence.
- The withholding or delaying of information, by deliberate act or omission, which is required to assure accrediting/professional bodies of the centre's ability to deliver qualifications appropriately.
- Misuse of accrediting/professional bodies, or misrepresentation of a centre's relationship with accrediting/professional bodies, or its recognition and approval status with them.
- Poor administration arrangements or records.
- Persistent mistakes in relation to our delivery arrangements.
- Failure to adhere to, or to circumnavigate, requirements of our Reasonable Adjustments and Special Considerations Policy.

To mitigate the risks of maladministration all administrative staff

- Will be trained in the use of appropriate qualification systems
- Implement the requirements of the registration, certification moderation policy, reasonable adjustments policy
- Ensure all staff deliver and assess the qualification in accordance with the qualification specification
- Keep accurate records

Procedure for making an allegation of malpractice or maladministration

Anyone who identifies, or is made aware of, suspected or actual cases of malpractice or maladministration at any time will immediately notify accrediting/professional bodies.

Appropriate supporting evidence should be attached or enclosed.

EDGE Services will submit details of potential or actual cases of malpractice as appropriate.

In addition the person making the allegation must declare any personal interest they may have in the matter at the outset.

### **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 your 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 whistle-blower's identity concealed however, we cannot always guarantee this, as we may be required to disclose your identity to 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 investigator assigned to explore the allegation will not reveal the whistle blower's identity unless the whistle blower agrees, or it is absolutely necessary for the purposes of the investigation. The investigator will advise the whistle blower if it becomes necessary to reveal their identity against their wishes.

A whistle-blower should also be aware that they may be identifiable to others due to the nature or circumstances of the disclosure. For example, the party about which the allegation is being made may be able to deduce the potential sources of the disclosure.

Once a concern has been raised, we have a duty to pursue the matter. In all cases, we will keep you updated on the progression of the allegation and any related investigation. The whistle-blower will also have the opportunity to raise any concerns about the way the investigation is being conducted with the investigator. However, we will not disclose full details 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. We cannot guarantee that we will disclose matters in the way that you might wish; we will strive to handle the matter fairly and properly.

### **Responsibility for the investigation**

All suspected cases of maladministration and malpractice will be examined promptly by EDGE Services to establish if malpractice or maladministration has occurred and we will take all reasonable steps taken to prevent any adverse effect from occurring.

All suspected cases of malpractice and maladministration will be passed to our Operations Manager who will acknowledge receipt, as appropriate, to external parties within 10 working days.

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

At all times we will ensure that EDGE Services 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 timelines and summary process – for details of our anticipated response times).

### **Investigation timelines and summary process**

Where possible, we aim to complete the investigation within 10 working days of receipt of the allegation. Please note that in some cases the investigation may take longer. In such instances, we'll 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 ascertain whether any action is required in respect of certificates already issued.
- To identify any adverse patterns or trends.
- In carrying out any investigation EDGE Services will be sensitive to the effect on, those members of staff who may be the subject to investigation. We will strive to ensure that the investigation is carried out as confidentially as possible and the person who is the subject of the allegation will have the opportunity to raise any issues about the both about the proposed

approach and the conduct of the investigation with the investigator(s) during the investigation.

In addition we will:

- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

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

### **Investigation report**

If we believe there is sufficient evidence to implicate an individual 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

After an investigation, we'll produce a draft report for the parties concerned to check the factual accuracy (will be agreed between the parties concerned) 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.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we may also inform them of the outcome – normally within 10 working



days of making our decision - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it's an internal investigation against a member of staff the EDGE Services will agree the report with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

### **Investigation outcomes**

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take to:

- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising our standards.

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

### **Review**

We will review the policy regularly as part of our annual self-evaluation arrangements and revise it as and when necessary in response to customer 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.

## **Contact us**

If you have any queries about this policy, please contact Operations Manager – Ruth Hewitt, [rhewitt@edgeservices.co.uk](mailto:rhewitt@edgeservices.co.uk)

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Reviewed by:	Ruth Hewitt – Operations Manager