



# Malpractice and Maladministration Policy

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## Aims

The company takes pride in its procedures and processes to provide unregulated and regulated courses to Learners and Centres. This policy is aimed at helping to ensure those processes cover any identification of malpractice or maladministration, both in England and Northern Ireland, in addition to other geographical areas covered by us.

For regulated qualifications, allegations of malpractice or maladministration are dealt with by the relevant Awarding Body and their policies and procedures are followed.

For staff, this should be read with the company's Whistleblowing Policy.

## Definition

Malpractice (including Maladministration throughout this document) is defined as any action, process or practice that breaches regulations, compromises (or attempts to or may compromise) the process and integrity of qualifications or the validity of certificates. It also includes act that damage the authority, reputation or credibility of our company, its officers, centres or agents.

Examples of Malpractice that we might come across include plagiarism or collusion of Learners (for example from the same employer).

## Avoiding Malpractice

The Training Manager is accountable for ensuring that the processes in place throughout the company are transparent and clear. They should be risk assessed to identify if any possibility of Malpractice could be undertaken purposely.

## Reporting Malpractice

Concerns about Malpractice should be raised with the Training Manager (through the Centre Manager if applicable) as soon as is practical after it has been identified. A full account should be given on the attached form.

They will decide whether to:

- Take no further action;
- Report it to the relevant Awarding Body;
- Ask the head of centre, or another appropriate officer, to conduct an investigation and report to the Board in writing;

- Investigate the matter directly.

They may also consider reporting the allegation to the police, regulators or other authorities if appropriate.

In the unlikely event of it concerning the Training Manager, then the Chair of Governors should be contacted, they will appoint the Board Chairperson or an Independent Person to undertake the investigation.

## **Concerns relating to a regulated qualification**

Concerns about malpractice or maladministration of a regulated qualification will be reported immediately to the appropriate awarding body (ies). Initially this will be done by phone and followed up by email.

The awarding body and the Training Manager will agree between them the next steps, which may include The Mentoring School carrying out an investigation as described below or the awarding body undertaking their own investigation. The outcomes of any malpractice or maladministration investigations relating to a regulated qualification undertaken by The Mentoring School will be reported to the awarding body as per the report to the board requirements below. The Training Manager and awarding body will then discuss an appropriate way forward.

When liaison with Ofqual is required, the awarding body will follow their process for this communication.

## **Investigations carried out by the Head of Centre or other appointed person**

It is expected that in the normal course of events, the Head of Centre will deal with the investigation in accordance with the timescales set by us. Their role will be to establish, as best they can, the facts leading to the situation and report them to us.

If they delegate it to a senior member of staff, the Head of Centre still holds the responsibility for the investigation within the timeframes set by us. Where this delegation could lead to a conflict of interests, the Head of Centre should not delegate this to the manager of the section or department. If there are still concerns, the Head of Centre must discuss this with us.

The investigation should seek to find out the full facts and circumstances of the alleged malpractice. The accused individuals are entitled to a copy of the documents (redacted names if necessary) – see the Rights of the accused individual below.

If the person conducting the investigation seeks to interview a Learner, it may be appropriate for them to be accompanied by an appropriate adult if they are under 18 or vulnerable.

If the person conducting the investigation seeks to interview a member of centre staff, then this must be undertaken in accordance with the centre's disciplinary policies. This may be done over the telephone and the interviewee may be required to provide a written statement. The involvement of legal advisors is not necessary where there is no allegation of criminal behaviour.

However, if any party wishes to be accompanied, for example by a solicitor or trade union official, the other parties must be informed beforehand to give them the opportunity to be similarly supported. The person accompanying the interviewee should not take an active part in the interview, in particular he/she is not to answer questions on the interviewee's behalf. We will not be liable for any professional fees incurred. The Head of Centre is required to make available an appropriate venue for such interviews.

Interviews may also be conducted over the telephone. Individuals involved may be requested to provide a written statement.

## **Investigations carried out by us**

There may be times when we may deem it necessary to undertake the investigation themselves. These will follow the procedures set out for Head of Centres, with the following additions.

We will not normally withhold from the head of centre any evidence or material obtained or created during the course of an investigation into an allegation of malpractice.

However, it may do so where this would involve disclosing the identity of an informant who has asked for his/her identity to remain confidential. In such cases, we will provide the evidence and material and will withhold information that would reveal the person's identity, and will explain why the withheld information cannot be provided.

