The Qualification Hub

Policy, Procedures and Documents

Malpractice and Maladministration Policy

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Introduction

This policy applies to all The Qualification Hub (TQH) approved centres, learners, staff, contractors and other stakeholders involved in the delivery, assessment, quality assurance and award of TQH qualifications. It also applies to any person involved in, or reporting, suspected or actual cases of malpractice or maladministration.

The policy sets out the responsibilities of centres, learners and TQH personnel for reporting suspected or actual malpractice or maladministration, together with the arrangements TQH will follow when investigating allegations, reaching decisions and implementing appropriate actions.

Centre's responsibility

It is important that all centre staff involved in the management, delivery, assessment and quality assurance of TQH qualifications, together with learners, are familiar with this policy and that centres maintain effective arrangements to prevent, identify, report and investigate malpractice and maladministration.

Failure to report suspected or actual malpractice or maladministration, or failure to maintain appropriate arrangements to prevent such incidents, may result in actions or sanctions being applied in accordance with TQH's Sanctions Policy.

Centres requiring advice or guidance on preventing, identifying or investigating malpractice or maladministration are encouraged to contact TQH using the details provided at the end of this policy.

Compliance with this policy forms part of TQH's ongoing centre monitoring arrangements and will be reviewed through routine External Quality Assurance (EQA) activities and other quality assurance processes.

Where a centre undertakes its own investigation before or alongside notification to TQH, the Head of Centre must ensure that the investigation:

- is undertaken by appropriately competent individuals who have no personal involvement in, or conflict of interest relating to, the matter being investigated;

- is conducted promptly, fairly and thoroughly, taking account of the guidance published within TQH policies and procedures available through The Hub;
- considers whether the issue may have affected other learners, qualifications or assessment decisions, rather than focusing solely on the individual incident;
- responds promptly and openly to all requests for information made by TQH;
- ensures that all relevant staff cooperate fully with the investigation;
- identifies appropriate corrective and preventative actions to reduce the likelihood of recurrence; and
- records the investigation, findings, actions and outcomes on the Incident Form submitted through The Hub when notifying TQH of the incident.

Review arrangements

We will review this policy annually as part of our annual self-evaluation arrangements and revise it where necessary in response to stakeholder feedback, changes to our practices, regulatory requirements, legislation, or trends identified through malpractice and maladministration investigations.

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.

Definition of Malpractice

Malpractice is essentially 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 any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- The assessment process.
- The integrity of a regulated qualification.
- The validity of a result or certificate.
- The reputation and credibility of The Qualification Hub, or,
- 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 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 groups of learners.

Definition of Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements, and includes persistent administrative errors, omissions or poor administrative practice that result in non-compliance with TQH's requirements

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:

- Persistent failure to adhere to our learner registration and certification procedures.
- Persistent failure to adhere to our centre recognition 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 The Qualification Hub.
- Submission of inaccurate certification claims.
- 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 The Qualification Hub of the centre's ability to deliver qualifications appropriately.
- Misuse of our logo and trademarks or misrepresentation of a centre's relationship with The Qualification Hub and/or its recognition and approval status with The Qualification Hub.
- Poor administrative arrangements and/or record keeping.
- Persistent mistakes in relation to our delivery and assessment arrangements and requirements.
- Failure to adhere to, or attempts to circumvent, the requirements of our Reasonable Adjustments and Special Considerations Policy.

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 staff to any authorised TQH representative and/or the regulatory authorities.
- Deliberate misuse of our logo, brand, name and trademarks or misrepresentation of a centre's relationship with The Qualification Hub and/or its recognition and approval status with The Qualification Hub.
- 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 assessment and Internal Quality Assurance activities in accordance with TQH 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.
- 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 Considerations Policy.
- Plagiarism by learners/staff.
- Copying from another learner.
- Cheating by learners/staff.
- 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 certification claims and/or the deliberate submission of false or misleading information to obtain a qualification or certification.
- False records.
- Deliberate failure to comply with TQH learner registration and certification requirements.
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence and details.
- Deliberately permitting learners to continue generating assessment evidence after certification claims have been submitted.
- Selling certificates for cash.

- Extortion.
- Fraud.
- Threatening or abusive behaviour that threatens the safety of staff and/or is intended to put undue influence on the outcomes of an assessment/award.
- Fabrication, alteration or falsification of portfolio evidence, practical observation records or assessment documentation.

Process for making an allegation of malpractice or maladministration

Anybody who identifies, suspects or is made aware of actual or potential malpractice or maladministration must notify The Qualification Hub (TQH) as soon as reasonably practicable. Allegations should be supported by appropriate evidence wherever possible.

Recognised centres should submit allegations using the Incident Form within The Hub. Other parties, including learners, employers, members of the public or whistle-blowers, may report concerns directly to TQH using the contact details provided at the end of this policy or in accordance with the TQH Whistleblowing Policy, which is available on The Hub and on our website.

