

Malpractice and Maladministration Policy



Introduction

This policy is aimed at Safety Training Awards (STA) Approved Training Centres (ATCs), including learners', who are delivering, assessing or are registered on STA regulated qualifications within or outside the UK, and who are involved in suspected or actual cases of malpractice and / or maladministration.

This policy applies to Safety Training Awards staff who are suspected of being involved in such cases. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps the ATC, and learners' or other personnel must follow when reporting suspected or actual cases of malpractice and / or maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps to be followed when reviewing any cases of malpractice and / or maladministration.

Approved Training Centre (ATC) Responsibility

It is important that all ATC personnel involved in the management, delivery, assessment and quality assurance of STA regulated qualifications, and learners', are fully aware of the contents of the policy and that the ATC has arrangements in place to prevent and investigate instances of malpractice and / or maladministration.

A failure to report suspected or actual cases of malpractice and / or maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the ATC (see the Sanctions Policy for details of the sanctions that may be imposed).

If you wish to receive guidance and / or advice from Safety Training Awards on how to prevent, investigate, and deal with malpractice and maladministration then please contact us (details at the end of this policy) and we will happily provide you with such advice and / or guidance.

The ATCs compliance with this policy and how it takes reasonable steps to prevent and / or investigate instances of malpractice and maladministration will be reviewed by Safety Training Awards periodically through ongoing ATC monitoring arrangements.

Should an investigation be undertaken into the ATC, the ATC Co-ordinator must:

- Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes
- Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the immediate reported issues to assure the ATC that arrangements at the centre are appropriate for all qualifications
- Respond speedily and openly to all requests relating to the allegation and / or investigation
- Co-operate and ensure their staff co-operate fully with any investigation and / or request for information.

Definition of Malpractice

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal or external assessment process and / or validity of certificates of a qualification awarded by Safety Training Awards. By contrast malpractice will generally involve some form of intent, it covers the deliberate actions, neglect, default or other practice that compromises, or could compromise the following:

- The assessment process
- Integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of Safety Training Awards qualifications
- The qualification of the wider qualification's 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 learners'.

Examples of Malpractice could include, but are not limited to:

The categories listed below are examples of ATC and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Plagiarism by learners' or ATC staff / ATC personnel
- Cheating by learners' or ATC staff / ATC personnel or facilitating cheating in an assessment
- Attempting intentionally to manipulate a result so it does not reflect the learners' actual performance in an assessment
- Collusion or permitting collusion in assessments
- Personation, assuming the identity of another learner or having someone assume their identity during an assessment
- Deliberate contravention by learners' of the assessment arrangements we specify for our qualifications
- Fraudulent claim for certificates and / or deliberate submission of false information to gain a qualification or unit
- False records
- Learners' still working towards qualification after certification claims have been made
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Insecure storage of assessment materials
- Inappropriate circulation / distribution of assessment materials
- Unauthorised amendment, copying or distributing of assessment papers / materials
- Inappropriate assistance / support to learners' by ATC personnel, e.g. unfairly helping them to pass a unit or qualification
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy

- Deliberate failure to continually adhere to Safety Training Awards centre recognition and / or qualification approval requirements or actions assigned to the ATC
- Deliberate failure to adhere to our learner registration and certification procedures
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and / or forgery of evidence
- Denial of access to premises, records, information, learners' and ATC personnel to any authorised Safety Training Awards representative and / or the regulatory authorities
- Intentional withholding of information, which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate failure to carry out internal assessment, internal moderation or internal quality assurance monitoring in accordance with our requirements
- Deliberate misuse of our logo, brand, name and trademarks or misrepresentation of an ATCs relationship with Safety Training Awards and / or its recognition and approval status with Safety Training Awards
- The unauthorised use of inappropriate materials / equipment in assessment settings, e.g. mobile phones
- Selling certificates for cash
- Selling papers / assessment details
- Extortion
- Fraud
- Threatening or abusive behaviour that threatens the safety of ATC personnel and / or staff and / or is intended to put undue influence on the outcomes of an assessment / award.

