

MALPRACTICE AND MALADMINISTRATION POLICY

Introduction

This policy is aimed at our customers, including learners, who are delivering/registered on Skills Beyond programmes, courses, approved qualifications or units within or outside the UK, and who are involved in suspected or actual malpractice/maladministration.

The centre's responsibility

It is important that learners and all staff involved in the management, assessment and quality assurance of our qualifications are fully aware of the contents of the policy. They must also be aware that we have 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.

Examples of maladministration

- Persistent failure to adhere to our learner registration and certification procedures
- Persistent failure to adhere to our centre recognition, qualification requirements and/or associated actions assigned to the centre
- Late learner registrations (both infrequent and persistent)

- Unreasonable delays in responding to requests and/or communications from the awarding organisation
- Inaccurate claims for certificates
- Failure to maintain appropriate, auditable records, for example, certification claims

Examples of malpractice

- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our learner registration and certification procedures
- Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to your centre
- Deliberate failure to maintain appropriate auditable records, for example, certification claims and/or forgery of evidence
- Fraudulent claims for certificates
- Intentional withholding of information from us that is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so)
- Withholding of information, by deliberate act or omission
- Knowingly allowing the use of AI in creation of learner work

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 Centre Manager. In doing so, they should put them in writing or an email and enclose appropriate supporting evidence. The Centre Manager 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, Skills Beyond 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 Centre Manager 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 Skills Beyond staff or an associate of Skills Beyond is under investigation, we may suspend them or move them to other duties until the investigation is complete.

Investigation report

After any investigation, the Centre Manager 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.

If it were an independent/third party that originally notified us of the suspected or actual case of malpractice, Skills Beyond 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, Skills Beyond, 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, Skills Beyond 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.

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

Signed: M Lower

Position: Centre Manager

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