MALPRACTICE AND MALADMINISTRATION POLICY

1. Scope

This policy describes how suspected or alleged incidents of malpractice and/or maladministration are dealt with by Beyond the Bark Ltd. (BTB hereafter) where there are reasonable grounds for suspicion or allegation.

This policy is designed to ensure that any such incidents are prevented where possible and thoroughly investigated with appropriate action taken where malpractice/maladministration is suspected or alleged.

2. Responsibilities

This policy applies to all those who work for or contracted to undertake work, paid or unpaid, on behalf of BTB. This can include instructors, invigilators or assessors, associates, partners or sub-contractors.

3. Definitions

Malpractice covers any deliberate actions, neglect, wrongdoing, misconduct or other practice that compromises, or could compromise the integrity of the training and/or assessment and validity of results. For example, the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

Maladministration is any activity, neglect, default or other practice that results in the inefficient, dishonest or just bad administration or management which may or may not be deliberate. For example, breach of security or confidentiality of assessment materials including loss or theft, persistent mistakes and inaccurate learner records.

3.1. 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

3.2. 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 BTB logo and trademark
- Misuse of Awarding Organisation, Accrediting body or regulators logo and trademark
- Failure to comply with the requirements for reasonable adjustments and special considerations
- Failure to provide adequate training, systems and processes or relevant knowledge to anyone directly involved in the process

4. Dealing with Malpractice and Maladministration

Overall responsibility for this policy and its implementation lies with the Director.

4.1. Identification

BTB has appropriate systems and processes in place to identify and effectively deal with malpractice which include:

- Ongoing quality assurance and audits
- Through complaints or feedback received
- Whistleblowing (laws protect specific items)
- Information from other sources

4.2. Response

In a case of suspected malpractice or maladministration BTB will review the information presented and decide whether it is appropriate to take no further action or to investigate. BTB will make an initial response in writing within 5 working days.

4.3. Investigation

The fundamental principle of investigation is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant information is considered without bias. Incidents will be investigated as follows:

- Establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred
- Identify the cause of the irregularities and those involved
- Establish the scale of the irregularities
- Notify parties concerned and request an account of the incident
- Gather relevant information from records held – these may include registration data, assessment records or any other information deemed relevant to the investigation
- Consult with others in order to get a full picture if necessary
- Undertake further discussions including face to face meetings if deemed necessary
- Determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the training or qualification

- Identify and, if necessary, take action to minimise any risks
- Ascertain whether any action is required in respect of certificates already issued
- Identify any changes to policies and procedures
- Identify any adverse patterns or trends.

4.4. Outcomes

Where investigations establish that malpractice/maladministration has in fact occurred BTB will take appropriate action. Such actions will be proportionate to the gravity and scope of the occurrence and may include the following:

- The implementation of corrective action plans to prevent re-occurrence
- Additional monitoring
- Suspending or removing course registration
- Suspending or removing contract
- Withdrawal of certificates
- Imposing other sanctions as appropriate.

4.5. Malpractice and maladministration process and timescales from notification

- Report any malpractice or maladministration to the Director of BTB
- Acknowledge response of a malpractice or maladministration within 5 working days
- Investigation and gathering of evidence 15 working days
- Outcome letter within 20 working days of the acknowledgement

4.6. Appeals

Everyone has the right to appeal where a case of malpractice or maladministration has been upheld. Further details may be found within the Appeal policy.

- An appeal against a malpractice or maladministration decision must be submitted in writing to BTB within 5 working days of the decision
- The appeal will be investigated by a senior member of BTB. A written response will be given to all reasonable written appeals (letter or email) within a maximum of *10 working

days from the receipt of the appeal. If this time needs to be extended the applicant will be advised stating a predicted reply date.

- The decision will be final

*If this time needs to be extended the applicant will be advised stating a predicted reply date.

4.7. Reporting

BTB records incidents of malpractice and maladministration via a risk register to identify and monitor any recurrent issues or trends. Awarding Organisations and Regulators will be advised of all cases.

5. Adverse Effect

BTB will take all reasonable steps to prevent any potential adverse effect to any incident that may arise. Where an incident brings the outcome of other results into serious question this would be considered a potential 'adverse effect' as other learners may be affected.

In such cases BTB will:

- Identify any other learner who has been affected
- Correct or mitigate the effect as far as possible – for example adjusting marks
- Take action to avoid a re-occurrence – this may include removal of instructors/assessors.

Examples of adverse effects

- There is a substantial error in training or assessment materials
- There has been a loss or theft of, or breach of confidentiality in training or assessment materials
- Incorrect certificates have been issued. Certificates will be revoked if the result on the certificate is false because of malpractice or maladministration.

An act, omission, event, incident, or circumstance has an adverse effect if it: -

- Gives rise to prejudice to learners or potential learners or
- Adversely affects.
  - The ability of BTB to undertake the development delivery or award of the training or qualifications
  - The standards of the training or qualifications
  - Public confidence in the training or qualifications

BTB will mitigate risks that have the potential to cause an adverse effect to learners. All incidents will be logged and maintained on the BTB risk register to ensure the issue is highlighted, managed and mitigated against.

BTB will inform where appropriate any malpractice/maladministration and adverse effects to the appropriate relevant parties including Awarding Organisation, Accrediting Body or Regulator. Contact details for a regulator or a regulated Awarding Organisation can be obtained from the following regulators website.

- SQA Accreditation http://accreditation.sqa.org.uk/accreditation/home
- Ofqual https://www.gov.uk/government/organisations/ofqual
- Qualification Wales http://qualificationswales.org/splash?orig=/

This policy is reviewed regularly and updated annually or as and when required.