Definition of Maladministration

Maladministration is defined as any activity, neglect, default or other practice that results in the ATC, tutor, assessor, learner or quality assurer not complying with Safety Training Awards requirements, Safety Training Awards Tutor and IQA agreement, the General Conditions of Recognition, or Regulatory Principles.

Maladministration generally covers mistakes and poor processes and is in effect an activity or practice which results to non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within the ATC including inappropriate learner records.

Examples of Maladministration could include, but are not limited to:

The categories listed below are examples of ATC and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and / or communications from Safety Training Awards
- Inaccurate claim for certificates
- Persistent failure to adhere to learner registration and certification procedures
- Persistent failure to adhere to ATC approval criteria and / or qualification requirements and / or associated actions assigned to the ATC

- Late learner certification requests, e.g. beyond the certification end date for the qualification
- Failure to maintain appropriate auditable records, e.g. certification claims and / or forgery of evidence
- Poor administration arrangements and / or records
- Persistent mistakes in relation to our delivery arrangements
- Failure to adhere to, or to circumnavigate the requirements of our Reasonable Adjustments and Special Considerations Policy.
- Withholding or the delaying of information, by deliberate act or omission, which is required to assure Safety Training Awards of the ATCs ability to deliver qualifications appropriately
- Misuse of our logo and trademarks or misrepresentation of an ATCs relationship with Safety Training Awards and / or its recognition and approval status with Safety Training Awards

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 Safety Training Awards**. In doing so they should put this in writing / email and enclose appropriate supporting evidence. Other parties such as learners', parents or whistle-blowers may contact us direct, Safety Training Awards contact details are outlined at the end of this policy.

All allegations must include (where possible):

- ATC name, address and ATC number
- Learner's name and STA membership number
- ATC / Safety Training Awards personnel's details (name, job role) if they are involved in the case
- Details of the STA 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 ATC or anybody else involved in the case, including any mitigating circumstances.

In addition, the person making the allegation must declare any personal interest they may have in the matter at the outset.

If the ATC has conducted an initial investigation prior to formally notifying us, they should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. Safety Training Awards would expect that such investigations would normally involve the ATC Co-ordinator (if there is an investigation into allegations of malpractice and / or maladministration or irregularities against the ATC Co-ordinator or the management of the ATC then such investigations should be carried out by an independent person). However, it is important to note that in all instances the ATC must immediately notify Safety Training Awards if they suspect malpractice and / or maladministration has occurred as Safety Training Awards has a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

Confidentially and Whistle Blowing

Sometimes a person making an allegation of malpractice and / or maladministration may wish to remain anonymous, although it is always preferable to reveal their identity and provide Safety Training Awards with contact details. However, if the person is concerned about possible adverse consequences that may occur should their identity be revealed to another party, please inform Safety Training Awards and we will work to ensure details are not disclosed.

Safety Training Awards will always aim to keep a whistleblower's identity confidential where asked to do so although we cannot guarantee this, and we may need to disclose a person's identity should the complaint lead to issues that need to be taken forward by other parties. For example:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- The courts (in connection with any court proceedings)
- Other third parties such as the relevant regulatory authority (e.g. Ofqual in England).

The investigator(s) assigned to review the allegation will not reveal the whistleblower's identity unless the whistleblower agrees or it is absolutely necessary for the purposes of the investigation (as noted above). The investigator(s) will advise the whistleblower if it becomes necessary to reveal their identity against their wishes.

A whistleblower should also recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure (e.g. the party which the allegation is made against may manage to identify possible sources of disclosure without such details being disclosed to them).

Once a concern has been raised Safety Training Awards have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing the concern as we are obliged by the regulators to follow-up and investigate allegations of malpractice and / or maladministration.

In all cases, Safety Training Awards will keep the ATC updated as to how we have progressed the allegation (e.g. we have undertaken an investigation) and the whistle-blower will have the opportunity to raise any concerns about the way the investigation is being conducted with the investigator(s). However, Safety Training Awards won't disclose details of all of the investigation activities and it may not be appropriate to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons (e.g. disclose full details on the action that may be taken against the parties concerned). While we cannot guarantee that we will disclose all matters in the way that you might wish, we will strive to handle the matter fairly and properly.

