



# MALPRACTICE AND MALADMINISTRATION POLICY

SCCU LIMITED  
VERSION 5.0

Version Control

<b>VERSION</b>	<b>REVIEWER NAME</b>	<b>DATE</b>	<b>NEXT REVIEW</b>	<b>COMMENTS</b>
5.0	Liam Morrissey	August 2021	01/08/2022	Update to previous.

## Introduction

1. This policy is aimed at staff at SCCU, and learners registered on such provision, who come across suspected or actual malpractice or maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner. The policy applies to SCCU provision delivered either within or outside the UK.
2. It sets out the steps that staff, and learners or other personnel must follow when reporting suspected or actual cases of malpractice / maladministration and SCCU responsibilities in dealing with such cases. It also sets out the procedural steps that will be followed when reviewing the cases.

## Scope

1. This policy applies to all SCCU Ltd venues, offices, operations, activities, and services, without exception, and all SCCU including self-employed contractors.

## Roles and Responsibilities

2. It is important that your staff involved in the management, assessment and quality assurance of our qualifications and your learners, are fully aware of the contents of the policy and that your SCCU has arrangements in place to prevent and investigate instances of malpractice and maladministration.
3. 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 SCCU (see the SCCU *Sanctions Policy* for details of the sanctions that may be imposed).
4. If you wish to receive guidance/advice from SCCU 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.
5. Your SCCU's compliance with this policy and how it takes reasonable steps to prevent and / or investigate instances of malpractice and maladministration will be reviewed by SCCU periodically through the on-going SCCU monitoring arrangements.

## Definition of Malpractice

Malpractice is essentially any deliberate activity or practice which contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. Malpractice may include a range of issues from completing assessments on behalf of learners to the deliberate falsification of records to claim certificates.

## 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 a SCCU (e.g., failure to maintain appropriate learner records).

## Examples of malpractice and maladministration

The categories listed below are examples of SCCU and learner malpractice and maladministration. Please note that this list is not exhaustive, and the examples are only intended as indicative guidance on our definition of malpractice:

- 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 or persistent failure to continually adhere to our SCCU recognition and/or qualification approval criteria or actions assigned to your SCCU.
- Deliberate failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence.
- Persistent instances of maladministration within SCCU.
- Fraudulent claim for certificates.
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g., mobile phones).
- 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 SCCU's relationship with SCCU and/or its recognition and approval status with SCCU.
- Collusion or permitting collusion in exams/assessments.
- Learners still working towards qualification after certification claims have been made.
- Contravention by our SCCU and 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.
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials.
- Inappropriate assistance to learners by SCCU staff (e.g., unfairly helping them to pass a unit or qualification).
- Submission of false information to gain a qualification or unit.
- Deliberate failure to adhere to, or to circumvent, the requirements of our Reasonable Adjustments and Special Considerations Policy.

### Responsibility for the investigation

- In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by SCCU to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from occurring as defined by the regulatory authorities.
- All suspected cases of malpractice and maladministration will be passed to the Apprenticeship Manager and Operations Director who will normally acknowledge receipt, as appropriate, to external parties within 2 working days.
- The Apprenticeship Manager and Operations Director 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 (e.g. an External Verifier) to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by SCCU.
- At all times we will ensure that SCCU staff members 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 Head of SCCU and/or Quality Manager involved in the allegation of the investigation and / or in the case of learner malpractice, we may ask your SCCU 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.
- Where applicable, the Apprenticeship Manager and Operations Director will inform the appropriate regulatory authorities if it is believed there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or which 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 SCCU by the regulatory authorities. If we do not know the details of organisations that might be affected, we will ask the regulatory authorities to help us identify relevant parties that should be informed.

### Investigation timelines and summary process

SCCU 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 a SCCU visit is required. In such instances, we will keep all parties fully informed of the revised timescales and progress.

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 SCCU.
- 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 SCCU, 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 a SCCU will be retained for a period of not less than five 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 co-operate 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 SCCU in accordance with our Sanctions Policy to protect the interests of learners and the integrity of the qualifications.

SCCU also reserve the right to withhold a learner, and/or cohorts' results for all the courses / 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 a SCCU means that we are unable to complete an investigation. In such circumstances we will consult the relevant regulatory authority to determine how best to progress the matter.

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

Throughout the investigation our Apprenticeship Manager and Operations Director will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.

### Investigation report

After an investigation, a draft report will be produced for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves.

The final report will be made available to the parties concerned and to the regulatory authorities and other external agencies as required.

If SCCU were notified of the suspected or actual case of malpractice by a third party, they will also be informed of the outcome – normally within 10 working days of making our decision. In doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

Where there is an internal investigation against a member of SCCU staff the report will be agreed by the Apprenticeship Manager and Operations Director with the relevant internal line manager(s) and HR and appropriate internal disciplinary procedures will be implemented.

### Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place, we may:

- impose actions in relation to your SCCU with specified deadlines to address the instance of malpractice / maladministration and to prevent it from reoccurring.
- impose sanctions on your SCCU – 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 SCCU 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 your SCCU to let the affected learners know the action we are taking and that their original certificates are invalid which – where possible – should be returned to

SCCU. We will also amend our database so that duplicates of the invalid certificates cannot be issued, and we expect SCCU to amend their records to show that the original awards are invalid.

- amend aspects of our qualification assessment and / or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- inform relevant third parties (e.g., funding bodies) of our findings in case they need to take relevant action in relation to SCCU.

In proven cases of malpractice and / or maladministration by a SCCU, SCCU reserves the right to charge SCCU for any resits and reissuing of certificates and/or additional external verifier visits. These fees will be the current SCCU prices for such activities at the time of the investigation.

In addition, to the above the Apprenticeship Manager and Operations Director will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help SCCU prevent the same instance of maladministration or malpractice from reoccurring.

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

### Review arrangements

We will review the policy regularly 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 considering 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 at the end of this policy.

### Contact us

If you've any queries about the contents of the policy, please contact our Apprenticeship Manager and Operations Director on (02476) 936969 or via email on [hello@sccu.uk.com](mailto:hello@sccu.uk.com)



## Related Policies

- Sanctions Policy
- Enquiries and Appeals Policy

### **Internal SCCU guidance for investigating**

*(Based on QCA's 2006 Guidance document for awarding organisations entitled "Dealing with significant cases of suspected malpractice by those involved in the delivery of qualifications")*

The following process is recommended for carrying out investigations. It is intended that the stages involve generic key activities; however, not all these would be implemented in every case.

#### **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.

#### **Establishing the facts**

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

Issues to be determined:

- 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, SCCU has taken.

## **Interviews**

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

- Interviews should include prepared questions; responses should be recorded.
- Interviewers may find it helpful to use the 'PEACE' technique.
  - o plan and prepare;
  - o engages and explain; o account;
  - o closure;
  - o evaluation.

Face-to-face interviews should normally be conducted by two people with one person primarily acting as 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 the questions. These arrangements aim to protect the rights of all individuals.

## **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 by 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.

## **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 a SCCU.

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.

### **Conclusions**

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

### **Reporting**

A draft report is prepared, and factual accuracy agreement obtained. The final report is submitted to the Apprenticeship Manager and Operations Director for review and sign-off and shared with relevant parties in accordance with the arrangements outlined in our Malpractice and Maladministration Policy.

### **Actions**

Any resultant action plan is implemented