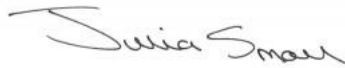


Malpractice and Maladministration Policy

Version	9
Date	August 2023
Reason for review	Annual review
Overview of changes	None
Reviewed by	M Lovell - Responsible Officer and Debbie Clueit – External Verifier
Ratified by	
Date of next review	August 2024

Introduction

This policy is aimed at RoSPA Qualifications customers, including Centre, learners and others, who are delivering or registered on our qualifications, within or outside the UK, and who are involved in suspected or actual malpractice or maladministration. It is also for use by RoSPA Qualifications staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner in accordance with Ofqual requirements.

It sets out the steps your Centre, and learners or other personnel, must follow when reporting suspected or actual cases of malpractice or maladministration, and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

What is malpractice and maladministration?

Malpractice and maladministration are two distinct, but related, concepts. Although malpractice and maladministration are distinct, the two concepts can be on a spectrum. As such, they will sometimes shade into one another.

Maladministration

Generally covers mistakes or poor process where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude or may result from carelessness or inexperience. The categories listed below are examples of Centre and learner maladministration. Please note that this list is not exhaustive and is only intended as guidance on our definition of maladministration.

Examples of maladministration

- Persistent failure to adhere to our learner registration and certification procedures
- Persistent failure to adhere to our Centre recognition or qualification requirements, or associated actions assigned to the Centre
- Late learner registrations, both infrequent and persistent
- Unreasonable delays in responding to requests or communications from RoSPA Qualifications.
- Inaccurate claims for certificates
- Late learner certification requests, e.g. beyond the certification end date for the qualification
- Failure to maintain appropriate auditable records, e.g. certification claims or forgery of evidence
- The withholding or delaying of information, by deliberate act or omission, which is required to assure RoSPA Qualifications of the Centre's ability to deliver qualifications appropriately
- Misuse of our logo or trademarks, or misrepresentation of a Centre's relationship with RoSPA Qualifications, or its recognition and approval status with RoSPA Qualifications
- Poor administration arrangements or records
- Persistent mistakes in relation to our delivery arrangements

Malpractice and Maladministration Policy

- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

Malpractice

By contrast, malpractice will generally involve some form of intent, which deliberately contravenes regulations and compromises the integrity of qualifications.

Malpractice covers any deliberate actions, neglect, default or other practice that compromises, or could compromise the:

- Assessment process
- Integrity of a qualification
- Validity of a result or certificate
- Reputation and credibility of RoSPA
- Qualification or the wider qualification community

Bias or discrimination could also lead to malpractice.

Two of the clearest examples of potential malpractice are:

- Cheating, or facilitating cheating, in an assessment.
- Attempting intentionally to manipulate a result so that it does not reflect the Learner's actual performance in an assessment.

Such action could be taken by the learner themselves, an assessor, or any other individual involved in, or with access to, the assessment process.

Examples of malpractice.

The categories listed below are examples of Centre and learner malpractice. Please note that this list is not exhaustive and is only intended as guidance on our definition of malpractice.

- Providing learners with the Centre Assessment Guidance
- Revealing the questions on an assessment in advance (where confidentiality is required)
- Sharing confidential assessment materials ahead of an exam
- Learner(s) breaching the rules of the assessment, for example by taking impermissible materials into the assessment
- Learner(s) passing off someone else's work as their own
- Assessor providing a Learner with answers, providing assistance to learners beyond what is permitted, or deliberately failing to apply the mark scheme to a learner's answer, including an assessor or learner falsifying a result
- Denial of access to premises, records, information, learners, and staff, to any authorised RoSPA Qualifications representative or the qualifications regulator
- Deliberate misuse of our logo, brand, name and trademarks, or misrepresentation of a Centre's relationship with RoSPA Qualifications or its recognition and approval status with RoSPA
- Deliberate failure to continually adhere to our Centre recognition, qualification approval requirements or actions assigned to your Centre