Please see our Whistleblowing Policy for further information in relation to our whistleblowing arrangements.

Responsibility for the Investigation

In accordance with regulatory requirements all suspected cases of malpractice and / or maladministration will be examined promptly by Safety Training Awards to establish if malpractice and / or maladministration has occurred and we will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulators.

All suspected cases of malpractice and / or maladministration will be passed to the Compliance Team and we will acknowledge receipt, as appropriate, to external parties within five working days.

Safety Training Awards Responsible Officer 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. They will review the supporting evidence received or gathered by Safety Training Awards and will have the final sign off once the conclusion of the investigation has been reached.

At all times we will ensure that Safety Training Awards personnel involved in the investigation process have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter. However, if a conflict of interest is declared between a member of Safety Training Awards and the ATC and / or ATC personnel involved with the malpractice and / or maladministration investigation, additional resource will be recruited in order to complete the investigation.

Notifying Relevant Parties

In all cases Safety Training Awards will tell the person who made the allegation who will be handling the matter, how they can contact them, what further assistance we may need from them and agree a timetable for feedback (see the above section on 'Confidentiality and whistleblowing for possible limitations in relation to the feedback and the section below, 'Investigation timelines and summary process, for details of our anticipated response times).

In cases of suspected or actual malpractice and / or maladministration at an ATC, Safety Training Awards will notify the ATC Co-ordinator involved in the allegation (except when the ATC Co-ordinator or management is under investigation) that we will be investigating the matter.

In the case of learner malpractice, Safety Training Awards may ask the ATC to investigate the issue in liaison with our own personnel. We will only ask the ATC to investigate the matter where we have confidence that the investigation will be prompt, thorough, independent and effective.

In all cases Safety Training Awards may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

Safety Training Awards may engage and communicate directly with ATC personnel who have been accused of malpractice and / or maladministration if appropriate (e.g. the staff member is no longer employed by the ATC) and / or communicate directly with a learner or their representative (e.g. if there is a contradiction in the evidence provided during an investigation or where the ATC is suspected of being involved in malpractice).

Where applicable, Safety Training Awards Responsible Officer will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice and / or maladministration, which could either invalidate the award of a qualification, or if it could affect another awarding organisation. In particular we will keep them informed of progress in large and / or any complex cases.

Where the allegation may affect another awarding organisation and their provision Safety Training Awards will also inform them in accordance with the regulatory requirements and obligations imposed on Safety Training Awards by the regulators and / or seek to undertake a joint investigation with them if appropriate. If we do not know the details of organisations that might be affected, we will ask the regulators to help us identify relevant parties that should be informed.

If fraud is suspected and / or identified, we may also notify the police.

Investigation Timelines and Summary Process

Once Safety Training Awards have received an allegation of malpractice and / or maladministration an acknowledgement of receipt will be sent within 5 working days. The allegation will be reviewed in line with our policies and procedures and an investigation will be conducted where necessary. To ensure a fair and thorough process is followed the duration of the investigation will depend on the nature and severity of the allegation we receive at this stage, or the complexity of the response required.

Safety Training Awards aim to provide this as soon as the outcome is available or within a maximum of 28 days. Please note that in some cases the investigation may take longer; for example, if an ATC visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

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 underpinned by terms of reference and 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 and whether other qualifications may be affected
- To evaluate any action already taken by the ATC
- 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 the ATC, and / or to ATC personnel, in accordance with our sanctions policy
- To identify any adverse patterns or trends.

In carrying out any investigation Safety Training Awards will be sensitive to the effect on, and reputation of, the ATC and / or those ATC personnel who may be subject to an investigation. We will strive to ensure that the investigation is carried out as confidentially as possible and the organisation / person who is the subject of the allegation will have the opportunity to raise any issues about the proposed approach and the conduct of the investigation with the investigator(s) during the investigation.

The investigation may involve a request for further information from relevant parties and / or interviews with ATC personnel involved in the investigation. In any interviews carried out with the person(s) accused of malpractice and / or maladministration they can choose to be accompanied by a representative, this could be a colleague, trade union representative, or other third party.

