

Malpractice & Misadministration

As an organisation we use the following definition of malpractice:

'Any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or the validity of certification'

Examples of malpractice can be seen to be, but not exhaustive of:

- a. False identification
- b. Impersonation at assessment
- c. Falsifying records
- d. Cheating in assessment
- e. Cash for certificates
- f. Fabricated certificates
- g. Plagiarism

If malpractice by a member of staff or a learner is suspected, we have a duty of care to report this to SFEDI / without delay and comply with their investigation requirements.

If a staff member or learner suspects malpractice they should report this verbally or in writing to the Head of Centre within 1 working day of the suspected malpractice incident occurring.

The Head of Centre will notify the Awarding Organisation no later than 24 hours of the incident being reported. This notification will detail:

- a. the suspected malpractice
- b. the names of those involved
- c. structure and terms of reference for a proposed investigation and the name of the person who will lead the investigation
- d. actions taken so far
- e. protection methods put in place to ensure the reduction of immediate risk to additional instances of malpractice occurring

With agreement from the Awarding Organisation, the centre will conduct an internal investigation that will last no longer than 5 working days and will complete a final written report within 3 working days of the investigation taking place. Dependent on the severity of the instance of malpractice it may be required to extend the timeframe of the investigation, but this will be in agreement with the Awarding Organisation.

The final written report will be forwarded to the Awarding Organisation and a decision will be made as to whether a breach has been made of the Awarding Organisation's requirements.

Please note that this procedure sets out how we would deal with a suspected instance of malpractice but, on reporting it to the Awarding Organisation, a decision may be made that an investigation will be organised and conducted by the Awarding Organisation and so this procedure will be void.

Where possible, the Investigating Officer should be a third party with no vested interest to the parties concerned or to the situation arising. It is noted that this will not always be possible and, in these circumstances, an appropriate member of the management team will investigate, who will not be the immediate supervisor of the staff member concerned. Assurances and arrangements will be made at all stages of the investigation to ensure impartiality.

As part of the investigation process, interviews may be required to ensure that all parties have expressed their views in relation to the incident. It must be remembered that interviews must be carried out impartially and must be documented/recorded in full for future reference. Interviewees will have the right to bring a representative with them who may be a staff member or an individual, external to the organisation.

When an interview has been conducted, evidence should be obtained of the employee's involvement in the interview, eg. has the employee signed the interview summary. Employees who do not wish to sign a statement may be willing to sign an acknowledgement or may prefer to write a separate version of the event. It is important that the interviewee reads/listens to the interview record prior to signing.

All stages of the investigation are to be conducted in confidence in order to minimise the possibility of incorrect evidence collection. All staff and individuals who are interviewed must be reminded of the need of confidentiality and will be subject to disciplinary action if they are found to have tried to influence others involved within the investigation.

A final report will be completed detailing the reason for the investigation, the stages completed during the investigation, the outcome and the reason for the outcome. A copy of the report will be forwarded to the Awarding Organisation and may result in a further investigation being undertaken by the Awarding Organisation if deemed necessary.

Follow up interviews should be carried out with all parties to inform them of the company's actions whilst maintaining confidentiality of disciplinary procedures being followed keeping in mind that the accused will reserve the right to appeal the final decision.

Results of the investigation should be used by the management team to determine methods to improve the process of investigations in order to reduce or eliminate the re-occurrence of malpractice.

This document sets out how the investigation and reporting of malpractice will be carried out and is a minimum set of standards. It is reminded that all necessary processes and policies should be reviewed on an annual basis to ensure they are fit for purpose to enable the reduction of potential risks of malpractice.