Where possible, allegations should include:

- the recognised centre's name, address and centre number (where applicable);
- the learner's name and TQH learner registration number (where applicable);
- the names and roles of any individuals involved in the allegation;
- details of the qualification, assessment or service affected;
- a clear description of the suspected or actual malpractice or maladministration, including relevant dates;
- copies of any supporting evidence available at the time of the allegation; and
- details of any initial enquiries or investigation undertaken by the centre, including any findings, actions taken and relevant mitigating circumstances.

To support the independence of any investigation, TQH requests that anyone making an allegation declares any actual or potential conflict of interest or personal interest they may have in the matter at the outset.

Where a recognised centre undertakes initial enquiries before notifying TQH, these enquiries must be conducted by appropriately competent individuals who have no personal involvement in, or conflict of interest relating to, the matter under investigation. Normally, this will involve the Head of Centre. Where the allegation concerns the Head of Centre or other members of the centre's senior management team, the investigation should be overseen by an appropriately independent individual with the authority to act on behalf of the centre.

Centres must not delay notifying TQH while undertaking their own enquiries. TQH has a regulatory responsibility to ensure that allegations of malpractice and maladministration are investigated appropriately and reserves the right to undertake its own investigation, direct the centre's investigation or take over the investigation where this is considered necessary.

A person reporting suspected malpractice or maladministration may wish to remain anonymous. Whilst TQH encourages individuals to provide their identity and contact details, anonymous allegations will be considered where sufficient information has been provided to enable an appropriate assessment or investigation to take place.

Where an individual requests that their identity remains confidential, TQH will take all reasonable steps to protect their identity. However, absolute confidentiality cannot be guaranteed. There may be circumstances where TQH is required by law or regulatory obligation to disclose information, or where disclosure is necessary to enable an effective investigation.

Examples may include disclosure to:

- the police or other law enforcement agencies for the prevention or investigation of crime, including fraud;
- the courts or other judicial authorities in connection with legal proceedings; or
- the relevant regulatory authority, including Ofqual or CCEA Regulation, where appropriate.

The investigator(s) appointed to manage the allegation will not disclose the identity of the whistleblower unless the individual has given their consent or disclosure is considered necessary for the purposes of the investigation or to meet legal or regulatory obligations. Wherever practicable, TQH will inform the whistleblower before such disclosure takes place.

Individuals should also recognise that, due to the nature of an allegation or the circumstances surrounding it, others may infer the identity of the person raising the concern, even where TQH has not disclosed that information.

Once a concern has been reported, TQH has a duty to consider and, where appropriate, investigate the allegation. A whistleblower cannot subsequently withdraw an allegation to prevent an investigation from continuing where TQH considers that further enquiries are necessary to meet its regulatory responsibilities.

Throughout the investigation, TQH will keep the whistleblower appropriately informed of progress, where it is possible and appropriate to do so. However, TQH may be unable to disclose full details of the investigation, findings or any actions taken where this would breach confidentiality, data protection requirements or legal obligations.

TQH is committed to ensuring that all allegations are considered fairly, objectively and confidentially, whilst balancing the rights of all parties involved and meeting its regulatory responsibilities.

Further information on reporting concerns is available in the TQH Whistleblowing Policy.

In accordance with regulatory requirements, all suspected cases of malpractice and maladministration will be reviewed promptly by The Qualification Hub (TQH) to establish whether malpractice or maladministration has occurred. TQH will take all reasonable steps to prevent and, where necessary, mitigate any actual or potential adverse effect in accordance with regulatory requirements.

All allegations of suspected malpractice or maladministration will be referred to the Head of Quality Assurance, who will acknowledge receipt of the allegation, where appropriate, and determine the most appropriate course of action.

The Head of Quality Assurance is responsible for ensuring that investigations are conducted promptly, fairly and effectively in accordance with this policy. The Head of Quality Assurance will appoint an appropriately competent member of staff, or investigation team where necessary, to lead the investigation, gather and review relevant evidence, establish the facts of the case and determine whether malpractice or maladministration has occurred.

At all times, TQH will ensure that personnel involved in an investigation have the appropriate knowledge, skills and competence to undertake the investigation and have no previous involvement in, or conflict of interest relating to, the matter under investigation.

Notifying relevant parties

In all cases, we will inform the person who made the allegation who will be managing the investigation, how they can contact the investigator, whether any further information or assistance is required from them and, where appropriate, provide an indication of the anticipated investigation timescales (subject to the confidentiality requirements outlined above and the investigation timescales set out later in this policy).

In cases of suspected or actual malpractice or maladministration involving a recognised centre, we will notify the Head of Centre that an investigation is being undertaken. Where the allegation involves the Head of Centre or another member of the centre's senior management team, communications will instead be directed to an appropriately independent individual with the authority to act on behalf of the centre.

In cases involving suspected learner malpractice, TQH may ask the recognised centre to undertake initial enquiries in liaison with TQH. This will only occur where TQH is satisfied that the centre can undertake the enquiries promptly, fairly, independently and effectively.

Throughout the investigation, TQH may withhold the identity of the person making the allegation where disclosure would breach confidentiality, data protection requirements or any other legal obligation.