In addition, we will:

- Ensure all material collected as part of an investigation is kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against an ATC will be retained for a period of no 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 cooperate with Safety Training Awards.

Either at notification of a suspected or actual case of malpractice and / or maladministration and / or at any time during the investigation, Safety Training Awards reserve the right to impose sanctions on the ATC in accordance with the sanctions policy in order to protect the interests of learners' and the integrity of the regulated qualifications. Safety Training Awards Responsible Officer will be responsible for regularly reviewing the application and maintenance of sanctions to ensure they continue to be appropriate and proportionate to the incident(s) and risk of future incidents occurring.

Safety Training Awards also reserve the right to withhold a learner's, and / or cohorts, results for all qualifications and / or units they are studying at the time of the notification / investigation.

If appropriate, Safety Training Awards may find that the complexity of a case or a lack of cooperation from the ATC means that we are unable to complete an investigation. In such circumstances we will consult the relevant regulatory authority in order to determine how best to progress the matter.

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

Throughout the investigation Safety Training Awards Responsible Officer 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

If Safety Training Awards believe there is sufficient evidence to implicate an individual / ATC in malpractice and / or maladministration we will:

- Inform them (preferably in writing) of the allegation
- Inform them of the evidence found to support the judgement
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
- Provided them with an opportunity to consider and respond to the allegation and our findings
- Inform them of the appeals policy should they wish to appeal against the decisions

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

The report will cover the following areas:

- Identify where the breach, if any, occurred
- Confirm the facts of the case (and any mitigating factors if relevant)
- Identify who is responsible for the breach (if any)
- Contain supporting evidence where appropriate (e.g. written statements)
- Confirm an appropriate level of remedial action to be applied.

We will make the final report available to the regulatory authorities and other external agencies as required.

If it was an independent / third party that notified us of the suspected or actual case of malpractice and / or maladministration we may also inform them of the outcome, normally within 7 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.

If it is an internal investigation against a member of STA staff the Safety Training Awards Responsible Officer will agree the report with the relevant internal managers and appropriate internal disciplinary procedures may be implemented. In some circumstances the police or other external authorities may need to be alerted.

Investigation Outcomes

If the investigation confirms that malpractice and / or maladministration has taken place, Safety Training Awards will consider what action to take 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 and / or maladministration
- Ensure there has been no gain from compromising our standards.

The action / s we may take include (this list is indicative only and is not meant to form an exhaustive list):

- Impose actions in relation to the ATC with specified deadlines in order to address the instance of malpractice and / or maladministration and to prevent it from reoccurring such as:
 - Undertaking additional / increased visits to the ATC to provide them with a greater level of support and / or monitoring depending on their needs and performance
 - Requiring specific ATC personnel to undergo additional training and / or scrutiny by the ATC if there are concerns about their ability to undertake their role in the delivery of Safety Training Awards qualifications effectively
 - Not permitting specific ATC personnel to be involved in the delivery or assessment of Safety Training Awards qualifications (e.g. not permitting an individual to invigilate assessments)
 - Altering the way, and the period in which, ATCs receive assessment materials from Safety Training Awards if there are concerns around their ability to maintain the security and confidentiality of such materials
 - Appointing independent invigilators to observe an assessment at the ATC if there are concerns around the ATCs arrangements and / or the ATC is unable to resource particular assessments
 - Appointing independent assessors to undertake assessments at the ATC if there are concerns around the ATCs arrangements or resource level
- Impose sanctions on the ATC, these will be communicated in accordance with the sanctions policy along with the rationale for the sanction(s) selected
- Take action against a learner in relation to proven instances of malpractice and / or maladministration such as some or all of the following (which may be communicated to the learner by Safety Training Awards and / or the learner's ATC):
 - Issuing a written warning that if the offence is repeated further action may be taken
 - Loss of all marks / credits for the related work / unit
 - Disqualification from the unit(s) / qualification
 - Placing a ban from taking any further qualifications with us (e.g. for a set period of time)
- In cases where certificates are deemed to be invalid, inform ATC(s) concerned 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 the ATC(s) to let the affected learners' know the

action we are taking and that their original certificates are invalid and ask the ATC where possible to return the invalid certificates to Safety Training Awards. We will also amend our database so that duplicates of the invalid certificates cannot be issued, and we expect the ATC to amend their records to show that the original awards are invalid