Malpractice and Maladministration Policy

- Intentional withholding of information from us, which is critical to maintaining the rigor of quality assurance and standards of qualifications
- Deliberate failure to conduct internal assessment, internal moderation, or internal verification in accordance with our requirements
- The unauthorised use of inappropriate materials or equipment in assessment settings, e.g. mobile phones
- Copying, or allowing work to be copied, including posting written work on social networking sites.
- Loss, theft of, or a breach of confidentiality in, any assessment materials
- Insecure storage of assessment materials
- Inappropriate circulation or distribution of assessment materials
- Unauthorised amendment, copying or distributing of assessment materials
- Inappropriate assistance or support for learners by Centre staff, e.g. unfairly helping them to pass a qualification/assessment
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- Plagiarism by learners or staff
- Copying from another learner
- Cheating by learners or staff
- Impersonation, e.g. assuming the identity of another learner, or having someone assume their identity, during an assessment
- Collusion, or permitting collusion in assessments
- Deliberate contravention by learners of the assessment arrangements we specify for our qualifications
- Fraudulent claim for certificates or deliberate submission of false information to gain a qualification
- Falsification of records
- Deliberate failure to adhere to our learner registration and certification procedures
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims or forgery of evidence
- Learners are still working towards qualification after certification claims have been made
- Selling certificates
- Selling papers or assessment details
- Extortion
- Fraud
- Threatening or abusive behaviour that compromises the safety of staff or is intended to put undue influence on the outcomes of an assessment or award

Centre's responsibility

It is important that your staff, who are involved in the management, assessment, and quality assurance of our qualifications, are fully aware and understand the below, including learners where appropriate:

- Contents of this policy
- Your Centre's own internal malpractice and maladministration policy including arrangements for investigating malpractice and maladministration within the Centre
- Your Centre's risk management for identify malpractice and maladministration for different types of assessment e.g. Practical and written and the arrangements in place to mitigate malpractice and maladministration
- Learners Guide to social media (if applicable QMS) and malpractice maladministration document, which can be found <https://www.rospa.com/Qualifications/Policies.aspx>
- How to report a suspected or actual malpractice/maladministration case to RoSPA Qualifications

Failure to report suspected or actual malpractice or maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on your Centre. Please refer to the RoSPA Qualifications Sanctions Policy, for details of the sanctions that may be imposed, which is available from our online Qualifications Management System (QMS) or <https://www.rospa.com/Qualifications/Policies.aspx>

We are happy to provide guidance and advice on how to prevent, investigate, and deal with malpractice and maladministration. If this is the case, please contact us using the contact details provided at the end of this document.

N.B We recognise that the Centre is not always best placed to complete an investigation, as the investigation must be carried out "by persons of appropriate competence* who have no personal interest in the outcome of the investigation"; therefore, we advise all Centre to discuss each case of suspected or actual malpractice or maladministration with us before they conduct an investigation.

*Competence is defined as the necessary skills knowledge attitude, training, and experience (SKATE).

If a Centre does have the necessary competencies and no personnel to investigate a suspected or actual malpractice/maladministration case, the Responsible Person/Head of Centre must:

- Cooperate and make sure staff cooperate fully with any investigation and requests for information
- Immediately inform RoSPA that a malpractice/maladministration investigation is being conducted
- Ensure the investigation is conducted in an effective, prompt, and thorough manner, including exploring the suitability of relevant underlying arrangements for all assessments and qualifications

If RoSPA Qualifications is investigating a case of suspected or actual malpractice/maladministration at a Centre, the Centre **must** cooperate fully in all respects and grant RoSPA Qualifications full access to all records, documentation and premises required for the purposes of the investigation.

Malpractice and Maladministration Policy

As part of our Centre monitoring arrangements, RoSPA Qualifications will periodically review your Centre's compliance with this policy, and the reasonable steps that are taken by you to prevent and investigate instances of malpractice and maladministration. It is important to note that our moderation activities will also be used to identify any suspected / actual malpractice and maladministration

Procedure for reporting an allegation of malpractice or maladministration

Anyone who identifies, or is made aware of, suspected or actual cases of malpractice or maladministration at any time **must immediately notify RoSPA Qualifications** by sending an email to enquiries@rospaqualifications.com or in writing to:

Responsible Officer
RoSPA Qualifications
RoSPA House
28 Calthorpe Road
Birmingham
B15 1RP

Appropriate supporting evidence should be attached or enclosed.

