

# Malpractice and Maladministration Policy

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<b>Date</b>	August 2020
<b>Reason for review</b>	Annual policy review
<b>Overview of changes</b>	Reference to social media malpractice policy
<b>Reviewed by</b>	M Lovell - Responsible Officer
<b>Ratified by</b>	J Small – Head of Qualifications
<b>Date of next review</b>	August 2021

## Introduction

This policy is aimed at RoSPA Qualifications customers, including centres, 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.

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.

## Centre's responsibility

It is important that your staff, who are involved in the management, assessment and quality assurance of our qualifications, and learners, are fully aware of the contents of this policy, and that your centre has arrangements in place to prevent and investigate instances of malpractice and maladministration. Learners must also be made aware of the Learners Guide to Social Media (if applicable QMS) and Malpractice Maladministration document, which can be found <https://www.rospace.com/Qualifications/Policies.aspx>.

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.rospace.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.

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.

Should an investigation be undertaken in your centre, the Head of Centre must?

- Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident, or interest in the outcomes. Please see conflicts of interest Policy.
- Ensure the investigation is carried out in an effective, prompt and thorough manner, including exploring the suitability of relevant underlying arrangements for all qualifications.
- Respond speedily and openly to all requests relating to the allegation and investigation.
- Ensure the full cooperation of all centre staff with any investigation or request for information.

## Definition of Malpractice

Malpractice is any activity or practice, which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process, or the validity of certificates. It covers any deliberate actions, neglect, default, or other practice that compromise, or could compromise:

- The assessment process.
- The integrity of a regulated qualification.
- The validity of a result or certificate.
- The reputation and credibility of RoSPA Qualifications.
- 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 any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre, such as, inadequate learner records.

## Examples of maladministration

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:

- 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, i.e. 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.

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

## 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:

- 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.
- Intentional withholding of information from us, which is critical to maintaining the rigor of quality assurance and standards of qualifications.
- Deliberate failure to carry out 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.
- 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, i.e. 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. e.g. certification claims or forgery of evidence.
- Learners still working towards qualification after certification claims have been made.

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- 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.

## Procedure for making 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** by sending an email to [enquiries@rospaqualifications.com](mailto:enquiries@rospaqualifications.com) or writing to:

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](http://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 carried out 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 the Chair of the Governing Body of the centre or their nominee.) 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-blower's 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](http://www.rosqualqms.com)

## Responsibility for the investigation

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be examined promptly by RoSPA Qualifications, to establish if malpractice or maladministration has occurred, and all reasonable steps taken to prevent any adverse effect from occurring as defined by the qualifications regulator.

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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 RO 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. They will allocate a relevant member of staff, such as a member of our quality assurance team, to lead the investigation and establish whether or not the malpractice or maladministration has occurred. This process will involve a review of any supporting evidence received or gathered by RoSPA Qualifications. **Please Note** the member of staff allocated to lead the investigation will have the appropriate competency and have no previous involvement or personal interest in the matter.

## 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,) when communication may be with the Chair of Governors, Local Authority officials or other appropriate authorities that we will be investigating the matter.

In the case of learner malpractice, we may ask your centre to investigate the issue in liaison with our staff. 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 RO 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 timelines and summary process

Where possible, we will aim to complete the investigation within **10 working days** of receipt of the allegation. Please note that in some cases the investigation may take longer, for example, if a centre visit is required. In such instances, we'll advise all parties concerned of the likely revised timescale.

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 underpinned by terms of reference based on the following broad objectives:

- To establish the facts relating to allegations or complaints, in order to determine whether any irregularities have occurred.
- To identify the cause / causes of the irregularities and persons involved.
- To establish the scale of the irregularities and whether other qualifications may be affected.
- To evaluate 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.
- To ascertain whether any action is required in respect of certificates already issued.
- To obtain clear evidence to support any sanctions to be applied to the centre, or members of staff, in accordance with our Sanctions Policy.
- To identify any adverse patterns or trends.

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. 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.

In addition, we will:

- Ensure all material collected as part of an investigation is kept secure. All records and original documentation concerning a completed investigation, that ultimately leads to sanctions against a centre, will be retained for a period of no less than five years. 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, or at any time during the investigation, we reserve the right to impose sanctions on the centre, in accordance with our Sanctions Policy, in order to protect the interests of learners and the integrity of the qualifications. The RO will be

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responsible for regularly reviewing the application and the maintenance of sanctions, to ensure they continue to be appropriate and proportionate to the incident and risk of future incidents occurring.