Any material or evidence not provided to the head of centre will not be provided to a Malpractice Committee and will not be considered when deciding whether an allegation of malpractice is proven or not.

## **Rights of the accused individual**

Where it is believed that there is sufficient evidence to implicate an individual(s), then the Head of Centre must:

- Ensure the individual is informed (preferably in writing) of the allegation made against him or her;
- know what evidence there is to support that allegation;
- know the possible consequences should malpractice be proven;
- have the opportunity to consider their response to the allegations (if required);
- have an opportunity to submit a written statement;
- be informed that he/she will have the opportunity to read the submission and make an additional statement in response, should the case be put to the Malpractice Committee;
- have an opportunity to seek advice (as necessary) and to provide a supplementary statement (if required); be informed of the applicable appeals procedure, should a decision be made against him or her;
- be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding bodies, the regulators, the Police and/or other bodies (such as the National College for Teaching and Leadership) as appropriate.

## **The report to the Board**

The report to the Board must include:

- a statement of the facts, a detailed account of the circumstances of the alleged malpractice, and details of any investigations carried out by the centre;
- the evidence relevant to the allegation, such as written statement(s) from the invigilator(s), assessor, internal verifier(s) or other staff who are involved;
- written statement(s) from the candidate(s);

- any exculpatory evidence and/or mitigating factors;
- information about the centre's procedures for advising candidates and centre staff of the awarding bodies' regulations;
- any work of the candidate and any associated material (e.g. source material for coursework) which is relevant to the investigation.

## The Malpractice Committee

If there is evidence of Malpractice, the Board may then appoint an individual or a Malpractice Committee (both are referred to as the Malpractice Committee) to determine the outcomes. This will comprise of one to three staff members and/or Governors, depending on the complexity of the case, independence, availability and also timescales for the Committee – the Chair of the Governors will make the final decision on the size of the Committee.

Their meetings are confidential and the accused individuals, centres or representatives have no right to attend. All members of the Malpractice Committee will confirm that they are independent of the case, any member having a personal involvement or knowledge will be excluded from the case.

The Malpractice Committee are to remain independent of those who did the investigating and those who have an interest in the outcome. The Committee are to review the evidence that is directly relevant to the case and which has been shared with the accused parties. Any redacted information is to be redacted for both sides.

The Committee will decide by a majority vote on each case of suspected or alleged malpractice taking into account all available evidence and patterns of behaviour. They will decide if:

1. Malpractice has occurred;
2. Whether sanctions should apply.

The Committee will then communicate the outcome and any sanctions in writing to the Head of Centre, it is their responsibility to ensure they communicate to individuals.

The Malpractice Committee will also give outcomes to ensure that any Learners who have been affected, through no fault of their own, are protected. They may also give recommendations to adjust policies or procedures to ensure the Malpractice cannot reoccur.

## Sanctions and penalties

*Including those issued by awarding bodies*

### Centres

Sanctions against Centres can include:

- A written warning;
- An action plan;
- Additional monitoring;
- Restrictions on course/qualification delivery or assessment;
- Invigilation of course/qualification delivery or assessment;
- Suspension of learner registrations for a time;
- Suspension of certificate for a time;

- Withdrawal of approval for specific qualifications;
- Withdrawal of centre recognition.

## Individuals

Sanctions against individuals (including Centre Staff and our Staff) can include:

- A written warning;
- An action plan;
- Additional monitoring;
- Additional training;
- Special conditions;
- Suspension for a set period of time;
- Dismissal.

## Learners

Sanctions against learners can include:

- A warning;
- Loss of marks for a section;
- Disqualification from the course/qualification;
- Disqualification from all courses/qualifications;
- A period of debarment.

## Appeals

Please see the Appeals Policy.

## Review

This policy will be reviewed biannually.

December 2019

# Malpractice and Maladministration Reporting Form

To be completed and returned to [richard.curtis@rootofit.com](mailto:richard.curtis@rootofit.com)

Name:	Centre name:
Address:	
Phone:	Email:
Trainer:	
Training dates:	

Qualification/unit:
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Please describe as fully as possible the practice you are reporting
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Describe any steps you (or your centre) have put in place (for Centres, please describe how Centre Management will be investigating the matter)
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Please report the impact you see for the Learners

Please attach any additional evidence as required.

Signed:

Date: