



**REACH
YOUR
PEAK**

Malpractice and Maladministration Policy and Procedure

Definition of Malpractice

Malpractice is 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 processes.
- the integrity of a regulated qualification
- the validity of a result or certificate
- the reputation and credibility of Reach Your Peak (RYP), 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 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 training 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 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
- Deliberate failure to continually adhere to our centre approval and/or qualification approval requirements or any actions assigned to your centre
- 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)
- Intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of our logo and trademarks or misrepresentation of ORUK
- Collusion or permitting collusion in exams/assessments
- Persistent instances of maladministration within the centre
- A loss, theft of, or a breach of confidentiality in, any programme materials
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so)
- Impersonation - assuming the identity of another learner, or having someone assume your identity during an assessment
- 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

Definition of Maladministration

Maladministration is 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 RYP (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 malpractice:

- Late learner registrations (either infrequent or persistent)
- Unreasonable delays in responding to requests and/or communications
- Failure to maintain appropriate auditable records, e.g., certification claims and/or disposal and/or forgery of evidence
- Misuse of partner and/or endorsement logo and trademarks

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 RYP. In doing so, they should put them in writing/email and enclose appropriate supporting evidence. If the area of malpractice or maladministration involves RYP, then the informant may bypass us as a training provider and report straight to CIMSPA.

All allegations must include (where possible):

- Learner's name
- RYP personnel 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 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.

RYP 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, RYP must immediately notify CIMSPA if they suspect malpractice or maladministration has occurred as CIMSPA 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 CIMSPA they will protect the identity of the 'informant' in accordance with their duty of confidentiality and/or any other legal duty.

RYP's responsibility to prevent malpractice and maladministration

To eradicate cases of malpractice/maladministration RYP 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 standard 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 a malpractice and jeopardise their potential achievements
- All assessment and internal verification activities are accurately recorded and carried out in accordance with the RYP internal quality assurance arrangements and in line with the RYP expectations as outlined in its qualification guides etc.
- All registration and certification records are subject to appropriate internal review before submission

RYP's procedure to investigate malpractice or maladministration

To embed effective arrangements to investigate instances of malpractice/maladministration the following should process will ensue. It is intended that the stages involve generic key activities; however, not all 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.

There may be occasions when a joint investigation occurs with CIMSPA, with the roles of the two teams being clarified by CIMSPA. It is RYP'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 CIMSPA 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, RYP 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 6: Conclusions

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

Stage 8: Actions

Any resultant action plan is implemented and monitored appropriately and CIMSPA notified.

Version	1.0
Publication date	October 2023
Review date	October 2024