Centres can submit details of potential or actual cases of malpractice via the Malpractice Form, which is available from the QMS at www.rosqualqms.com

Where possible, all allegations should include:

- Centre's name, address, and telephone number
- Learner's name and RoSPA qualifications registration number
- Details of Centre or RoSPA Qualifications staff involved, i.e. name, job, and role
- Details of the RoSPA course or qualification affected, or nature of the service affected.
- Nature of the suspected or actual malpractice and associated dates
- Details and outcome of any initial investigations conducted by the Centre, or anybody else involved in the case, including any mitigating circumstances

In addition, we ask that the person making the allegation declares to us at the outset, any personal interest they may have in the matter.

If a Centre has conducted an initial investigation, prior to formally notifying us, the Centre should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

We would expect that such investigations would normally involve the Head of Centre. (If there is an investigation into allegations of malpractice or irregularities against the Head of Centre, or the management of the Centre, then such investigations should be carried out by another senior person with the relevant authority or their nominee).

Malpractice and Maladministration Policy

However, it is imperative in all instances that the Centre notifies us immediately if they suspect malpractice or maladministration has occurred, as we have a responsibility to the qualifications regulator to ensure that all investigations are carried out rigorously and effectively.

Confidentiality and whistleblowing

While it is always preferable to provide us with your contact details, we appreciate that sometimes a person making an allegation may wish to remain anonymous. If you are concerned about possible adverse consequences, please inform us that you do not wish your identity to be divulged and we will try to ensure your details are not disclosed.

When asked to do so, we will always aim to keep a whistle-blowers identity concealed however, we cannot always guarantee this as we may be required by law to disclose your identity to:

- The police, fraud prevention agencies, or other law enforcement agencies, to investigate or prevent crime, including fraud,
- The courts, in connection with related court proceedings,
OR
- Other third parties where we consider it necessary to do so such as the qualifications regulator

The investigator assigned to explore the allegation will not reveal your identity unless you agree, or it is absolutely necessary for the purposes of the investigation. The investigator will advise you if it becomes necessary to reveal your identity against your wishes.

A whistle-blower should also be aware that they may be identifiable to others due to the nature or circumstances of the disclosure. For example, the party about which the allegation is being made may be able to deduce the potential sources of the disclosure.

Once a concern has been raised, we have a duty to pursue the matter. It will not be possible to prevent an investigation by subsequently withdrawing the concern, as we are obliged by the qualifications regulator to follow-up and investigate all allegations of malpractice or maladministration.

In all cases, we will keep the whistle-blower updated on the progression of the allegation and any related investigation. The whistle-blower will also have the opportunity to raise any concerns with the investigator about the way the investigation is being conducted. However, for confidentiality and legal reasons we will not disclose full details of the investigation activities, or the outcomes of the investigation and any actions taken against any affected parties. While we understand that the amount of detail we can disclose may not be as much as the whistle-blower might wish, they should be assured that we will always strive to handle the matter fairly and properly.

Please refer to the RoSPA Qualifications Whistleblowing Policy, for further information in relation to our Whistleblowing arrangements, which is available from the QMS. www.rosqualqms.com

RoSPA Qualification's Responsibility for the investigation

In accordance with regulatory requirements, RoSPA will promptly investigate all suspected cases of maladministration or malpractice to establish if either has occurred.

We will take all reasonable steps to prevent any 'adverse effect' from occurring as defined by the regulators.

Note: An Adverse Effect is any act, omission, event, incident or circumstance that: prejudices Learners; affects public confidence **in qualifications; affects the standards of qualifications which the awarding organisation makes available; or affects the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with the Conditions**

All suspected cases of malpractice and maladministration will be passed to our Responsible Officer (RO), and we will acknowledge receipt, as appropriate, to external parties within two working days.

The Responsible Officer (RO) will appoint a relevant staff member to lead the investigation taking into account the scope and scale of the investigation, ensuring they have no previous involvement or personal interest in the matter and the appropriate level of (competence) training, skills and experience in:

- Gathering and recording evidence from interviews
- Gathering evidence from minors, vulnerable adults, and those with learning difficulties
- Protecting, gathering, and retaining evidence from documentation and electronic sources
- The information that should be given to those suspected of being engaged with malpractice or maladministration
- When and how to involve other authorities including the police where criminal activity is suspected and safeguarding

The investigator will be responsible for making sure the investigation is carried out efficiently, effectively and in accordance with the procedures in this policy.

