



# Malpractice & Maladministration Policy

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## Introduction

This policy sets out the steps that learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration, and Johnson Training Ltd's (JTL's) responsibilities in dealing with such cases. It also sets out the procedural steps to follow when reviewing the cases, plus guidance for all parties on conducting timely and effective investigations.

## Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises, attempts to compromise, or may compromise 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 JTL 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 (fraud).

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

## Definition of Maladministration

Maladministration is any activity, omission or practice which results in non-compliance with administrative regulations and requirements, including non-compliance with the Agreed Centre Agreement or JTL policies, and includes the application of persistent mistakes or poor administration within a centre, even though these may not be intentional (where malpractice is considered as deliberate and intentional)

It is important that all staff involved in the management, assessment and quality assurance of JTL qualifications, and all learners, are fully aware of the contents of this policy and that the centre has arrangements in place to prevent and investigate instances of malpractice and maladministration.

All assessment and internal verification activities are accurately recorded and carried out in accordance with the centre's internal quality assurance arrangements, and in line with JTL's requirements as outlined in the Qualification Guidance and Specific Assessment Guidance documentation etc.

all registration and certification records are subject to appropriate internal review before submission to JTL for certification claims

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## Procedure 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 Operations Director at JTL**.

These should be in writing/email and enclose appropriate supporting evidence, and can come from learners, assessors, IVs or JTL staff.

All allegations must include (where possible/relevant):

- learner's name and JTL registration number
- JTL personnel's details (name, job role) if they are involved in the case
- details of the JTL 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 centre or third party involved in the case, including any mitigating circumstances

## Confidentiality and whistleblowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. If you are concerned about possible adverse consequences you may request us not to divulge your identity, as far as possible. JTL is 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, however to progress an investigation it may sometimes not be possible to entirely anonymise individuals. If this were to be the case, this would always be discussed in advance with the whistleblower/person who made the allegation.

Whilst we are prepared to investigate issues which are reported to us anonymously, other than in exceptional circumstances, we will try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Furthermore, an important element of procedural fairness that any person who has an adverse allegation made against them is provided with a description of the allegations made against them (and the possible consequences of a finding) and is provided with an opportunity to respond to those allegations. Therefore, JTL 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 not less than five years (acknowledging the GDPR obligations for processing such data).
- 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.
- JTL will also maintain a log of all allegations, including those that were not investigated, which can be cross-referenced in the event that new information is provided.

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

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## Investigation outcomes for JTL


If the investigation confirms that malpractice or maladministration has taken place JTL will consider what action to take in order 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

If any relevant party wishes to appeal against our decision following an investigation into malpractice or maladministration, please refer to our Appeals Policy.

This Policy is regularly reviewed in order to ensure its continuing suitability.

Copies of the Policy are made available to all members of staff.

Name:	James Johnson
Position:	Managing Director
Signature:	
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