

# Malpractice and Maladministration Policy

V2.0

## Introduction

This is version two of the Malpractice and Maladministration Policy and replaces all previous versions. This document is subject to regular revision and maintained electronically by its owner. Electronic copies are version controlled. Printed copies are not subject to this control.

Change history (V1.0)

Section	Change
All	Structural and formatting changes
Definition	Updated
Centre Responsibilities	Updated
Process	Further steps and details included
Regulatory reference	Updated to reflect latest General Conditions of Recognition criteria

## Scope

SFEDI Awards has a duty of care to take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and awarding of qualifications which we make available. This applies to Centres in England and those operating elsewhere. This policy sets out the steps SFEDI Awards staff, contractors, third parties and Centres must follow when reporting suspected or actual cases of malpractice/maladministration, and our respective responsibilities in dealing with such cases.

## Definition

SFEDI Awards uses the following two definitions to frame our activities to ensure we maintain our duty of care.

### **Malpractice**

Malpractice is defined as:

*“Any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or the integrity and validity of certification and/or the reputation of SFEDI Awards or that of our regulatory authorities.”*

Malpractice may include a range of issues from a failure to maintain confidentiality, cheating, collusion or tampering in assessment, to the deliberate falsification of records to claim certificates.

### **Maladministration**

Maladministration is defined as:

*“Any activity, neglect, default or other practice that results in the Centre, staff or learner not complying with the specified delivery of units or qualifications.”*

Maladministration may include the occurrence of mistakes or poor administration within a Centre. This encompasses dishonest, incorrect, inefficient, or incompetent running of systems that lead, or may potentially lead, to the issue of certificates to learners that are not based on valid achievement of a qualification or unit(s).

## **Examples**

Listed below are some examples of malpractice/maladministration. These examples are not exhaustive and are intended only as guidance on our definitions:

### **Malpractice**

- Current or former SFEDI Awards staff, contractors or third parties providing inaccurate or misleading information to Centres about our qualifications
- Failure of SFEDI Awards staff, contractors or third parties to follow these guidelines on malpractice and maladministration
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Insecure storage or inappropriate distribution/circulation of assessment materials either deliberate or unintentional
- Denial of access to premises, records, information, learners, and staff to any authorised representative and/or the regulatory authorities
- Misuse of our logo, brand, name and trademarks, or misrepresentation of a Centre’s relationship with SFEDI Awards and/or its recognition and approval status with SFEDI Awards
- Intentional withholding of information from us, which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Failure to carry out internal assessment or internal verification in accordance with our requirements
- Inappropriate assistance/support to learners (e.g., unfairly helping them to pass a unit or qualification)
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- False identification or impersonation of a learner
- Falsification or tampering with assessments or associated records
- Plagiarism, copying or cheating by learners
- Collusion or permitting collusion in assessments
- Fraudulent claims for certificates and/or deliberate submission of false information to gain a qualification or unit, or any other kind of fraud

- Deliberate failure to maintain appropriate auditable records and/or the creation of false records, e.g., certification claims and/or forgery of evidence
- Learners still working towards qualification after certification claims have been made
- Offering incentives for assessment and/or certification (e.g., cash or other forms of bribery)

### ***Maladministration***

- Failure to abide by SFEDI Awards operating procedures and centre agreement terms or actions assigned to your Centre
- Unreasonable delays in responding to requests and/or communications from SFEDI Awards
- Failure to provide (or withholding) information on request, preventing SFEDI Awards from fulfilling its regulated functions
- Misuse of our logo and trademarks, or misrepresentation of a Centre's relationship with SFEDI Awards and/or its recognition and approval status with SFEDI Awards
- Persistent failure to adhere to our learner registration and certification procedures
- 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 and/or forgery of evidence
- Poor administration arrangements, systems and/or records
- Loss of records or assessment/quality assurance paperwork
- Failure to keep learner data secure
- Persistent mistakes in relation to our delivery arrangements
- Failure to declare a conflict of interest

## **Centre Responsibilities**

SFEDI Awards Centres must take all responsible steps to ensure that staff involved in the management, assessment and quality assurance of our qualifications, and learners, are aware of the contents of this policy.

Centres must have their own arrangements in place to prevent and investigate instances of malpractice and maladministration. Heads of Centres have a key responsibility for ensuring that SFEDI Award's requirements for maladministration and malpractice are met.

If a Centre suspects an occurrence of, or an individual makes an allegation of, either malpractice or maladministration this must be reported in writing by the Head of Centre to SFEDI Awards without delay. This notification must take place as soon as the occurrence is identified.

