

The learndirect Group

Malpractice and Maladministration Policy

Governance	
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Approved By:	Lynsey Darwood
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Introduction

This policy relates to suspected or actual malpractice and maladministration on the part of Learners, Centre staff and anyone involved in the provision of qualifications. It also relates to removal of Centre status by Awarding Organisations.

Provider Responsibility

At Learndirect we take reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery, and award of qualifications which it makes available or proposes to make available.

Staff involved in the management, delivery, assessment, and quality assurance of qualifications will be made fully aware of the:

- Malpractice and Maladministration Policy
- The need to report a suspected or actual malpractice/maladministration case

Definitions of Malpractice

Malpractice is any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment process or the validity of certificates.

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

- Assessment process
- Integrity of a regulated qualification
- Validity of a result or certificate
- Reputation and credibility of the Awarding Organisation
- Qualification or the wider qualification 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 individual or groups of learners.

Definition of Malpractice (Centre):

Malpractice is an activity or practice which deliberately contravenes procedures and regulations. It means that there are serious concerns about the integrity of the assessment or validity of certificates.

Examples of malpractice (centre):

- Persistent failure to adhere to awarding body procedures
- Contravention of examinations and inaccurate claims for certification
- Falsification of documents
- Cheating of any nature by learners, including plagiarism
- Cheating of any nature by Learndirect employees (examinations)
- Deliberate misuse of an awarding body logo
- Disobeying of examination regulations by learner
- Failure of Learndirect employees to comply with examination procedures
- Repeated maladministration

Definition of Maladministration:

Maladministration is any activity or practice that results in non-compliance with regulations, and requirements. This includes repeated mistakes due to poor administration e.g. inappropriate learner records.

Examples of maladministration:

- Late registration of learners
- Claiming certification for incorrect units.
- Falsification of signatures on documentation

Management of Inactive Learners

Learndirect want all learners to succeed complete their studies in a timely manner. However, where there are learners who are identified as being 'inactive', Learndirect will liaise with the learner to confirm/change this status and withdraw them from current learner lists with the Awarding Organisation.

Suspected malpractice or maladministration reporting

Anyone who identifies or becomes aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the Senior Management in writing/email and enclose any supporting evidence. All notifications must include (if possible):

- Learner's name
- Details of the course/qualification affected, or nature of the service affected
- Nature of the suspected or actual malpractice/maladministration and associated dates
- Details and outcome of any initial investigation, anybody else involved, including any mitigating circumstances

If the issue, or suspected issue, is in relation to any external party – such as an external Assessment Provider, Assessment Centre, or Process, Learndirect will notify the appropriate that third party immediately (and within 48 hours) of any alleged malpractice or maladministration incident.

If an initial informal investigation is made, prior to formally notifying the Awarding Organisation, Learndirect will make sure staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances the Awarding Organisation will be notified immediately if they suspect malpractice or maladministration.

A person making an allegation of malpractice/maladministration may want to remain anonymous.

Although it is preferable to reveal your identity and contact details; if you are concerned about possible adverse consequences, you may ask us not to divulge your identity.

While Learndirect are prepared to investigate issues reported anonymously, we will try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

On completion of an investigation, Learndirect will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- Identify where the breach, if any, occurred
- Confirm the facts of the case
- Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied

Learndirect will make the final report available to the parties concerned and to the regulatory authorities and other external stakeholders as required.

If it was an independent/third party that notified Learndirect of the suspected or actual case of malpractice, we will also inform them of the outcome – normally 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.

If the investigation confirms that malpractice or maladministration has taken place Learndirect will consider what action to take in order 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
- Amending aspects of our qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring
- Informing relevant third parties of our findings in case they need to take action in relation to Learndirect.

Examples of malpractice

Examples of Centre and learner malpractice include:

- Denial of access to any authorised regulatory authorities to premises, records, information, learners, and staff
- Deliberate failure to carry out internal assessment, moderation, or quality assurance activities in accordance with the Awarding Organisation's requirements
- Intentionally withholding information from an Awarding Organisation which is critical to maintaining the quality assurance and standards of our qualifications
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims or forgery of evidence
- Deliberate failure to adhere to the Awarding Organisation's learner registration, submission of results and certification procedures
- Fraudulent claim for certificates
- Deliberate misuse of logos or misrepresentation of Learndirect's relationship with Awarding Organisations or its recognition and approval status
- Persistent instances of maladministration within the organisation

- Deliberate failure to adhere to, or to circumnavigate, the requirements of the Reasonable Adjustments and Special Considerations Policy
- Creation of false records
- Cash for certificates, e.g., selling certificates for cash
- Extortion
- Fraud
- Deliberate contravention by staff and/or its learners of the assessment arrangements the Awarding Organisation specify for our qualifications
- False ID used at the registration stage
- Impersonation of a learner for an assessment
- Selling assessment materials
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Unauthorised amending, copying, or distributing of assessment papers/materials
- Inappropriate assistance to learners by centre staff, e.g. helping them to pass a unit or qualification
- Plagiarism by learners or centre staff
- The unauthorised use of inappropriate materials/equipment in assessment settings, e.g. mobile phones
- Collusion or permitting collusion during assessments
- Copying from another learner, including by using IT
- Deliberate submission of false information to gain a qualification or unit

