

## ELA TRAINING SERVICES

# MALPRACTICE AND MALADMINISTRATION POLICY



## Introduction

This policy is aimed at our customers, inclusive of our learners, staff members and associates, who are registered on, or delivering, ELA Training Services programmes or courses, approved qualifications or units within the UK and who are involved in suspected or actual malpractice or maladministration. It is also for use by our staff specifically to ensure they deal with all malpractice and maladministration investigations in a consistent and compliant manner.

This policy sets out the steps our centre, and learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing each case.

## The Centre's Role and Responsibilities

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

## Definition of Malpractice

Malpractice is principally 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. It covers deliberate actions, neglect, default or other practice that compromises, or could compromise the following:

- The assessment process
- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of ELA Training Services or
- The qualification or 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 or groups of learners.

## Examples of Malpractice

- Failure to carry out internal assessment, internal moderation or internal quality assurance in accordance with centre requirements
- Deliberate failure to adhere to the learner registration and certification procedures
- Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to the centre
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or of forgery of evidence
- Fraudulent claim(s) for certificates

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- Intentional withholding of information from the centre which is critical to maintaining the rigour of quality assurance and the expected standards of qualifications
- Collusion or permitting collusion in exams and, or assessments
- Learners continuing to actively work towards qualification completion after a certification claim has been made
- Plagiarism by learners and, or staff, inclusive of utilising copyright materials without permission or declaration, work created and owned by another individual, copying another learner's work

### Definition of Maladministration

Maladministration is principally an activity or practice which results in non-compliance with administrative regulations and requirements, and includes the application of persistent mistakes or poor administration. Examples of maladministration are as follows:

- Persistent failure to adhere to the learner registration and certification procedures; late learner registrations, infrequent and frequent, any inaccurate claims for certification
- Persistent failure to adhere to the centre's requirements for qualifications and, or related actions assigned to the centre
- Unreasonable delays in responding to requests and/or communications from the Awarding Body
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from us which is required for quality assurance

### 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 the Directors of ELA Training Services. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All notifications must include (where possible):

- Learner's name and ELA Training Services' registration number
- ELA Training Services' staff member's name and job role, if they have any involvement
- Details of the course or 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 extenuating circumstances which have been identified.

The Operation Director will then conduct an initial investigation prior to ensure 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 we will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

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## Confidentiality and Whistle-blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. It is always preferable that the individual reveals his or her identity and contact details to us; however if he or she is concerned about possible adverse consequences, they may request that the Directors do not divulge their identity.

While we are prepared to investigate issues which are reported to us anonymously, we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

## Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by ELA Training Services to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence, as defined by Ofqual.

We will acknowledge receipt, as appropriate, to external parties within 48 hours, or 2 working days. Our Director of Operations 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 delegate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by ELA Training Services.

## Notifying Relevant Parties

Where applicable, our Director will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification, or if it 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 by the regulator Ofqual. If we do not know the details of organisations that might be affected we will ask Ofqual to help us identify relevant parties that should be informed.

## Investigation timelines and summary process

ELA Training Services will aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered fully, and without bias. In doing so investigations will be based around the following objectives:

- To establish the facts relating to an allegation or complaint in order to determine whether any irregularities have occurred
- To identify the cause of the irregularities and those individuals involved
- To establish the scale of the irregularities
- To identify and evaluate any action which has already been taken

- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of ELA Training Services and the qualification.
- To identify any adverse patterns or trends relating to the nature of the allegation

The investigation may involve a request for further information from relevant parties, including interviews with personnel involved in the investigation. Therefore, we will:

- Ensure all material collected as part of an investigation must be kept secure
- Ensure that, 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, or at any time during the investigation, we reserve the right to withhold a learner's, and, or cohort's qualification results.

Where a member of ELA Training Services' staff or an ELA Training Services' Associate is under investigation, we may suspend them or move them to other duties until the investigation is complete.

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

### Investigation report

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:

- Confirm the facts of the case
- Identify where the breach, if any, occurred
- Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied

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

If it was an independent or third party that notified us of the suspected or actual case of malpractice, we will also inform them 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.

If it is an internal investigation against a member of our staff, the report will be agreed by the Managing Director of the group, along with the relevant Directors and internal managers; appropriate internal disciplinary procedures will then be implemented.

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## Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place we 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
- Deter others from carrying out similar instances of malpractice or maladministration
- Ensure there has been no gain by any individual from compromising our standards

The action we take may include:

- Imposing actions in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid, inform the Awarding Body concerned and the regulatory authorities why the certificates are invalid and to inform of any action to be taken for reassessment, or for the withdrawal of the certificates. We will also inform any affected learners of the action we are taking and that their original certificates are invalid and request, that, where ever possible, invalid certificates are returned to ELA Training Services
- Informing relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre.

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

If the relevant party or parties wishes/wish to appeal against our decision to impose sanctions, the Complaints Procedure should be referred to.

Signed by Director of Operations: Ali Khan

Date updated: 25.04.20