A failure to report suspected or actual malpractice/maladministration cases, or to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on your Centre (refer to SFEDI Awards Quality Assurance overview document).

A Centre's compliance with this policy, and how it takes reasonable steps in practice to prevent and/or investigate instances of malpractice and maladministration, is checked at the approval and re approval stages and will be reviewed by SFEDI Awards periodically through our ongoing Centre quality assurance monitoring.

Where a Centre proves that a teacher has disclosed confidential assessment information, the Centre must consider their own obligation to refer this to the Teaching Regulation Agency (TRA) or another relevant professional regulator.

## ***Guidance on Preventing Plagiarism***

Centres are responsible for ensuring that any work submitted by a learner as part of a SFEDI Awards qualification is their own work. Part of the assessment process is to authenticate learners' work. It is best not to assume that all learners are aware of and understand what is and what is not accepted practice. Learners need to be provided with clear information on their responsibilities for making sure that work they submit is their own and on how to attribute any contributions.

A Centre must:

- Ensure that learners sign a declaration to confirm all the work they are submitting is their own
- Provide learners with examples of good referencing including referencing web pages and date of access
- Ensure that learners understand the consequences of submitting work that is not their own
- Include in their guidance, how instances of suspected plagiarism will be dealt with and how cases of major plagiarism will be reported to SFEDI Awards who will then take appropriate action

If Centres wish to receive guidance/advice from us on how to prevent, investigate, and deal with malpractice and maladministration, please contact us on the details below and we will happily provide you with such advice and/or guidance.

## **Individual Responsibilities**

If an individual working for a Centre suspects malpractice or maladministration they must instigate that Centre's Maladministration and Malpractice policy in the first instance. If they are unable to pursue the Centre's internal processes, then they should follow the SFEDI Awards Whistleblowing policy.

As part of our duty of care, monitoring Centre activities is a normal function of our operations and SFEDI Award's staff and contractors, such as EQAs, have key responsibilities for ensuring that SFEDI Award's requirements are met.

If a member of SFEDI Awards quality assurance staff, (e.g., an EQA) suspects or identifies malpractice or maladministration they must report this through the standard quality monitoring reporting processes. Should a member of SFEDI Awards staff (e.g., a member of the customer service team) suspect malpractice or maladministration they must report this to the CEO of SFEDI Awards. Where it is not possible to involve the CEO, the individual must report their concerns to another SFEDI Awards Board member.

## Process

SFEDI staff and contractors such as assessment writers, assessment reviewers and EQAs have access to this policy and reporting mechanisms through SFEDI Awards intranet.

Where possible, allegations of malpractice or maladministration must include:

- Centre's name, address, and number
- Learner's name and SFEDI Awards registration number
- Centre/SFEDI Awards personnel details (name, job role) if they are involved in the case
- Details of the SFEDI Awards course/qualification affected or nature of the service affected
- Nature of the suspected or actual malpractice or maladministration and associated dates
- Details and outcome of any initial explorations carried out by the Centre or anybody else involved in the case, including any mitigating circumstances

In addition, the individual reporting the incident should declare to us, at the outset, any personal interest they may have, or be perceived to have, in the matter.

It is important to note that staff, contractors, third parties and Centres must immediately notify us where malpractice or maladministration is suspected to have occurred. SFEDI Awards has a responsibility to our Regulators to ensure that all such instances are investigated rigorously and effectively.

SFEDI Awards will conduct investigations under standard terms of reference which comprise of the following:

- Who investigates concerns about malpractice or maladministration
- How an investigation is undertaken
- How whistle blowers will be treated, and in such a way that individuals will not be prejudiced
- When and how interested parties will be notified lawfully
- How any interviews should be conducted
- How facts will be gathered, and evidence found, collated, and stored
- How evidence will be verified
- How confidentiality of investigation materials is assured
- How the records of our investigations will be presented, and their accuracy assured
- How and when any visits to Centres will be announced and undertaken

- Which principles will be followed when we undertakes an investigation with other bodies.

SFEDI Awards maintains a log of all suspicions, allegations and evidence of malpractice and maladministration, which can be cross referenced if new information is provided. This log is maintained purely for that purpose and is compliant with Data Protection Regulations. Terms of reference will be maintained for any investigations undertaken.

If SFEDI Awards believes that an occurrence of malpractice or maladministration, or any connected occurrence may affect a Centre undertaking any part of the delivery of a qualification we will inform that Centre. Where we consider that the occurrence may affect another awarding organisation, we will also notify them.