They will work to establish if malpractice or maladministration has occurred and review all evidence associated with the case.

Notifying relevant parties

In all cases, we will notify the person who made the allegation as to who will be handling the matter, how they can contact them, what further assistance we may need from them and agree a timetable for feedback.

Please see the above, confidentiality and whistleblowing section, and the below, Investigation timelines and summary process section, for potential limitations in relation to feedback and details of our anticipated response times.

In cases of suspected or actual malpractice or maladministration at a Centre, we'll notify the Head of Centre involved in the allegation (except when the head of Centre or management team, is under investigation,) in this case communication may be with other appropriate persons that we will be investigating the matter.

Malpractice and Maladministration Policy

In the case of learner malpractice, we may ask your Centre to investigate the issue in liaison with our staff (If the Centre has the necessary investigation competencies).

We will only ask the Centre to investigate the matter where we have confidence that the investigation will be prompt, thorough, independent and effective and carried out by a competent person with no personal interest.

In all cases, we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality, or any other legal duty.

We may engage and communicate directly with members of Centre staff who have been accused of malpractice or communicate directly with a learner or their representative if appropriate. For example, if a staff member is no longer employed by the Centre, there is a contradiction in the evidence provided during an investigation, or a Centre is suspected of being involved in malpractice.

Where applicable, our Responsible Officer will inform the qualifications regulator if we believe there has been an incidence of malpractice or maladministration which could either invalidate the award of a qualification or could affect another awarding organisation. In particular, we will keep them informed of progress in large or complex cases.

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 on RoSPA Qualifications by the qualifications regulator and undertake a joint investigation with them if appropriate.

If we do not know the details of organisations that might be affected, we will ask the qualifications regulator to help us identify relevant parties that should be informed.

If fraud is suspected or identified, we may also notify the police.

Investigation Process

RoSPA Qualifications will conduct all investigations in a fair, reasonable and legal manner, making sure we consider all relevant evidence without bias, and only using a person with the necessary competency. Investigations may include:

- Establishing the facts relating to the allegations to determine whether irregularities have occurred
- Identifying the cause of the irregularities and those involved
- Establishing the scale and extent of the irregularities
- Evaluating any action already taken by the Centre to determine whether remedial action is required to reduce the risk to current registered Learners and to preserve the integrity of the qualification
- Ascertaining whether any action is required in respect of certificates already issued
- Obtaining clear evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with RoSPA Sanctions Policy
- Identifying any adverse patterns or trends

Malpractice and Maladministration Policy

- Conducting any external quality assurance activity (including Centre visits which may be unannounced) deemed necessary in the circumstances

The investigation may involve a request for further information from relevant parties and interviews with personnel involved in the investigation.

RoSPA Qualifications will:

- Ensure all material collected as part of an investigation is kept secure
- Retain all records and original documentation concerning a completed investigation that ultimately leads to sanctions against the Centre for at least three years

If an investigation leads to invalidation of certificates, 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 a further three years.

RoSPA Qualifications expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with them.

At any time during the investigation, RoSPA Qualifications reserve the right to impose sanctions on the Centre in accordance With RoSPA Qualifications Sanctions Policy to protect the interests of Learners and the integrity of the qualifications.

RoSPA Qualifications reserve the right to withhold certificates for all the RoSPA courses/qualifications at the time of the notification or investigation of suspected or actual malpractice/maladministration.

If appropriate, we may find that the complexity of a case or a lack of cooperation from a Centre means that we are unable to complete an investigation. In such circumstances we will consult the relevant regulatory authority to determine how best to progress the matter.

If a member of RoSPA Qualifications staff is under investigation, we require the Centre to move them to other duties until the Investigation is completed.

Throughout the investigation, the Responsible Officer is responsible for overseeing the work of the Investigator to ensure:

- The required process is being followed
- Appropriate evidence has been gathered and reviewed
- Liaison with relevant external parties and keeping them informed
- The investigation is conducted in a fair way without bias

During any investigation, RoSPA Qualifications will be sensitive to the impact on, and reputation of, a Centre or members of staff who may be subject to investigation.

