

## **Malpractice & Maladministration Policy**

### **Introduction**

This policy is aimed at our customers, including learners, who are delivering/registered on IQL UK approved qualifications or units within or outside the UK 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 your ATC/P, 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.

### **ATC/Ps responsibility**

It is important that your staff involved in the coordination, delivery, assessment and quality assurance of our qualifications, and your learners, are fully aware of the contents of the policy and that your ATC/P 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 your ATC/P (see our Sanctions policy for details of the sanctions that may be imposed).

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

Your ATC/P compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by IQL UK periodically through our ongoing ATC/P monitoring arrangements.

### **Review arrangements**

We will review the policy annually 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 in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

If you would like to feedback any views please contact us via the details provided below.

### **Definition of Malpractice**

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process;
- the integrity of a regulated qualification;
- the validity of a result or certificate;
- the reputation and credibility of IQL UK; or,
- the qualification or the wider qualifications 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 learners or groups of learners.

### **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 an ATC/P (e.g. inappropriate learner records).

### **Examples of maladministration**

The categories listed below are examples of ATC/P 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 our learner registration and certification procedures.
- Persistent failure to adhere to our ATC/P recognition and/or qualification requirements and/or associated actions assigned to the ATC/P
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from IQL UK

- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. assessment and certification documentation and/or any evidence of attempted forgery etc.
- Withholding of information, by deliberate act or omission, from us which is required to assure IQL UK of the ATC/Ps ability to deliver qualifications appropriately
- Misuse of our logo and trademarks or misrepresentation of a ATC/Ps relationship with IQL UK and/or its recognition and approval status with IQL UK
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

### Examples of malpractice

The categories listed below are examples of ATC/P and learner 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 staff to any authorised IQL UK representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our learner registration and certification procedures.
- Deliberate failure to continually adhere to our ATC/P recognition and/or qualification approval requirements or actions assigned to your ATC/P
- Deliberate failure to maintain appropriate auditable records, e.g. assessment and certification documentation and/or forgery of evidence
- Fraudulent claim for certificates
- The unauthorised use of inappropriate materials / equipment in assessment settings
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of our logo and trademarks or misrepresentation of a ATC/Ps relationship with IQL UK and/or its recognition and approval status with IQL UK
- Collusion or permitting collusion in assessments
- Learners still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the ATC/P
- Deliberate contravention by our a ATC/P and/or its learners of the assessment arrangements we specify for our qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by learners/staff
- Copying from another candidate (including using ICT to do so).

- Personating -assuming the identity of another candidate or having someone assume your identity during an assessment.
- Unauthorised amendment, copying or distributing of assessment materials
- Inappropriate assistance to learners by ATC/P staff (e.g. unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

### **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 should immediately contact IQL UK in writing either through email, via [mail@iql.org.uk](mailto:mail@iql.org.uk) or a letter addressed to; IQL UK, River House, High Street , Broom, Alcester , B50 4HN.

All allegations must include (where possible):

- ATC/Ps name, address and number.
- Learner's name and IQL UK candidate number.
- ATC/P/IQL UK personnel's details (name, job role) if they are involved in the case.
- Details of the IQL UK course/qualification affected or nature of the service affected.
- Nature of the suspected or actual malpractice and associated dates.
- Details and outcome of any initial investigation carried out by the ATC/P or anybody else involved in the case, including any mitigating circumstances.

If an ATC/P has conducted an initial investigation prior to formally notifying us, the ATC/P should ensure that 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 ATC/P must immediately notify us if they suspect malpractice or maladministration has occurred as we have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice and maladministration reported to us we will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

### **Confidentiality and whistle blowing**

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 contact details to us, and if you are concerned about possible adverse consequences request us not to divulge your identity. If it helps

to reassure you on this point, we can confirm that we are not obliged (as recommended by the regulator Ofqual) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

While we are prepared to investigate issues which are reported to us anonymously and/or by whistleblowers<sup>1</sup>, we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those the allegation relates.

### **Responsibility for the investigation**

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be examined promptly by IQL UK to establish if malpractice or maladministration has occurred and will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulator Ofqual.

All suspected cases of malpractice and maladministration will be passed to an investigating officer (a member of IQL UK staff) and we will acknowledge receipt, as appropriate, to external parties within 48 hours.

Our investigating officer 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 to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by IQL UK.

At all times we will ensure that IQL UK 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**

In all cases of suspected or actual malpractice, we will notify the ATC/P Coordinator of your ATC/P involved in the allegation that we will be investigating the matter and/or in the case of learner malpractice, we may ask your ATC/P to investigate the issue in liaison with our own personnel – in doing so 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.

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<sup>1</sup> IQL UK defines whistleblowers as being current or ex members of staff (both permanent or contracted) or third party suppliers of a ATC/P or IQL UK and/or current or previous learners

Where applicable, our investigating officer 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.

Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed on IQL UK by the regulator Ofqual. If we do not know the details of organisations that might be affected we will ask Ofqual to help us identify relevant parties that should be informed.

### **Investigation timelines and summary process**

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if an ATC/P visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

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 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.
- To evaluate any action already taken by the ATC/P.
- To determine whether remedial action is required to reduce the risk to current registered learners 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 ATC/P, 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. Therefore, we will:

- Ensure all material collected as part of an investigation must be kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against an ATC/P be retained for a period of not less than seven 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 cooperate with us.

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 impose sanctions on the ATC/P in accordance with our Sanctions Policy in order to protect the interests of learners and the integrity of the qualifications.

We also reserve the right to withhold a learner's, and/or cohort's, results for all the IQL UK course/qualifications and/or units they are studying at the time of the notification or investigation of suspected or actual malpractice/maladministration.

If appropriate, we may find that the complexity of a case or a lack of cooperation from an ATC/P means that they 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.

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

### **Investigation report**

After an investigation, we will produce a draft letter for the parties involved in malpractice/maladministration to check the factual accuracy where appropriate. 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.

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

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we will also inform them of the outcome – normally within 10 working days of making our final decision - in doing so we may withhold details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our staff IQL UK will implement the appropriate internal disciplinary procedures.

## Investigation outcomes

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.

The actions we may take include:

- Imposing actions in relation to your ATC/P with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring.
- Imposing sanctions on your ATC/P – if so, these will be communicated to you in accordance with our sanctions policy along with the rationale for the sanction(s) selected.
- In cases where certificates are deemed to be invalid, inform your ATC/P 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 ATC/P to let the affected learners know the action we are taking and that their original certificates are invalid and ask the ATC/P, where possible, to return the invalid certificates to IQL UK. We will also amend our database so that duplicates of the invalid certificates cannot be issued and we expect the ATC/P to amend their records to show that the original awards are invalid.
- Amending 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.
- Informing relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the ATC/P.

In proven cases of malpractice and/or maladministration by an ATC/P IQL UK reserves the right to charge the ATC/P for any reassessments and reissuing of certificates and/or additional monitoring visits. The fees for which will be the current IQL UK prices for such activities at the time of the investigation.

In addition, to the above the investigating officer will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help IQL UK prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant party(ies) wishes to appeal against our decision to impose sanctions, please refer to our Appeals Policy.



IQL UK



## Contact us

If you have any queries about the contents of the policy, please contact IQL UK via

E: [mail@iql.org.uk](mailto:mail@iql.org.uk)

T: 01789 773 994