Note: This list is not exhaustive and is only intended as guidance

Examples of maladministration

Examples of Centre and Learner maladministration include:

- Persistent failure to adhere to Awarding Organisation's learner registration, submission of results and certification procedures
- Persistent failure to adhere to the Awarding Organisation's centre recognition and/or qualification requirements and/or associated actions assigned to the Centre
- Unreasonable delays in responding to requests and/or communications from the Awarding Organisation
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims or forgery of evidence
- Withholding information, by deliberate act or omission, from the Awarding Organisation
- Misuse of a logo or misrepresentation of a centre's relationship with an Awarding Organisation or its recognition and approval status
- Failure to adhere to, or to circumnavigate, the requirements of the Reasonable Adjustments and Special Considerations Policy

Definition of Plagiarism:

Plagiarism is the practice of taking someone else's work or ideas and passing them off as one's own.

Examples of plagiarism:

- Copying sections of work from a friend
- Copy and pasting from the internet or copying from a textbook, without citing the source

Action:

All suspected or alleged cases of malpractice, maladministration or plagiarism will be reported and investigated. If the investigation confirms the act has taken place, depending on the gravity and scope of the incident, one or more of the following actions may be taken:

- Disallowing all or part of a learner's assessment evidence or marks
- The learner's certificates will not be issued or in the case where certificates have been issued, certificates will be invalid and withdrawn
- No further registrations accepted for the learner

Staff would face disciplinary action and retraining or in severe circumstances, employment terminated.

Procedure 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 notify learndirect on:

Confidential@learndirect.com

Such notifications should be via email and enclose appropriate supporting evidence, and can come from learners, assessors, internal or external verifiers, awarding organisations, or learndirect staff.

NB Failure of a staff to report allegations of suspected malpractice or maladministration may itself constitute malpractice.

All allegations should include (where possible/relevant):

- the learndirect company applicable
- learner's name and registration number
- personnel's details (name, job role) if they are involved in the case
- details of the qualification affected, or nature of the service affected
- nature of the suspected or actual malpractice including centre staff and dates of associated events

Responsibility for the investigation

All suspected cases of maladministration and malpractice will be examined promptly by learndirect to establish if malpractice or maladministration has occurred. All suspected cases of malpractice and maladministration will be passed to the relevant Head of Faculty who will acknowledge receipt, as appropriate, to relevant parties within five working days.

The Head of Faculty will be responsible for ensuring the investigation is carried out in a prompt and effective manner, and in accordance with the procedures within this policy. They will lead the investigation and establish whether or not malpractice or maladministration has occurred, and review any supporting evidence received or gathered.

If the Head of Faculty has a conflict of interest, another Head of Faculty will stand in. At all times we will ensure that the staff member assigned to the investigation has the appropriate level of training and competence, and that they have had no previous involvement or personal interest in the matter.

Investigation timelines and summary process

Learndirect aims to action and resolve all stages of an investigation within 30 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if there is a delay in receiving requested evidence from an external source. In such instances, we will advise all parties concerned of the revised timescale.

The fundamental principle of all investigations is to conduct them in a fair, reasonable, proportionate, and lawful manner, ensuring that all relevant evidence is considered impartially.

In doing so, investigations will be based around the following objectives:

- to establish the facts relating to allegations in order to determine whether any irregularities have occurred
- to identify the cause and scale of any irregularities
- to identify the people involved in the allegations and/or that may be able to provide relevant information
- to evaluate any action already taken by the learndirect
- to determine whether remedial action is required to reduce the risk to current registered learners, to preserve the integrity of the qualification or to otherwise prevent or mitigate against any adverse effect resulting from any malpractice or maladministration
- 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, and/or to members of staff, in accordance with our sanctions policy
- to identify any adverse patterns or trends

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

In the interests of fairness, any person who has an adverse allegation made against them will be provided with a description of the allegations made against them, the possible consequences of a finding, and is provided with an opportunity to respond to said allegations.

Therefore, learndirect will:

- Ensure all material collected as part of an investigation is kept secure. All records and original documentation concerning a completed investigation will be retained for a period of not less than five 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 five years thereafter.
- Learndirect will also maintain a log of all allegations, including those that were not investigated, which can be cross-referenced in the event that new information is provided
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with the investigation.

Removal of Centre Approval by an Awarding Organisation

If, for any reason an Awarding Organisation found it necessary to suspend or remove our approval to deliver a qualification, Learndirect will work collaboratively with the Awarding Organisation to address issues and to maintain a positive working relationship so that learners remain unaffected.

This is likely to include, for example:

- Allowing the retrieval of portfolios and assessment records
- Returning any associated documentation such as Learner Certificates
- Allowing the verification of existing portfolios
- Processing certification at a unit or qualification level wherever appropriate
- Collaborating with alternative provider to facilitate effective learner transition
- Maintain full and accurate records of learner transfers and communications with learners