



MALPRACTICE AND MALADMINISTRATION POLICY

SCCU LIMITED
VERSION 1.0

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Version Control

VERSION	REVIEWER NAME	DATE	NEXT REVIEW	COMMENTS
1.0	Liam Morrissey	13/09/2021	13/09/2022	Comments here.

Introduction

1. SCCU is committed to providing excellent services throughout our learning environments and ensuring that our claims from the awarding organisations are valid and that certifications and qualifications are obtained fairly.
2. By eliminating any suspected malpractice and maladministration in the management of our organisation we can ensure the appropriate claim and delivery of qualifications.
3. For qualifications and achievements to be fairly obtained for all and for results to be valid, certain rules apply to everyone taking exams and the organisation/our staff.
4. For students, malpractice and maladministration do not just mean cheating during the exam – some rules apply before you take an exam or assessment, and afterwards.
5. For the SCCU staff, malpractice and maladministration may mean failing to follow the assessment, verification, and awarding body processes, failing to meet awarding body standards, or fabricating and/or altering results and/or evidence.
6. Whatever the reasons, if our students or staff are suspected of breaking those rules, we must investigate.
7. We, as an organisation, must ensure that we are accountable for delivering courses to their high standards by eliminating malpractice and maladministration, and it is our policy that every learner and staff member understand these rules.
8. SCCU also aims to encourage the openness to disclose any allegations of malpractice and maladministration within the organisation for us to eliminate them.

Scope

9. This policy applies to all learners, all SCCU venues, offices, staff, and self-employed contractors, without exception.

Roles and Responsibilities

- All staff and learners must follow the rules and report any suspected Malpractice or Maladministration.
- SCCU must make this policy available to all learners, staff and third parties.
- The Apprenticeship and AEB Manager or Operations Director must act as points of escalation to implement and oversee the investigation procedure.

- Any staff may be assigned to perform an investigation. This may include external contractors where there is a potential conflict of interest amongst employees.
- Company Directors to ensure reports are managed through the awarding bodies and actions plans are in place and implemented to prevent another issue of the same type from occurring again.

Malpractice

10. Malpractice covers any deliberate actions by learners and/or staff including neglect, default, or other practice that compromises, or could compromise:
 - The assessment processes.
 - The validity of a result or certificate.
 - The reputation and credibility of SCCU.
11. Malpractice may include a range of issues from the failure to maintain appropriate records or systems, to the deliberate falsification of records to claim certificates.
12. For this policy, this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of learners.

Examples of Malpractice

13. The categories listed below are examples of centre and learner malpractice. This list is not exhaustive:
 - Theft of the work of other students including copying or switching papers or the clear intention to do so.
 - Fabrication of results.
 - Theft or misrepresentation of identity (which includes requesting others to undertake an assessment).
 - Failure to carry out an internal assessment, internal moderation, or internal verification following the SCCU policies.
 - Deliberate failure to adhere to our 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.
- Learners still working towards qualification after certification claims have been made.
- Persistent instances of maladministration within the centre.
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Plagiarism by learners/staff.
- The unauthorised amendment, copying or distributing of exam/assessment papers/materials.
- 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.
- Tampering with learner's scripts or controlled assessments or coursework after collection and before marking.
- Learners sharing information relating to the examination questions or answers with other learners or potential learners.
- Bribery of others in relation to assessments.

Maladministration

14. Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and include the application of persistent mistakes or poor administration within SCCU.
15. It encompasses any activity which is not deliberate, but which neglects, defaults on regulation, conditions placed upon us by awarding organisations or compromises the integrity of our organisational statuses, financial stability, reputation, the reputation of our stakeholders and the qualifications and related assessments we are approved to deliver.
16. This includes accidental non-compliance with any centre policy, procedure, or guidance.

Examples of Maladministration

17. The categories listed below are examples of centre and learner maladministration. This list is not exhaustive:
- Unintentional, but persistent failure to adhere to approval or qualification requirements and/or associated actions (either infrequent or persistent).
 - Inaccurate claims for certificates are made frequently, even if accidentally.
 - Failure to maintain appropriate auditable records, e.g., certification claims and/or disposal and/or forgery of evidence.
 - Failure to adhere to, or to circumnavigate, the requirements of the SCCU policies or procedures.

Reporting Concerns or Allegations

18. Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify either the Apprenticeship and AEB Manager or the Operations Director at SCCU.
19. In doing so they should put them in writing/email and enclose appropriate supporting evidence.
20. Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous however it is always preferable to reveal your identity and contact details to us.
21. If you are concerned about possible victimisation, you may request that we keep your identity confidential. Staff are protected as a whistleblower under law if their concern is raised in good faith.
22. While we will always attempt to investigate concerns reported anonymously, it may hinder the investigation.
23. All allegations must include (where possible):
- The Centre's name and address (include the main address of the SCCU offices if the learning was online, and the name and address of the tutor/assessor and learning location for face-to-face practical assessments).
 - Your name, address, contact details.

