



MALPRACTICE AND MALADMINISTRATION PROCEDURE

This policy has been developed to fall in line with our awarding organisations procedures for dealing with cases where any kind of malpractice and/or maladministration is suspected or alleged, and where there are reasonable grounds for that suspicion or allegation. It is designed to ensure that any such cases are thoroughly investigated, and that appropriate action is taken where necessary.

Inappropriate actions by learners, centre staff, trainers, assessors and quality assurers can lead to learners being disadvantaged.

Malpractice and Maladministration

Malpractice may be defined as deliberate actions including, neglect, wrong-doing, misconduct, or other practice that compromises, or could compromise the integrity of the training and/or assessment and validity of results.

Maladministration may be defined as activity, neglect, default, or other practice that results in inefficient, dishonest, or just bad administration or management which may or may not be deliberate.

The following list is not exhaustive but is intended to give examples of malpractice / maladministration within the context of training, assessment, and certification.

Types of malpractice (examples)

- Insecure storage of assessments and learner evidence
- Misuse of assessment documents including inappropriate adjustments.
- Improper/excessive assistance to learners to aid their achievement.
- Deliberate falsification of records in order to claim certificates.
- Plagiarism of another's work.
- Cheating during assessment
- Obtaining unauthorised access to assessment or examination material
- Impersonating a candidate (i.e., claiming to be someone other than yourself)
- Submitting false claims for certificates or skills identity cards
- False ID used at the registration stage.
- Forging of evidence sets, selling, lending, or misusing any issued training or qualification certificates and skills identity cards.
- Plagiarism of any kind
- Restricting or denying access to required resources (premises, records, information, Learners, internal staff) by any authorised Awarding Organisation representative or any other regulator.
- Postponing EQA visits by more than six months.
- Failure to satisfactorily implement conditions of approval within stated timescales.
- Failing to act in accordance with the conditions of approval as a Provider, Instructor, Assessor
- Intentionally withholding information which is critical in maintaining quality assurance.
- Failure to comply to specific regulations or restrictions in relation to an awarding and failure in delivery of training or assessment to required specifications.

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Types of maladministration (examples)

- Persistent late learner registrations and certificates
- Registering learners for the wrong training or qualification
- Inaccurate claim for certificates
- Failure to maintain appropriate records, e.g., certification claims and/or forgery of evidence for assessments.
- Withholding of information, by deliberate act or omission
- Misuse of Lantra logo and trademark
- Misuse of Awarding Organisation, Accrediting body or regulators logo and trademark.
- Failure to meet the requirements of reasonable adjustments, special considerations, or adverse effects.
- Failure to provide adequate training, systems and processes or relevant knowledge to anyone directly involved in the process.
- Breach of GDPR policy implemented within the centre ([Refer to 005 UTS GDPR General Data Protection Regulations and Data Protection Act 2018](#))

Awarding organisations require that Centres, Trainers, Assessors, IQA's and EQA's report any cases of suspected malpractice and/or maladministration to them within 5 working days of being made aware of them.

Once reported to them their procedures will take over the process of investigation and their resultant findings will be the ultimate decision. Timescales will be defined by the relevant awarding organisations own policy. Up To Speed will cooperate fully and openly in any investigations undertaken.

- All allegations will be recorded in accordance with the Company's approved process and monitored and tracked to ascertain and patterns or trends.
- In the event of malpractice or maladministration being confirmed Up To Speed Training & Assessment Ltd will conduct a full review of their processes and procedures, this will include consideration of the potential wider impact on other learners and implement any required remedial action to eliminate the possibility of re-occurrences, the findings will be communicated throughout the business either immediately by email or at the appropriate departmental meeting.
- Potential outcomes of and investigation that shows that malpractice or maladministration has occurred can result in one of the following actions being implemented:
 - a temporary or permanent ban on attending courses or registering for other qualifications accredited by the awarding organisation,
 - a temporary or permanent suspension of approval as an instructor or assessor
 - suspension or withdrawal of approval as a provider
 - withdrawal of certificates or cards.

All outcomes will be communicated with 3 working days of being received from the awarding organisation.

- All learners accused of malpractice or maladministration have the right to appeal in accordance with the company appeals policy. ([Refer to 004 UTS Appeals Policy](#))

Candidates and centres have the right to request a review by the appropriate regulator (Qualifications Scotland accreditation, Ofqual or Qualifications Wales) of the awarding body's process in reaching a decision in an appeal of a malpractice decision for qualifications subject to regulation.

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Where investigation of suspected malpractice is carried out, the centre must retain related records and documentation for 3 years for non-regulated qualifications and 6 years for regulated qualifications. Records should include any work of the candidate and assessment or verification records relevant to the investigation.

In the case of an appeal to an appropriate regulator against the outcome of the malpractice investigation, Up To Speed Training & Assessment Ltd will retain all records for 6 years.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation should be retained for 6 years after the case and any appeal has been heard. If the centre is in any doubt about whether criminal or civil proceedings will take place, it should keep records for the full 6-year period.

Review Date: 19th July 2027

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