**Maladministration and Malpractice Policy**

## Introduction

1.1 This policy is aimed at our staff and students, who are delivering, assessing or are registered on YMCA Awards qualifications within or outside the UK, and who are involved in suspected or actual cases of malpractice and/or maladministration.

1.2 This policy applies to TrainerMaker staff who are suspected of being involved in such cases. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

1.3 It sets out the steps that staff and students or other personnel must follow when reporting suspected or actual cases of malpractice and/or maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps to be followed when reviewing any cases of malpractice and/or maladministration.

## TrainerMaker’s Responsibility

2.1 It is important that all personnel involved in the management, delivery, assessment and quality assurance of YMCA Awards regulated qualifications, and students, are fully aware of the contents of the policy and that the TrainerMaker has arrangements in place to prevent and investigate instances of malpractice and/or maladministration.

2.2 It is every individual’s responsibility to protect themselves against accusations of maladministration and malpractice. If you wish to receive guidance and/or advice from Safety Training Awards on how to prevent, investigate, and deal with malpractice and maladministration then please [Paul Bailey](https://www.safetytrainingawards.co.uk/contact-us/) and he will happily provide you with such advice and/or guidance.

2.3 Compliance towards this policy will be reviewed by TrainerMaker periodically through ongoing monitoring arrangements.

2.4 Should an investigation be undertaken into the TrainerMaker, the centre contact must:

* Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes
* Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the immediate reported issues to assure the ATC that arrangements at the centre are appropriate for all qualifications
* Respond speedily and openly to all requests relating to the allegation and/or investigation
* Co-operate and ensure their staff co-operate fully with any investigation and/or request for information.

## Definition of Malpractice

3.1 Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal or external assessment process and/or validity of certificates of a qualification awarded by TrainerMaker. It covers the deliberate actions, neglect, default or other practice that compromises, or could compromise the following:

* The assessment process
* Integrity of a regulated qualification
* The validity of a result or certificate
* The reputation and credibility of TrainerMaker

3.2 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.

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

### Examples of Malpractice

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

* Denial of access to premises, records, information, learners and centre personnel to any authorised TrainerMaker representative and/or the regulatory authorities.
* Deliberate misuse of our logo, brand, name and trademarks or misrepresentation of TrainerMaker and/or its recognition and approval status with YMCA Awards.
* Deliberate failure to continually adhere to TrainerMaker’s centre recognition and/or qualification approval requirements or actions assigned by YMCA Awards.
* Intentional withholding of information from TrainerMaker, which is critical to maintaining the rigour of quality assurance and standards of qualifications.
* Deliberate failure to carry out internal assessment, internal moderation or internal quality assurance monitoring in accordance with our requirements and those of YMCA Awards.
* The unauthorised use of inappropriate materials/equipment in assessment settings, e.g. mobile phones.
* A loss, theft of, or a breach of confidentiality in, any assessment materials.
* Insecure storage of assessment materials.
* Inappropriate circulation/distribution of assessment materials.
* Unauthorised amendment, copying or distributing of assessment papers/materials.
* Inappropriate assistance/support to learners by TrainerMaker personnel, e.g. unfairly helping them to pass a unit or qualification.
* Deliberate failure to adhere to, or to circumnavigate, the requirements of any reasonable adjustments given to a student.
* Plagiarism by learners or TrainerMaker personnel
* Cheating by learners or TrainerMaker personnel
* Personation, assuming the identity of another student or having someone assume their identity during an assessment.
* Collusion or permitting collusion in assessments.
* Deliberate contravention by students of the assessment arrangements we specify for our qualifications.
* Fraudulent claim for certificates and/or deliberate submission of false information to gain a qualification or unit.
* False records.
* Deliberate failure to adhere to our student registration and certification procedures.
* Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence.
* Learners still working towards qualification after certification claims have been made.
* Selling certificates for cash.
* Selling papers/assessment details.
* Extortion.
* Fraud.
* Threatening or abusive behaviour that threatens the safety of TrainerMaker personnel and/or staff and/or is intended to put undue influence on the outcomes of an assessment/award.

