



MALPRACTICE AND MALADMINISTRATION POLICY

Scope of Policy

This policy is aimed at our learners and staff, who are delivering or registered on School of Marketing programmes who are involved in suspected or actual malpractice/maladministration. 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 process that learners or staff 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 these cases.

Definition of Maladministration

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

Examples of maladministration include, but are not limited to:

- Persistent failure to adhere to learner registration and certification procedures
- Persistent failure to adhere to centre recognition and/or qualification requirements and/or associated actions assigned
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission

Definition of Malpractice:

Malpractice is any activity or practice which deliberately contravenes procedures and regulations. It means that there are serious concerns about the integrity of the assessment or the validity of certificates we take it very seriously. Examples of malpractice include, but are not limited to:

- Failure to carry out internal assessment, internal moderation or internal verification in accordance with requirements
- Deliberate failure to adhere to learner registration and certification procedures
- Deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims
- Fraudulent claim(s) for certificates



- Intentional withholding of information which 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)

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 General Manager of School of Marketing. In doing so they should put the allegation in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Learner's name and School of Marketing registration number
- School of Marketing staff members name and job role – if they are involved in the case
- Details of the course/qualification affected or nature of the service affected
- Nature of the suspected or actual malpractice and associated dates, details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances

The General 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 we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

If the informant is not happy with the investigation process or outcome, s/he may raise their concern with the appropriate Awarding Body. Contact details of the Awarding Bodies are in our Appeals Policy.

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 to us, if you are concerned about possible adverse consequences, you may request that the General Manager does not divulge your identity. While we are prepared to investigate issues which are reported to us anonymously, we 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.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by School of Marketing to establish if malpractice or



maladministration has occurred and we will take all reasonable steps to prevent any adverse effect from the occurrence as defined by Ofqual. We will acknowledge receipt, as appropriate, to external parties within 48 hours.

Our General 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 by School of Marketing.

Notifying relevant parties

Where applicable, our General Manager 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.

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 regulator Ofqual. If we do not know the details of organisations that might be affected, we will ask Ofqual 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 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. 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
- To evaluate any action already taken
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of School of Marketing and the qualification
- 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, we will:

- Ensure all material collected as part of an investigation is kept secure
- 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 withhold a learner's, and/or cohort's, results.
- Where a member of School of Marketing staff or a School of Marketing associate is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our General Manager 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.

Investigation report

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:

- Identify where the breach, if any, occurred
- Confirm the facts of the case
- Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied

We 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 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 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 report will be agreed by the CEO, along 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 in order to:

- Minimise the risk to the integrity of certification now and in the future
- Maintain public confidence in the delivery and awarding of qualifications
- Discourage others from carrying out similar instances of malpractice or maladministration
- Ensure there has been no gain from compromising our standards

The action we take may include:

- Imposing actions in order to address the instance of malpractice/maladministration and to prevent it from reoccurring



- In cases where certificates are deemed to be invalid, inform the Awarding Organisation 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 let the affected learners know the action we are taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to School of Marketing
- Informing relevant third parties of our findings in case they need to take relevant action in relation to School of Marketing

Maladministration

Should it be found that the School of Marketing has made an error in enrolling a student or administering a student's progress, the School of Marketing will work with the student to agree the best solution. If the student wishes to continue the course, an extension of time will be granted.

Malpractice

Should incompetence or negligence occur, School of Marketing will again work at its own cost, to rectify the situation with the student should they wish to continue with the course, or a full refund will be given. In addition, to the above the General Manager 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 wishes to appeal against our decision to impose sanctions, please refer to our Complaints Policy and Procedure.