Any action relating to a Centre will be dealt with through SFEDI Awards Quality Assurance overview document and associated Centre risk ratings.

Any action relating to staff, contractors or third parties (other than Centres) will be dealt with through SFEDI Awards relevant contracting and/or HR systems and procedures.

SFEDI Awards will investigate any allegations where there is reasonable ground that current (or former) staff, or third parties have provided inaccurate or misleading information to Centres or teaching staff about our qualifications. If it is proven that Centres or teaching staff have been misinformed, we will take reasonable steps to correct any misunderstandings with those affected without undue disadvantage to learners, whilst also maintaining the integrity of our qualifications.

Where it is proven that a teacher has disclosed confidential assessment information, SFEDI Awards will ensure that, where appropriate, the Teaching Regulation Agency (TRA), or any organisation that carries out the same function in England or another jurisdiction, is notified. In considering whether such a referral is appropriate we will consider whether:

- A Centre themselves has referred the incident. If we are in any doubt, we will make the referral ourselves.
- The teacher in question is subject to professional regulation by the TRA or other teaching regulator
- The malpractice or maladministration identified is serious based on the facts of the case and the seriousness of any subsequent sanction(s) imposed by us
- There was a deliberate or persistent disclosure in contravention of the requirements of assessment, or in breach of confidentiality of assessment information, particularly where the action has, or was intended to have, a significant impact on the outcome of the assessment for at least one learner
- Any guidance has been issued to us by an appropriate regulator

### **Stage 1**

Upon receipt of notification of any malpractice or maladministration from an individual, SFEDI Awards will forward a malpractice or maladministration acknowledgement letter to the individual within 2

working days. Where there are reasonable grounds for that suspicion or allegation, SFEDI Awards will investigate to establish whether any malpractice or maladministration has occurred and take any reasonable steps to prevent any adverse effect to which it might give rise and where any such adverse effect occurs, mitigate it as far as possible and correct it.

We may ask a Centre to carry out their own internal investigation and submit a report to SFEDI Awards. However, the Centre must report their suspicions or allegations prior to deciding upon this approach.

At all times, we will ensure that SFEDI Awards personnel assigned to the investigation have the appropriate level of training and competence and that they have had no previous involvement or personal interest in the matter. If the person receiving the notification has any involvement in the matter, they will not be responsible for allocating a member of staff to carry out the investigation or for conducting, overseeing, or managing the investigation.

Where a member of SFEDI Awards staff, a contractor or other third party is under investigation we may suspend them or move them to other duties until the investigation is complete.

Where a Centre is under investigation, we may change their risk rating to minimise or remove any risk of an adverse effect. We reserve the right to withhold a learner's and/or a cohort's results for all SFEDI Awards qualifications and to apply restrictions to protect the interests of learners and the integrity of our qualifications.

## **Stage 2**

SFEDI Awards will review the instance reported and gather initial information to ascertain the details of the malpractice or maladministration, an overview of the instance reported and where and when the instance took place.

We will complete an investigation into the instance reported which will take no longer than 10 working days and a report will be finalised within 5 working days of the investigation being completed. If further time is required due to the nature of the instance reported then we will notify all parties of the new timescales for completion.

SFEDI Awards will use the details gathered during the investigation to form the basis for the final report. This report will detail:

- The initial reporting of the instance
- The plan for investigation (which could include asking a Centre to conduct the investigation on behalf of SFEDI Awards)
- Roles and responsibilities of SFEDI staff involved in carrying out the investigation
- The investigation process followed and reference to any further documentation
- A conclusion of findings



- A recommendation of actions to be taken

The final report and recommendation of actions to be taken will be presented to the SFEDI Awards Senior Management Team to allow for final approval prior to notification of findings to the parties concerned.

Where the outcome of this investigation establishes that malpractice or maladministration has occurred in the development, delivery, or award of qualifications which we make available, or proposes to make available, we will take all reasonable steps to:

- Prevent that malpractice or maladministration from recurring, and
- Act against those responsible which is proportionate to the gravity and scope of the occurrence or seek the cooperation of third parties in taking such action

Any recommended actions to be taken will be discussed with the parties concerned and timescales set as to when they must be completed by. This process will also allocate nominated persons responsible for each of the actions to be completed.

We will not be able to provide a detailed update on the status of the incident until the investigation has been concluded and the report compiled and agreed by SFEDI Awards Senior Management Team. SFEDI Awards reserves the right not to disclose information if to do so would breach a duty of confidentiality or any other legal duty.