## Definition of Maladministration

4.1 Maladministration is defined as any activity, neglect, default or other practice that results in the TrainerMaker, tutor, assessor, student or quality assurer not complying with TrainerMaker requirements, TrainerMaker tutor and IQA agreements, or regulatory principles.

4.2 Maladministration is in effect any activity or practice that results to non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within TrainerMaker including inappropriate learner records.

### Examples of Maladministration

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

* Persistent failure to adhere to learner registration and certification procedures.
* Persistent failure to adhere to centre approval criteria and/or qualification requirements and/or associated actions assigned to TrainerMaker.
* Late learner registrations (both frequent and persistent).
* Unreasonable delays in responding to requests and/or communications from TrainerMaker.
* Inaccurate claim 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.
* Withholding or the delaying of information, by deliberate act or omission, from us which is required to assure YMCA Awards of TrainerMakers’ ability to deliver qualifications appropriately.
* Misuse of our logo and trademarks or misrepresentation of TrainerMaker and/or its recognition and approval status with YMCA Awards.
* Poor administration arrangements and/or records.
* Persistent mistakes in relation to our delivery arrangements.
* Failure to adhere to, or to circumnavigate, the requirements of reasonable adjustments made to a student.

## Process for Making an Allegation of Malpractice or Maladministration

5.1 Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify TrainerMaker. In doing so they should put this in writing/email and enclose appropriate supporting evidence. Other parties such as students, parents or whistle-blowers may [contact us](https://www.safetytrainingawards.co.uk/contact-us/) directly.

5.2 All allegations must include (where possible):

* Student’s’s name.
* TrainerMaker personnel’s details (name, job role) if they are involved in the case.
* Details of the 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 investigation carried out by the TrainerMaker or anybody else involved in the case, including any mitigating circumstances.

5.3 In addition, we ask that the person making the allegation declares any conflict of interest they may have in the matter to us at the outset.

## Confidentiality and Whistle Blowing

6.1 Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous, although it is always preferable to reveal your identity and provide us with contact details. However, if you are concerned about possible adverse consequences that may occur should your identity be revealed to another party then please inform us that you do not wish for us to divulge your identity and we will work to ensure your details are not disclosed.

6.2 We will always aim to keep a whistleblower’s identify confidential where asked to do so although we cannot guarantee this, and we may need to disclose your identity should the complaint lead to issues that need to be taken forward by other parties. For example:

* The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
* The courts (in connection with any court proceedings).
* Other third parties such as the relevant regulatory authority (e.g. Ofqual in England).

6.3 The investigator(s) assigned to review the allegation will not reveal the whistleblower’s identity unless the whistleblower agrees or it is absolutely necessary for the purposes of the investigation (as noted above). The investigator(s) will advise the whistleblower if it becomes necessary to reveal their identity against their wishes.

6.4 A whistleblower should also recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure (e.g. the party which the allegation is made against may manage to identify possible sources of disclosure without such details being disclosed to them).

6.5 Once a concern has been raised we have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing

their concern as we are obliged by the regulators to follow-up and investigate allegations of malpractice or maladministration.

6.6 In all cases, we will keep you updated as to how we have progressed the allegation (e.g. we have undertaken an investigation) and the whistle-blower will have the opportunity to raise any concerns about the way the investigation is being conducted with the investigator(s). However, we won’t disclose details of all of the investigation activities and it may not be appropriate for us to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons (e.g. disclose full details on the action that may be taken against the parties concerned). While we cannot guarantee that we will disclose all matters in the way that you might wish, we will strive to handle the matter fairly and properly.

## Responsibility for the Investigation

7.1 In accordance with regulatory requirements all suspected cases of malpractice and/or maladministration will be examined promptly by TrainerMaker to establish if malpractice or maladministration has occurred and we will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulators.