- Implementing disciplinary or dismissal procedures against Safety Training Awards staff if they have been found to be responsible / involved in the malpractice and / or maladministration
- Amend aspects of our qualification development, delivery and awarding arrangements and if required assessment and / or monitoring arrangements and associated guidance to prevent the issue from reoccurring
- Inform relevant third parties of our findings in case they need to take relevant action in relation to the ATC
- Carry out additional, related investigations if we suspect the issue may be more widespread at the ATC and / or at other ATCs.

In proven cases of malpractice and / or maladministration within an ATC, Safety Training Awards reserves the right to charge the ATC fees for any resits and reissuing of certificates and / or additional quality assurance activities / EQA monitoring visits. The fees for which will be the current Safety Training Awards prices for such activities at the time of the investigation.

If there are any concerns about a potential issue of Non-Compliance, the Compliance Team will complete a risk assessment to determine the level of risk involved and the security of the certification. Where evidence suggests there are consistent areas of concern and cases of non-compliance that impose a risk upon the assessment process, validity of STA regulated qualifications, the learner journey and STAs reputation, as part of the investigation Safety Training Awards Responsible Officer will submit the findings and supporting documentation to the Compliance Advisory Board for review.

At this stage the Compliance Advisory Board will review the evidence and confirm if the ATCs performance is having an adverse effect on the learners' journey, the validity of STA regulated qualifications and STAs reputation. In cases where the Compliance Advisory Board agree that a suite of qualifications are to be withdrawn from an ATC, this is decided according to the level of risk to the assessment process, validity of STA regulated qualifications, the learner journey and STAs reputation. For example, high risk cases where there has been an adverse effect on the validity of STA regulated qualifications and the learner journey, the qualification may be withdrawn indefinitely and Safety Training Awards may refuse any future applications to offer this qualification within the ATC under investigation. However, if the ATC can provide evidence to demonstrate they have retrained / upskilled and have the appropriate occupational competence to offer the qualifications this will be reported to the Compliance Advisory Board for review and reconsideration of the withdrawal of STA qualifications.

Should an ATC have its approval for a Safety Training Awards qualification(s) removed, we will take all necessary steps to protect the interests of any learners' that are currently registered against the qualification in question. For example, we will either certificate them for any achievements to date and / or seek to transfer them where possible to another Safety Training Awards ATC to enable them to continue with their learning.

If the evidence suggests to the Compliance Advisory Board that the ATC remaining active imposes a significant risk to the assessment process and learner journey for STA regulated qualifications, the ATCs approval status will be reviewed in detail to confirm if ATC approval can continue or if it is to be withdrawn following a suitable notice period. This will allow the ATC Co-ordinator to complete any outstanding courses where learners' are registered against or in the process of completing their chosen qualification. The notice period given by Safety Training Awards will take all of this into account, providing the ATC Co-ordinator with sufficient time to certificate any outstanding learners'. Alternatively if

the evidence suggests there are significant risks to the outstanding learners', Safety Training Awards may choose to arrange for the learners' to complete their chosen qualification with another ATC and the ATC under investigation is liable for the additional costs incurred. For any additional information please refer to the Safety Training Awards Sanctions Policy.

In addition to the above, Safety Training Awards Responsible Officer will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help Safety Training Awards prevent the same instance of malpractice and / or maladministration from reoccurring.

If the relevant party / parties wish to appeal against the decision to impose sanctions, please refer to our Enquiries and Appeals Policy on the Safety Training Awards website.

Monitoring and Review

Safety Training Awards will review this policy annually as part of our quality assurance requirements and revise it as and when necessary in response to ATC 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 in light of 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.

Safety Training Awards contact details

Safety Training Awards, Anchor House, Birch Street, Walsall, West Midlands, WS2 8HZ

Tel: 01922 645097

Opening Hours: Monday to Friday 8.00-16.00

Website: www.safetytrainingawards.co.uk

Email: compliance@safetytrainingawards.co.uk