- The name and any other relevant known details of the learner, tutor, or member of staff you suspect to be involved in malpractice and/or maladministration.
- Centre personnel details of anyone you have already reported your concern to (name, job role).
- Details of the course affected, or nature of the service affected.
- Nature of the suspected or actual malpractice and/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.

SCCU Internal Investigation

24. SCCU will investigate all claims of malpractice and/or maladministration and take such claims very seriously.
25. During investigations into alleged or suspected malpractice or maladministration SCCU will:
 - Assign the investigation to one or more senior members of the Management team, ensuring that staff involved in the initial investigation are competent, and have no personal interest in the outcome of the investigation.
 - In all cases of suspected malpractice and maladministration reported, protect the identity of the 'informant' in accordance with their duty of confidentiality and/or any other legal duty.
 - Keep all investigation records for Quality Assurance audits for review by the Company Directors, inspections, and other regulatory inspections where necessary.
 - Employ a competent external contractor to undertake investigations where there is a conflict of interest.

Investigation Process

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

28. We aim to action and complete the investigation within 10 working days of receipt of the allegation, however this timeline may be extended as required by the nature of the process, ability to access the necessary resources and conduct the relevant interviews.
29. All investigations will be undertaken in a fair, transparent, and legal manner, ensuring that all evidence is considered without bias and kept securely.

1. Briefing and record-keeping

30. 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.
31. 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.

2. Establishing the facts

32. Investigators should review the evidence and associated documentation on the matter concerned.
33. 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, SCCU has taken so far.

3. Interviews

34. Interviews should be thoroughly prepared, conducted appropriately and underpinned by clear records of the interviews.
35. For example:
 - Interviews should include prepared questions and responses to questions which should be recorded either by audio means or via written meeting minutes.

- Interviewers may find it helpful to use the 'PEACE' technique:
 - Plan and prepare.
 - Engage and explain.
 - Account.
 - Closure.
 - Evaluation.

36. 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.

37. 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.

38. 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.

4. Other contacts

39. In some cases, additional learners, employees, or third-party witnesses may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, post, or email.

40. Whichever method is used, the investigator will have a set of prepared questions.

41. The responses will be recorded in writing as part of the 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.

5. Documentary evidence

42. Wherever possible, documentary evidence being reviewed (in the case of fraudulent documentation) should be authenticated by reference to the author; this may include asking learners, employees, or others to confirm handwriting, dates, and signatures.

43. Receipts should be given for any hard copy documentation removed from the SCCU offices.

44. In extreme cases, independent expert opinion may be obtained from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

6. Conclusions

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

7. Reporting

46. A draft report is prepared, and a factual accuracy agreement is obtained.
47. The final report is submitted for review and sign-off by an SCCU Director.
48. The Directors must, where necessary, share the completed report with relevant awarding bodies, and/or any other organisations required to be informed.
49. The Company Director must liaise with SCCU staff and/or awarding bodies to form an action plan, which should not only manage the current incident but should reduce the risk of recurrence through short-, medium- or long-term actions.

8. Actions

50. Any resultant action plan is implemented and monitored appropriately by a Company Directors.
51. Where a criminal act has been committed, the authorities must be notified.
52. Where it is found that results/claims have been made fraudulently, SCCU reserves the right to withhold results and/or claims for certification until the investigation is completed and the awarding organisation is satisfied that claims are made fairly and in line with their individual standards. In such cases, learners should be informed of the investigation and outcomes in good time.
53. Actions may include the disciplining of employees, the termination of self-employed staff contracts, learners being barred from completing the course / having their qualifications revoked or auditing practice or documents retrospectively.
54. Where a concern is of a severe nature, staff members may be suspended from duty to protect the validity of the investigation.

Steps to Prevent Occurrences of Malpractice or Maladministration

- All staff (including self-employed tutors and assessors) are aware of SCCU rules, policies and procedures and receive appropriate training/briefings on malpractice and maladministration.
- Staff (including senior Management and Company Directors) have clear roles and responsibilities in their normal duties and during investigations.
- There are documented internal procedures/methodologies for all processes, that are clearly in place and is subject to regular internal reviews.
- There are documented internal and external standards that must be followed for all processes.
- All staff follow the SCCU and awarding body processes, procedures, and methodologies.
- Student learners are informed of their roles, responsibilities, and organisational rules, and understand the consequences of actions that may be deemed malpractice.
- All assessment and internal verification activities are accurately recorded and carried out in accordance with the awarding body standards.
- All registration and certification records are subject to appropriate internal review, checking and countersigning before results are disseminated.
- All registration, assessment and certification records will be kept on a secure computer system for up to 5 years after the learner has completed their course. Only authorised and appropriate members of staff will have access to them.

Training

- This policy must be made available to SCCU staff, student learners and other relevant organisations.
- Staff and student learners must ensure that they read this policy in full and understand the contents. Any individual with difficulty accessing or understanding this policy should seek assistance from a member of the SCCU Management team.

Reviewing

55. This policy will be reviewed annually, or sooner if malpractice or maladministration occurs.
56. All malpractice or maladministration reports and action plans must be reviewed by the SCCU annually to ensure that action plans are progressing appropriately.