### **Stage 3**

On receipt of the final report, if the individual is not satisfied with the outcome, they can challenge the decision if they have grounds to do so. Individuals have 5 working days in which to progress to Stage 3 to challenge the outcome of the investigation. If you wish to do this, you should submit the following information:

- Reason why you wish to challenge the decision
- Additional evidence to support your reasoning

Please note that without these pieces of information we will be unable to accept the submission of a challenge for Stage 3 of the process.

The outcome of the malpractice/maladministration challenge must be submitted, in writing, to the CEO of SFEDI Awards directly and a Challenge Acknowledgement letter will be forwarded within 2 working days. An invoice will be raised at this point.

The CEO will appoint an independent person to carry out the investigation and all prior documentation will be provided by SFEDI Awards from the first investigation plus additional documentation and communication to support the individual's grounds to challenge. Independent investigations will only be

conducted by individuals who have no personal interest in the decision being challenged, have appropriate competence, are not an employee of SFEDI Awards, an assessor working for it or otherwise connected to it.

The independent person will complete an investigation into the challenge which will take no longer than 10 working days and a report will be finalised within 5 working days of the investigation being completed. If further time is required due to the nature of the instance reported then the independent person will notify all parties of the new timescales for completion.

The independent person will use the details gathered during the investigation to form the basis for the final report as described earlier within this policy.

The final report and recommendation of actions to be taken will be presented to the SFEDI Awards Board to allow for final approval prior to notification of findings to the centre or individual.

Any recommended actions to be taken by the individual or centre will be discussed, and timescales set as to when they must be completed by. This process will also allocate nominated persons responsible for each of the actions to be completed.

We will not be able to provide a detailed update on the status of the challenge until the investigation has been concluded and the report compiled and agreed by SFEDI Awards Board. SFEDI reserves the right not to disclose information if to do so would breach a duty of confidentiality or any other legal duty.

The report will make recommendations to SFEDI Awards if they are to be found at fault during the challenge process. Any recommendations regarding SFEDI Awards will be presented at the subsequent Senior Management Team meeting for discussion and resolution.

#### **Stage 4**

Only once Stage 3 has been completed, can the individual challenge the decision to the Regulator. This will follow the published appeals procedure for each relevant Regulator. SFEDI Awards staff will provide details of the relevant Regulator(s) to the appellant at this point.

SFEDI Awards will ensure all paperwork relating to the appeal is available to the Regulator(s) to allow them to complete their duties fully.

## **Fees**

The cost of an appeal against a SFEDI Awards decision can be found within the SFEDI Awards Fees and Prices document. If the appeal is upheld, then all fees will be reimbursed to the centre or learner as per our Invoicing Policy.

## Regulation

As part of the regulatory conditions, SFEDI Awards will notify the Regulator and other appropriate stakeholders of suspected malpractice or maladministration at the earliest opportunity and in doing so will provide information relating to the Centre (or the individual) and the suspected instance of malpractice or maladministration and the investigation protocols being adopted. We will keep them informed of progress in large and/or complex cases.

At this point in time the Regulator may choose to complete their own investigation independently of SFEDI Awards.

Where the allegation may affect another awarding organisation and their provision, we will also inform the organisation concerned in accordance with the regulatory requirements and obligations imposed on SFEDI Awards. We may 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 Regulator to help us identify relevant parties that should be informed.

Where applicable, our SFEDI Awards will inform other professional bodies (such as the Teaching Regulation Agency (TRA)) if we believe there has been an incident of malpractice or maladministration that could invalidate an individual's License to Practice.

Where SFEDI Awards finds that an individual is not subject to regulation by the TRA or by another teaching regulator, it will notify any other professional regulator, to which that person is subject, where appropriate.

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

## Review Arrangements

We will review this policy as part of our annual self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback, changes in our practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

In addition, this policy may be updated considering operational feedback to ensure our arrangements for dealing with Malpractice and Maladministration remain effective.

If you would like to feedback any views, please contact us via the details provided at the end of this policy

### **Other Related SFEDI Policies and Documents**

- SFEDI Awards Appeals Policy
- SFEDI Awards Complaints Policy
- SFEDI Awards Privacy Policy
- SFEDI Awards Quality Assurance overview
- SFEDI Awards Whistleblowing Policy

<b>Controlled by:</b> Quality Team	<b>Created/Updated:</b> March 2021	<b>Review Date:</b> March 2023	<b>Version No:</b> V2.0	<b>Regulatory Reference(s):</b> A8
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## Contact Us

If you have any queries about the content of this policy, please contact our customer service department.

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