

## Malpractice and Maladministration Policy – Guidance to Learners

### The Policy

#### 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 and associated achievement. 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 OWNIT Academy and/or YMCA Awards, 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 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:

- Denial of access to premises, records, information, learners and staff to any authorised YMCA Awards 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 requirements
- Fraudulent claim(s) for certificates
- 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
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so)

#### 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 OWNIT Academy (e.g. inappropriate learner records).

### 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 our learner registration and certification procedures
- unintentional, but persistent failure to adhere to our centre approval or qualification requirements and/or associated actions assigned to the centre
- late learner registrations (either infrequent or persistent)
- inaccurate claim for certificates made frequently, even if accidentally
- withholding of information from YMCA Awards which is required to assure YMCA Awards of the centre's ability to deliver qualifications appropriately.

### 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 appropriate personnel at OWNIT Academy and YMCA Awards. In doing so they should put them in writing/email and enclose appropriate supporting evidence. If the area of malpractice or maladministration involves OWNIT Academy then the informant may bypass us as a centre and report straight the issue straight to YMCA Awards.

All allegations must include (where possible):

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

If OWNIT Academy has conducted an initial investigation prior to formally notifying YMCA Awards, OWNIT Academy 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 OWNIT Academy must immediately notify YMCA Awards if they suspect malpractice or maladministration has occurred as YMCA Awards 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 YMCA Awards they will protect the identity of the 'informant' in accordance with their duty of confidentiality and/or any other legal duty.

### **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 OWNIT Academy or YMCA Awards, and if you are concerned about possible adverse consequences, please inform OWNIT Academy or YMCA Awards that you do not wish to divulge your identity. If it helps to reassure you on this point, OWNIT Academy or YMCA Awards can confirm that we are not obliged (as recommended by the regulators) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

Whilst OWNIT Academy or YMCA Awards are prepared to investigate issues which are reported anonymously OWNIT Academy or YMCA Awards shall 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.

### **OWNIT Academy's responsibility for preventing malpractice or maladministration**

To eradicate cases of malpractice/maladministration OWNIT Academy will ensure:

- all staff are aware of policies and procedures and receive appropriate training/ briefings on these
- staff have clear roles and responsibilities
- there is a documented internal quality assurance procedure/methodology that is clearly in place and 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 OWNIT Academy's internal quality assurance arrangements and in line with OWNIT Academy's expectations as outlined in its qualification guides etc
- 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 locked filing cabinet, in a locked cupboard for up to 3 years after the student has completed their course. Only authorised and appropriate members of staff will have access to them

### **OWNIT Academy'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 officer 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 YMCA Awards, with the roles of the two teams being clarified by YMCA Awards. It is OWNIT Academy'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 YMCA Awards 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, OWNIT Academy 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 OWNIT Academy. 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 OWNIT Academy for review and sign-off and shared with YMCA Awards and relevant parties within your organisation.

### **Stage 8: Actions**

Any resultant action plan is implemented and monitored appropriately and YMCA notified. If you would like to refer to YMCA Awards policy for Malpractice and Maladministration, please visit [https://www.ymcaawards.co.uk/sites/ymcaawards.co.uk/files/policies-and-procedures/ymcaawards\\_malpractice\\_and\\_maladministration\\_policy.pdf](https://www.ymcaawards.co.uk/sites/ymcaawards.co.uk/files/policies-and-procedures/ymcaawards_malpractice_and_maladministration_policy.pdf)

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

### **Contact us**

If you have any queries about the contents of this policy, please contact David Francis via [David@ownitacademy.co.uk](mailto:David@ownitacademy.co.uk)