7.2 All suspected cases of malpractice and maladministration will be passed to our Managing director and we will acknowledge receipt, as appropriate, to external parties within 48 hours. All high-risk cases of malpractice and/or maladministration will be escalated to the Awarding Body immediately to investigate further.

7.3 Our Managing Director 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 and will allocate a relevant member of staff (e.g. a member of our centre management team/escalated to compliance and assurance) to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by TrainerMaker.

7.4 At all times we will ensure that TrainerMaker personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

## Notifying Relevant Parties

8.1 In all cases we will tell the person who made the allegation 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 (see the above section on ‘Confidentiality and Whistleblowing’ for possible limitations in relation to the feedback and the

section below, ‘Investigation Timelines and Summary Process,’ for details of our anticipated response times).

8.2 In cases of suspected or actual malpractice and/or maladministration at TrainerMaker, we will notify YMCA Awards that we will be investigating the matter.

8.3 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.

8.4 We may engage and communicate directly with TrainerMaker personnel who have been accused of malpractice if appropriate (e.g. the staff member is no longer employed by TrainerMaker) and/or communicate directly with a learner or their representative (e.g. if there is a contradiction in the evidence provided during an investigation or where the staff member is suspected of being involved in malpractice).

8.5 Where applicable, TrainerMAker’s Managing will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification, or if it could affect another awarding organisation. In particular we will keep them informed of progress in large and/or any complex cases.

8.6 Where the allegation may affect an awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed on TrainerMaker by the regulators and/or seek to 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 regulators to help us identify relevant parties that should be informed.

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

## Investigation Timelines and Summary Process

9.1 Once TrainerMaker has received an allegation of malpractice or maladministration you will be sent an acknowledgement of receipt within 7 working days. The allegation will be reviewed in line with our policies and procedures and an investigation will be conducted where necessary. To ensure a fair and thorough process is followed the duration of the investigation will depend on the nature and severity of the allegation we receive at this stage, or the complexity of the response required.

9.2 We do aim to provide this as soon as the outcome is available or within a maximum of 28 days. Please note that in some cases the investigation may take

longer.

9.3 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 and based around the following broad objectives:

* To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred.
* To identify the cause of the irregularities and those involved
* To establish the scale of the irregularities and whether other qualifications may be affected.
* To evaluate any action already taken by the staff member.
* To determine whether remedial action is required to reduce the risk to current registered students 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 student concerned and/or to centre personnel.
* To identify any adverse patterns or trends.

9.4 In carrying out any investigation TrainerMaker will be sensitive to the effect on, and reputation of those centre personnel/student who may be subject to an investigation. We will strive to ensure that the investigation is carried out as confidentially as possible and the person who is the subject of the allegation will have the opportunity to raise any issues about the proposed approach and the conduct of the investigation with the investigator(s) during the investigation.

9.5 The investigation may involve a request for further information from relevant parties and/or interviews with centre personnel involved in the investigation. In any interviews carried out with the person(s) accused of malpractice or maladministration they can choose to be accompanied by a representative, this could be a colleague, trade union representative, or other third party.

9.6 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 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.

9.7 Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to undertake disciplinary action in the interests of learners and the integrity of the regulated qualifications. The Managing Director will be responsible for regularly reviewing the application and maintenance of this policy to ensure that changes are proportionate to the incident(s) and risk of future incidents occurring.

9.8 We also reserve the right to withhold a student’s, and/or cohorts, results for all the TrainerMaker qualifications and/or units they are studying at the time of the notification/investigation.

9.9 If appropriate, we may find that the complexity of a case or a lack of cooperation from the those concerned means that we are unable to complete an investigation. In such circumstances we will consult the relevant regulatory authority in order to determine how best to progress the matter.

