



## **MALPRACTICE / MALADMINISTRATION POLICY**

Incidents of malpractice/maladministration can potentially lead to learners being disadvantaged, can require the conducting of costly and time-consuming investigations and may cause reputational damage to the College. It is, therefore, desirable to prevent malpractice or maladministration from occurring, whenever possible. Where it is not possible to prevent this, cases of suspected or actual malpractice/maladministration should be dealt with quickly, thoroughly and effectively.

It is important that all staff involved in the management, assessment and quality assurance of our qualifications, and learners, are fully aware of the contents of the policy and we have arrangements in place to prevent and investigate instances of malpractice and maladministration.

### ***Aim***

1. to identify and minimise the risk of malpractice by staff or learners
2. to identify and minimise the risk of maladministration by staff;
3. to respond to any incident promptly and objectively;
4. to standardise and record any investigation to ensure openness and fairness
5. to impose appropriate penalties and/or sanctions on learners or staff where incidents (or attempted incidents) are proven
6. to protect the integrity of The Garage and awarding bodies

In order to achieve this, The Garage will:

- seek to avoid potential malpractice by using the induction period and the learner handbook to inform learners of the policy on malpractice and the penalties for attempted and actual incidents of malpractice
- show learners the appropriate formats to record cited texts and other materials or information sources
- ask learners to declare that their work is their own
- ask learners to provide evidence that they have interpreted and synthesised appropriate information and acknowledged any sources used
- conduct any investigations in a form commensurate with the nature of any allegation
- ensure the handling of individual cases takes account of the needs of the learner, including those arising from protected characteristics.

### ***Definition of Malpractice***

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment 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 The Garage or;
- the qualification or the wider qualifications 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 or groups of learners.

### ***Definition of Maladministration***

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

### ***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 Head of Centre or Examinations Officer. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

- All allegations must include (where possible):
- Learner's name
- The Garage 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 Senior Leadership Team will then conduct an initial investigation prior 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.

### ***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; however if you are concerned about possible adverse consequences you may request that your identity is protected.

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 the allegation relates.

### ***Responsibility for the investigation***

All suspected cases of maladministration and malpractice will be examined promptly by the Head of Centre or Examinations Officer to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence.

Investigations will adhere to the following principles:

*Confidentiality* – by their very nature investigations usually necessitate access to information that is confidential to a centre or individuals. All material collected as part of an investigation must be kept secure and not normally disclosed to any third parties (other than the regulators or the police, where appropriate).

*Rights of individuals* – where an individual is suspected of malpractice they should be informed of the allegation made against them (preferably in writing) and the evidence that supports the allegation. They should be provided with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to. They should also be informed of what the possible consequences could be if the malpractice is proven and of the possibility that other parties may be informed e.g. the regulators, the police, the funding agency and professional bodies. The appeals process should also be communicated to them.

*Staff Interviews* - staff may request that they are accompanied by a friend or colleague and these requests should be processed in line with The Garage and/or awarding body policy.

*Candidate Interview* - where a candidate is to be interviewed and they are a minor or vulnerable adult, The Garage should consider the need to have a parent or representative present or to have the permission of a parent prior to the interview taking place.

*Retention and storage of evidence and records* – all relevant documents and evidence should be retained in line with awarding body and The Garage stated policy and procedures

*Decisions and action plans* – all conclusions and decisions should be based on evidence. A course of proposed action should be identified, agreed between The Garage and awarding body, implemented and monitored to the point of completion. The actions should address the improvements that are required to the centre's policies and procedures as well as any action that is related to staff or other resources.

*Proportionality*: any decision on the outcome must reflect the weight of evidence and the minor or major nature of the case – the learner does not have to admit malpractice

### ***Investigation timelines and appeals process***

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

If the relevant party (ies) wishes to appeal against our decision to impose sanctions, please refer to our Appeals Procedure

Signed: A. TAYLOR

Date: July 2017

Adam Taylor  
Head of Centre

**Review Date: July 2018**