

MALPRACTICE AND MALADMINISTRATION POLICY

Our responsibility

It is important that learners, workplaces and all staff involved in the management, assessment and quality assurance of our apprenticeship standards are fully aware of malpractice and maladministration and the arrangements in place to prevent and investigate instances of malpractice and maladministration.

Definition of maladministration

Maladministration is essentially any activity or practice that results in non-compliance with administrative regulations and requirements, including the application of persistent mistakes or poor administration.

Definition of malpractice

Malpractice is essentially any activity or practice that deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems, to the deliberate falsification of records 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 and further information on this is within our equality policy.

Examples of maladministration

- Persistent failure to adhere to our registration and certification procedures and quality assurance from our awarding bodies and organisations.
- Persistent failure to adhere to funding rules and Ofsted requirements.
- Mis communicating and avoidance of information requested by awarding bodies and different regulators.
- Inaccurate claims for certificates
- Failure to complete records and store them correctly
- False information on any records.

Examples of malpractice

- Collusion or permitting collusion in exams/assessments
- Plagiarism by learners and staff, see also our learner induction pack and handbook on how to ensure this does not occur and refer to our staff and learner AI policy regarding using AI in the creation of learner work, this also includes copying other learners.
- Learners still working towards a qualification after claims have been made.

This policy should also be read alongside our:

- Conflict of interest policy.
- Business continuity
- Employee handbook

Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the managing director. In doing so, they should put them in writing or an email and enclose appropriate supporting evidence. The managing director will then conduct an initial investigation to ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

In all cases of suspected malpractice and maladministration reported, the managing director will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

Notifying relevant parties

Where applicable, our director will inform the appropriate regulatory authorities/awarding organisations via written communication if we believe there has been a suspected or actual case of malpractice or maladministration, which could either invalidate the award of a qualification or affect another awarding organisation.

Where the allegation may affect another awarding organisation and their provision, we will also inform them in accordance with the regulatory requirements and obligations imposed by the relevant qualification regulator. If we do not know the details of organisations that might be affected, we will ask the appropriate regulator to help us identify relevant parties that should be informed.

Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within 10 working days of the receipt of the allegation.

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.

Where a member of staff or an associate of is under investigation, we may suspend them or move them to other duties until the investigation is complete, please also read alongside our staff disciplinary and grievance procedure.

Investigation report

After any investigation the managing director will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned.

If it were an independent/third party that originally notified us 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 it is an internal investigation against a member of staff acting on behalf of, or representing, Vocational Training Services, the report will be agreed by the managing director or a person of similar responsibility, along with the relevant internal managers, and appropriate internal disciplinary procedures will be implemented.

In addition to the above the managing director 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.

If the relevant party or parties wish to appeal against our decision to impose sanctions, please refer to our Complaints Procedure and our appeals procedure.

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