
MALPRACTICE & MALADMINISTRATION POLICY

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Next review	August 2023

Introduction

This policy is aimed at our customers, including learners, who are delivering/registered on Applied Business Academy approved qualifications or units and who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps our centre, and learners or other personnel must follow when reporting suspected or actual cases of malpractice/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 our staff involved in the management, assessment and quality assurance of our qualifications, and our learners, are fully aware of the contents of the policy and that our centre has arrangements in place to prevent and investigate instances of malpractice and maladministration.

A failure to report suspected or actual malpractice/maladministration cases, or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on our centre.

Review arrangements

We will review the policy annually as part of our annual self-assessment arrangements and quality plan. The policy will be revised as and when necessary in response to customer and learner feedback, changes in our practices, actions from the regulatory authorities or external agencies or changes in legislation or trends identified from previous allegations. In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice/maladministration remain effective.

Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of internal or external assessment processes and/or the validity of certificates.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of learners.

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Contravention of our centre and qualification approval conditions
- Denial of access to resources (premises, records, information, learners and staff) by any authorised Applied Business Academy representative and/or the regulatory authorities
- Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our learner registration and certification procedures
- Deliberate or persistent failure to continually adhere to our centre recognition and/or qualification approval criteria or actions assigned to our centre
- Deliberate failure to maintain appropriate auditable records eg learner files
- Persistent instances of maladministration within our centre
- Fraudulent claims for certificates
- The unauthorised use of materials/equipment in assessment/exam settings (eg mobile phones/cameras)
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards
- Deliberate misuse of our logo and trademarks
- Forgery of evidence
- Collusion or permitting collusion in exams
- Learners still working towards qualifications after certification claims have been made
- Contravention by our centres and learners of the assessment arrangements we specify for our qualifications
- Insecure storage of assessment materials and exam papers
- Plagiarism of any nature by learners
- Unauthorised amendment, copying or distributing of exam papers
- Inappropriate assistance to learners by centre staff (eg unfairly helping them to pass a unit or qualification)
- Submission of false information to gain a qualification or unit

Definition of Maladministration

Maladministration is essentially 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 (eg inappropriate use of learner records).

Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately report their findings to the FE Lead. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible) the:

- Centre's name, address and number
- Learner's name and awarding organisation number
- Centre/Applied Business Academy personnel's details (name, job role) if they are involved in the case
- Title and number of the Applied Business Academy course/qualification affected or nature of the service affected
- Date(s) suspected or actual malpractice occurred
- Full nature of the suspected or actual malpractice
- Contents and outcome of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- Written statements from those informant's name, position and signature

If a centre conducts an investigation before submitting it formally, the centre should:

- Ensure that staff leading the investigation are independent of the staff/learners/function being investigated
- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes
- Submit the findings of the investigation to us with your report

In all cases we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or and other legal duty.

Investigation timeliness and process

Applied Business Academy aim to action and resolve all stages of the investigation within 20 working days of receipt of the allegation.

The investigation may involve:

- A request for further information from the centre or Applied Business Academy personnel
- Interviews (face to face or by telephone) with personnel involved in the investigation

Where a member of Applied Business Academy's staff is under investigation they may be suspended or they may be moved to other duties until the investigation is complete.

Throughout the investigation our Centre 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 for liaising with and keeping informed relevant external parties.