

Malpractice and maladministration policy

Introduction

This policy is aimed at our centres, including learners, who are delivering, assessing or are registered on 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 PERSES 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 your centre, 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 PERSES will follow when reviewing any cases of malpractice and/or maladministration.

Centre's Responsibility

It is important that all centre personnel involved in the management, delivery, assessment and quality assurance of PERSES regulated qualifications, and your learners, are fully aware of the contents of the policy and that your centre has arrangements in place to prevent and investigate instances of malpractice and 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 your centre (see our Sanctions Policy for details of the sanctions that may be imposed).

If you wish to receive guidance and/or advice from PERSES 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.

Your centre'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 PERSES periodically through ongoing centre monitoring arrangements.

Should an investigation be undertaken into your centre, the centre 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 your centre 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 that 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 PERSES. 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 PERSES qualifications**
- **The qualification of 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 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

The categories listed below are examples of 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 centre personnel to any authorised PERSES representative and/or the regulatory authorities
- Deliberate misuse of our logo, brand, name and trademarks or misrepresentation of a centre's relationship with PERSES and/or its recognition and approval status with PERSES
- Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to your centre
- Intentional withholding of information from us, 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
- The unauthorised use of inappropriate materials/equipment in assessment settings, e.g. mobile phones
- 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 centre staff, 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 Measures

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- Plagiarism by learners or centre personnel
- Cheating by learners or centre personnel
- Personation, assuming the identity of another learner or having someone assume their identity during an assessment
- Collusion or permitting collusion in assessments
- 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
- 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
- Learners still working towards qualification after certification claims have been made
- Selling certificates for cash
- Selling papers/assessment details
- Extortion
- Fraud
- Threatening or abusive behaviour that threatens the safety of centre 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 centre, tutor, assessor, learner or quality assurer not complying with PERSES requirements, PERSES' tutor and IQA agreements, the general conditions of recognition, or regulatory principles.

Maladministration is in effect any activity or practice which results in non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within the centre including 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 maladministration:

- Persistent failure to adhere to our learner registration and certification procedures

- Persistent failure to adhere to our centre approval criteria and/or qualification requirements and/or associated actions assigned to the centre
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from PERSES
- Inaccurate claim for certificates
- 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
- Withholding or the delaying of information, by deliberate act or omission, from us which is required to assure PERSES of the centre's ability to deliver qualifications appropriately
- Misuse of our logo and trademarks or misrepresentation of a centre's relationship with PERSES and/or its recognition and approval status with PERSES
- 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
- 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 PERSES. In doing so they should put this in writing/email and enclose appropriate supporting evidence (centres can submit details of potential/actual cases of malpractice via the Report of Suspected Malpractice Form) and other parties such as learners, parents or whistle-blowers may contact us directly. Our contact details are outlined at the end of this policy.

All allegations must include (where possible):

- Centre's name, address and ATC number
- Learner's name and STA reference number
- Centre/PERSES personnel's details (name, job role) if they are involved in the case
- Details of the PERSES 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 centre or anybody else involved in the case, including any mitigating circumstances
- In addition, we ask that the person making the allegation declares any personal interest they may have in the matter to us at the outset

If a centre has conducted an initial investigation prior to formally notifying us, the centre should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

We would expect that such investigations would normally involve the centre co-ordinator (if there is an investigation into allegations of malpractice and/or maladministration or irregularities against the centre co-ordinator or the management of the centre then such investigations should be carried out by the chair of the governing body of the centre or his/her nominee).

However, it is important to note that in all instances the centre must immediately notify us if they suspect malpractice or maladministration has occurred as we have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

On behalf of PERSES

Signed:.....
Mr Stephen McCann - Director

Date: 29th January 2022