Malpractice and Maladministration Policy

We will strive to ensure that the investigation is carried out as confidentially as possible, and the organisation or person who is the subject of the allegation will have the opportunity to raise any issues with the investigator during the investigation, about both about the proposed approach, and the conduct of the investigation.

The investigation may involve a request for further information from relevant parties or interviews with personnel involved in the investigation. Any person accused of malpractice or maladministration may choose to be accompanied by a work colleague, trade union representative, or other party during interviews.

Investigation Report

On completion of an investigation, RoSPA Qualifications will produce a summary of the findings and outcomes which will be sent to the parties concerned. (The Centre will normally receive this via the QMS).

The summary will:

- Identify where non-compliance or malpractice/maladministration, if any, occurred
- Confirm the facts of the case
- Identify who is responsible for the non-compliance or malpractice/maladministration
- Confirm an appropriate level of remedial action and/or any sanctions to be imposed
- If it was an independent/third party that notified RoSPA of the suspected or actual case of malpractice, we will also inform them of the investigation outcome – normally within **20** 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 the investigation is internal, relating to a member of RoSPA staff, the investigation summary will be agreed by the Board of Trustees, along with the relevant internal managers, HR and appropriate internal disciplinary procedures will be implemented

Outcomes

If the investigation confirms malpractice or maladministration has taken place RoSPA Qualifications will consider what action to take 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 actions taken by RoSPA Qualifications will be proportionate to the gravity and scope of the malpractice or maladministration found and will consider all relevant information, considering the consequential effects, including the effect of the proposed action on the individual or Centre.

RoSPA Qualifications will ensure they balance the consequences for the individual or Centre against the seriousness and effects of the malpractice or maladministration.

Malpractice and Maladministration Policy

The action RoSPA Qualifications takes may include:

- Imposing actions in relation to the Centre with specified deadlines to address the instance of malpractice/maladministration and to prevent it from reoccurring
- Imposing sanctions on the Centre including (assessors/ trainers/tutor) – these will be communicated in accordance with RoSPA Sanctions Policy along with the rationale for the sanctions selected
- If certificates are deemed invalid, inform the Centre 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 ask the Centre to let the affected Learners know the action we are taking and that their original certificates are invalid and ask the Centre, when possible, to return the invalid certificates to RoSPA Qualifications. We will amend our records to make sure duplicates of the invalid certificates cannot be reissued and we expect the Centre to amend their records to show the original awards are invalid
- Amending aspects of our qualification assessment design and/or monitoring arrangements and associated guidance or other actions to prevent the issue from reoccurring
- Informing relevant third parties of our findings in case they need to take action in relation to the Centre
- In proven cases of malpractice and/or maladministration by a Centre, RoSPA Qualifications reserves the right to charge the Centre for any re-assessments and reissuing of certificates and/or additional external monitoring visits. The fees will be the current prices for such activities and our Fees and Charges can be viewed on our website

In addition to the above RoSPA Qualifications will record any lessons learned from the investigation and pass these onto relevant internal colleagues to help prevent similar instances of maladministration or malpractice from reoccurring.

If any affected parties wish to appeal against our decision to impose sanctions, please refer to the RoSPA Qualifications Appeals Policy, which is available from the QMS or at <https://www.rospace.com/Qualifications/Policies.aspx>



Malpractice and Maladministration Policy

Review arrangements

We will continually monitor the effectiveness of this policy and formally review and update this policy annually and revise it on an ad hoc basis, in response to customer and learner feedback, observations from our monitoring data, changes in our practices, current best practice, guidance from the qualifications regulator or external agencies, or changes in relevant legislation.

If you would like to feed back any views or opinions or have a query about any aspect of this policy, please contact us using the details below.

Contact us

Telephone RoSPA Qualifications on 0121 248 2115

Email us at enquiries-rq@ROSPA.com

Or write to us at:

RoSPA Qualifications
RoSPA House
28 Calthorpe Road
Birmingham
B15 1RP



RoSPA Qualifications

28 Calthorpe Road
Birmingham
B15 1RP

t +44 (0)121 248 2000

e enquiries@rospaqualifications.com

www.rospa.com/qualifications

An Ofqual-recognised Awarding Body. Ofqual recognition number RN5362

RoSPA Qualifications is wholly owned by RoSPA

Registered Charity No. 207823

VAT Registration No. 655 131649