



# Malpractice and Maladministration Policy

## **Definition of Malpractice**

Malpractice is 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 and associated achievement. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise, any or all of the following:

- the assessment process
- the integrity of a regulated qualification
- the validity of a result or certificate
- the reputation and credibility of Vista Education and/or any Awarding Organisations involved in the qualification delivery

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 groups of learners.

## **Examples of malpractice**

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:

- failure to carry out appropriate internal quality assurance
- deliberate failure to adhere to learner registration and certification requirements
- deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or disposal and/or forgery of evidence
- fraudulent claim(s) for certificates
- the unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones)
- collusion or permitting collusion in exams/assessments
- persistent instances of maladministration
- a loss, theft of, or a breach of confidentiality in, any assessment materials
- plagiarism by learners/staff e.g. copying from another learner
- impersonation i.e. assuming the identity of another learner, or having someone assume your identity during an assessment
- inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass a written exam or practical assessment)
- deliberate submission of false information to gain a qualification

## **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.

## **Examples of maladministration**

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:

- unintentional but persistent failure to adhere to learner registration and certification procedures
- unreasonable delays in responding to requests and/or communications from Awarding Organisations such as Active IQ
- inaccurate claims for certificates made frequently, even if accidentally
- failure to maintain appropriate auditable records,
- misuse of logos and trademarks, or misrepresentation of a centre's relationship with external bodies such as Active IQ
- failure to adhere to the requirements of Awarding Organisation's 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 must immediately notify the

Vista Education Centre Manager. This should be done in writing/email and supporting evidence (if any) should be enclosed. If the area of malpractice or maladministration involves Vista Education, then the informant may report their concerns direct to any external organisations involved (such as Active IQ)

All allegations or concerns should include (where possible):

- centre's name, address and number
- learner's name and registration number (If known)
- other parties involved
- 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 centre or anybody else involved in the case, including any mitigating circumstances

Vista Education should ensure that staff involved in any 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 Vista Education must immediately notify any Awarding Organisation connected with the qualification if they suspect malpractice or maladministration has occurred. Awarding Organisations may have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

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## **Confidentiality and whistle blowing**

Sometimes the 'informant' will wish to remain anonymous. However, it is always preferable to reveal your identity and contact details to Vista Education or an Awarding Organisation. However, if you are concerned about possible adverse consequences please advise that you do not wish to divulge your identity. If it helps to reassure you on this point, Vista Education can confirm that we may not be obliged to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

Whilst Vista Education will endeavour to investigate issues which are reported anonymously we will always try to confirm an allegation by means of a separate investigation before taking up the matter with those that the complaint/allegation relates to. At all times we will investigate such complaints from whistleblowers in accordance with relevant whistle blowing legislation.

## **Vista Education's responsibility for preventing malpractice or maladministration**

To eradicate cases of malpractice/maladministration Vista Education will ensure:

- staff have clear roles and responsibilities and are aware of policies and procedures
- there is a documented internal quality assurance procedure is subject to regular internal reviews
- there are documented internal standardisation arrangements in place and evidence that these take place at least once a year
- learners are informed of their roles and responsibilities in terms of not doing anything that may be deemed as malpractice and jeopardise their potential achievements
- all assessment and internal verification activities are accurately recorded and carried out in accordance with expectations as outlined in Active IQ's qualification guides
- all registration and certification records are subject to appropriate internal review before submission
- all registration, assessment and certification records will be kept securely either as electronic records or as hard copies in a secure location for up to 3 years after the student has completed their course. Only authorised and appropriate members of staff will have access to them

## **Vista Education's procedure to conduct a malpractice / maladministration investigation**

To embed effective arrangements to investigate instances of malpractice/maladministration the following process will ensue. It is intended that the stages involve generic key activities; however, not all of these would be implemented in every case.

### **Stage 1: Briefing and record-keeping**

Anyone involved in the conduct of an investigation should have a clear brief and understanding of their role.

All investigators must maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately.

The person assigning the investigating officer(s) will stipulate and/or provide secure storage arrangements for all material associated with an investigation in case of subsequent legal challenge. There may be occasions when a joint investigation occurs with an external organisation (such as Active IQ). It is Vista Education's responsibility to ensure their investigators are fully aware of the agreed roles and processes to follow during the investigation.

## **Stage 2: Establishing the facts**

Investigators should review the evidence and associated documentation, including relevant guidance on the delivery of the qualifications and related quality assurance arrangements.

Issues to be determined are:

- what occurred (nature of malpractice/substance of the allegations)
- why the incident occurred
- who was involved in the incident
- when it occurred
- where it occurred – there may be more than one location
- what action, if any, Vista Education has taken

## **Stage 3: Interviews**

Interviews should be thoroughly prepared, conducted appropriately and underpinned by clear records of the interviews. For example:

- Interviews should include prepared questions and responses to questions which should be recorded
- Interviewers may find it helpful to use the 'PEACE' technique:
  - plan and prepare
  - engage and explain
  - account
  - closure
  - evaluation

Face-to-face interviews should normally be conducted by two people with one person primarily acting as the interviewer and the other as note-taker. Those being interviewed should be informed that they may have another individual of their choosing present and that they do not have to answer questions. These arrangements aim to protect the rights of all individuals. Both parties should sign the account as a true record/reflection of what was covered/stated/agreed.

## **Stage 4: Other contacts**

In some cases, learners or employers may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post or email.

Whichever method is used, the investigator will have a set of prepared questions. The responses will be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual. Again accounts should be signed for agreement with written records to be formatted as non-editable PDF.

## **Stage 5: Documentary evidence**

Wherever possible documentary evidence should be authenticated by reference to the author; this may include asking learners and others to confirm handwriting, dates and signatures.

Receipts should be given for any documentation removed from Vista Education.

Independent expert opinion may be obtained from subject specialists about a learner's evidence and/or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

### **Stage 6: Conclusions**

Once the investigators have gathered and reviewed all relevant evidence, a decision is made on the outcome.

### **Stage 7: Reporting**

A draft report is prepared and factual accuracy agreement obtained. The final report is submitted to the relevant staff member within Vista Education for review and sign-off and shared with Active IQ and relevant parties within your organisation.

### **Stage 8: Actions**

Any resultant action plan is implemented, communicated to relevant parties and monitored appropriately

### **For Active IQ learners**

If you would like to refer to Active IQ's policy for Malpractice and Maladministration, please visit <https://www.activeiq.co.uk/for-centres/policies-and-procedures>

Thank you for your contribution and commitment to making our policy work.

Policy Review: this policy will be reviewed annually as a minimum.

Responsible Person: Sue Ward

Created: October 2021

Date of next review: August 2025