We also reserve the right to withhold a learner's, or cohorts, results for all the RoSPA qualifications they are studying for at the time of the notification or investigation.

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 qualifications regulator in order to determine how best to proceed.

Where a member of RoSPA Qualifications staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation, the RO 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 liaising with, and keeping relevant external parties informed.

## Investigation report

If we believe there is sufficient evidence to implicate an individual or centre in malpractice or maladministration we will inform them of:

- The details of the allegation (preferably in writing).
- The evidence we found to support our judgment.
- The fact that information relating to the allegation and investigation may be, or has been, shared with the qualifications regulator and other relevant bodies, e.g. the police.
- Their right to consider and respond to the allegation and our findings.
- Our Appeals Policy, should they wish to appeal against our decision

After an investigation, we will produce a draft report for the parties concerned to check factual accuracy (centres will normally receive this via the QMS). Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will cover the following areas:

- Identify where the breach, if any, occurred.
- Confirm the facts of the case and any relevant mitigating factors.
- Identify who is responsible for any breach that has occurred.
- Supporting evidence where appropriate, e.g. written statements.
- Confirm an appropriate level of remedial action to be applied.

We will make the final report available to the qualifications regulator and other external agencies, as required.

If it was an independent or third party that notified us of the suspected, or actual, case of malpractice, we may also inform them of the outcome. This will normally be 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.

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If the investigation is internal, and the subject is a member of our staff, the RO will agree the report with the relevant internal managers, and appropriate internal disciplinary procedures will be implemented. In some circumstances the police or other external authorities may need to be alerted.

## Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place we will consider action 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 we may take include (this list is indicative only and is not exhaustive):

- Impose actions, with specified deadlines, on a centre to address the instance of malpractice or maladministration, and to prevent it from reoccurring, such as:
  - Undertaking additional or increased visits to a centre, to provide them with a greater level of support or monitoring, depending on their needs and performance.
  - Requiring specific centre staff to undergo additional training or scrutiny by the centre, if there are concerns about their ability to perform their role effectively in the delivery of RoSPA Qualifications.
  - Not permitting specific centre staff to be involved in the delivery or assessment of RoSPA qualifications, e.g. not permitting an individual to invigilate RoSPA Qualifications assessments.
  - Altering the way that, and the period in which, centres receive assessment materials from RoSPA Qualifications, if there are concerns around their ability to maintain the security and confidentiality of such materials.
  - Appointing independent assessors to undertake assessments at the centre if there are concerns around the centre's arrangements or resource levels.
- Impose sanctions on your centre. In this case, these will be communicated to you in accordance with our Sanctions Policy, along with the rationale for the selected sanctions.
- Take action against a learner in relation to proven instances of maladministration or malpractice, which may be communicated to them by RoSPA Qualifications or the learner's centre. These could include some or all of the following:
  - Issuing a written warning to the effect that if the offence is repeated further action may be taken.
  - Loss of all marks or credits for the related work.
  - Disqualification from the qualification.
  - A ban from taking any further qualifications with us, e.g. for a set period of time.
- In cases where certificates are deemed to be invalid, inform centres concerned and the qualifications regulator why they are invalid, and any action to be taken for reassessment or the withdrawal of the certificate. We will also ask the centre to notify the affected learners about the action we are taking, and that their original certificates are invalid, and ask the centre, where possible, to return the invalid certificates to RoSPA Qualifications. We will also amend our database so that duplicates of the invalid

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certificates cannot be issued, and we expect the centre to amend their records to show that the original awards are invalid.

- Amend relevant aspects of our qualification development, delivery and awarding arrangements and, if required, assessment or monitoring arrangements and associated guidance, to prevent the issue from reoccurring.
- Inform relevant third parties, e.g. funding bodies, of our findings, in case they need to take relevant action in relation to the centre.
- Carry out additional, related investigations if we suspect the issue may be more widespread at the centre or other centres.

In proven cases of malpractice or maladministration by a centre, RoSPA Qualifications reserves the right to charge the centre for any re-examinations and reissuing of certificates, or additional quality assurance activities or centre monitoring visits. The fees for which will reflect the current RoSPA Qualifications prices for such activities at the time of the investigation.

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

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



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## Review arrangements

We will 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@rospaqualifications.com](mailto:enquiries@rospaqualifications.com)

Or write to us at:

RoSPA Qualifications  
RoSPA House  
28 Calthorpe Road  
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B15 1RP



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