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

9.11 Throughout the investigation our Managing Director 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 for liaising with and keeping informed relevant external parties.

## Investigation Report

10.1 If we believe there is sufficient evidence to implicate an individual in malpractice and/or maladministration we will:

* Inform them (preferably in writing) of the allegation
* Inform them of the evidence we found to support our judgment
* Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
* Provided them with an opportunity to consider and respond to the allegation and our findings
* Inform them of the appeals policy should they wish to appeal against the decisions.

10.2 After an investigation, we 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 cover the following areas:

* Identify where the breach, if any, occurred.
* Confirm the facts of the case (and any mitigating factors if relevant).
* Identify who is responsible for the breach (if any).
* Contain supporting evidence where appropriate (e.g. written statements).
* Confirm an appropriate level of remedial action to be applied.

10.3 We will make the final report available to the regulatory authorities and other external agencies as required.

10.4 If it was an independent/third party that notified us of the suspected or actual case of malpractice and/or maladministration we may also inform them of the outcome, normally within 7 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.

10.5 If it is an internal investigation against a member of our staff the Managing director will agree the report with the relevant internal managers and appropriate internal disciplinary procedures may be implemented. In some circumstances the police or other external authorities may need to be alerted.

## Investigation Outcomes

11.1 If the investigation confirms that malpractice or maladministration has taken place, we will consider what action to take 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.

11.2 The action we may take includes (this list is indicative only and is not meant to form an exhaustive list):

* Impose actions in relation to the person concerned with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring such as:
	+ Undertaking additional/increased internal verification to provide them with a greater level of support and/or monitoring depending on their needs and performance.
	+ Requiring specific centre personnel to undergo additional training and/or scrutiny by TrainerMaker if there are concerns about their ability to undertake their role in the delivery of qualifications effectively.
	+ Not permitting specific centre personnel to be involved in the delivery or assessment of TrainerMaker qualifications (e.g. not permitting an individual to invigilate assessments).
	+ Altering the way, and the period in which, staff receive assessment materials from TrainerMaker if there are concerns around their ability to maintain the security and confidentiality of such materials.
	+ Appointing independent invigilators to observe an assessment if there are concerns around a person’s ability.
	+ Appointing independent assessors to undertake assessments.
* Take action against a student in relation to proven instances of malpractice and/or maladministration such as some or all of the following (which may be communicated to the student by TrainerMaker:
	+ Issuing a written warning that if the offence is repeated further action may be taken.
	+ Loss of all marks/credits for the related work/unit
	+ Disqualification from the unit(s)/qualification.
	+ Placing 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 staff concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also ask the member of staff to let the affected students know the action we are taking and that their original certificates are invalid and ask the member of staff where possible to return the invalid certificates to TrainerMaker. We will also amend our database so that duplicates of the invalid certificates cannot be issued.
* Implementing disciplinary or dismissal procedures against TrainerMaker staff if they have been found to be responsible/involved in the malpractice and/or maladministration.
* Amend aspects of our qualification development, delivery and awarding arrangements and if required assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
* Inform relevant third parties of our findings in case they need to take relevant action.
* Carry out additional, related investigations if we suspect the issue may be more widespread.

11.3 In proven cases of malpractice and/or maladministration TrainerMaker reserves the right to charge students for any resits and reissuing of certificates and/or additional quality assurance activities/ monitoring visits. The fees for which will be the current TrainerMaker prices for such activities at the time of the investigation.

11.4 In addition to the above, the Managing director will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help

TrainerMaker prevent the same instance of malpractice and/or maladministration from reoccurring.

11.5 If the relevant party(ies) wishes to appeal against our decision, please refer to our [Appeals Policy](https://www.safetytrainingawards.co.uk/policies/enquiries-and-appeals-policy/).

## Monitoring and Review

12.1 We will review this policy annually as part of our quality assurance requirements and revise it as and when necessary in response to staff and student feedback, changes in our practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

12.2 In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.