Where appropriate, TQH may communicate directly with members of centre staff, learners or their representatives during an investigation. This may occur, for example, where an individual is no longer employed by the recognised centre, where clarification of evidence is required or where the centre itself is the subject of the investigation.

Where required by regulatory requirements, the Responsible Officer will notify the relevant regulatory authority where malpractice or maladministration has resulted in, or may result in, an actual or potential adverse effect, or where notification is otherwise required. The Responsible Officer will ensure that the regulator is kept appropriately informed throughout any significant or complex investigation.

Where an allegation may affect another awarding organisation, TQH will notify the relevant organisation where appropriate and, where necessary, work collaboratively to investigate the matter in accordance with regulatory requirements. Where TQH is unable to identify the awarding organisation(s) concerned, assistance may be sought from the relevant regulatory authority.

Where fraud or other criminal activity is suspected, TQH may also notify the police or other appropriate law enforcement agency.

Investigation timelines and summary process

Where possible, TQH aims to complete investigations within 20 working days of receiving the allegation. However, some investigations may require additional time due to their complexity, the volume of evidence involved or the need for centre visits or interviews. Where this is the case, TQH will keep the relevant parties informed of the revised timescales.

The fundamental principle of every investigation is that it will be conducted fairly, objectively, proportionately and in accordance with applicable legal and regulatory requirements. All relevant evidence will be considered impartially before any conclusions are reached.

The objectives of an investigation are to:

- establish the facts relating to the allegation and determine whether malpractice or maladministration has occurred;

- identify the cause of the issue and any individuals involved;
- determine the extent of the issue and whether other learners, qualifications or centres may have been affected;
- evaluate any actions already taken by the recognised centre;
- determine whether corrective action is required to protect learners and maintain the integrity of the qualification;
- determine whether any certification decisions require review, amendment or withdrawal;
- obtain sufficient evidence to support any actions or sanctions applied in accordance with TQH's Sanctions Policy;
- identify any actual or potential adverse effects;
- identify any emerging themes or trends that should inform continuous improvement.

Throughout any investigation, TQH will be mindful of the potential impact upon the recognised centre and any individuals involved. Investigations will be conducted as confidentially as reasonably practicable, and any individual who is the subject of an investigation will be given an appropriate opportunity to respond to the allegation and provide relevant evidence.

Investigations may include requests for further information, review of documentary evidence and interviews with relevant individuals. Any individual interviewed as part of an investigation may be accompanied by a work colleague, trade union representative or another appropriate companion.

In addition, TQH will:

- ensure that all evidence and documentation obtained during an investigation is stored securely and handled in accordance with its data protection and records management arrangements;
- retain investigation records in accordance with TQH's Records Management arrangements and any applicable regulatory or legal requirements;
- expect all parties involved in the investigation to cooperate fully and provide information when requested.

Where necessary to protect learners, maintain the integrity of qualifications or reduce the risk of further adverse effects, TQH reserves the right to apply sanctions at any stage of an investigation in accordance with the Sanctions Policy. The Head of Quality Assurance will be responsible for ensuring that any sanctions applied remain appropriate, proportionate and subject to regular review. The Responsible Officer will be kept informed where regulatory notification or oversight is required.

Where appropriate, TQH may also withhold certification, results or certification claims relating to individual learners or cohorts while an investigation is ongoing.

Where the complexity of an investigation, or a lack of cooperation from a recognised centre or other party, prevents TQH from concluding the investigation appropriately, TQH will consider what further action is necessary, including consultation with the relevant regulatory authority where required.

Where a member of TQH staff is the subject of an investigation, TQH may temporarily reallocate their duties or suspend them from relevant activities while enquiries are undertaken, in accordance with TQH's employment procedures.

Throughout the investigation, the Head of Quality Assurance will oversee the investigation to ensure that appropriate procedures are followed, evidence is gathered and evaluated objectively, and that investigations are conducted fairly, consistently and in accordance with this policy. Where appropriate, the Responsible Officer will be kept informed of investigation progress and will undertake any required regulatory notifications.

Investigation report

Where TQH concludes that there is sufficient evidence to indicate that malpractice or maladministration may have occurred, we will:

- inform the relevant individual(s) and/or recognised centre of the allegation, wherever possible in writing;
- provide details of the evidence gathered in support of the allegation;
- advise that information relating to the allegation and investigation may be, or has been, shared with the relevant regulatory authority and, where appropriate, other external bodies (for example the police);
- provide the relevant parties with an opportunity to respond to the allegation and the evidence before a final decision is reached; and
- advise the relevant parties of their right to appeal in accordance with TQH's Appeals Policy.

Following completion of the investigation, TQH will prepare a draft investigation report. Where appropriate, the relevant parties will be given the opportunity to comment on the factual accuracy of the report before it is finalised. Centres will normally receive the report through The Hub.

The investigation report will normally:

- identify the nature of the allegation and whether malpractice or maladministration has been established;
- summarise the findings of the investigation, including any relevant mitigating factors;
- identify those responsible, where appropriate;
- reference the evidence considered during the investigation;
- confirm the actions, recommendations and, where appropriate, sanctions to be applied; and

- identify any lessons learned or recommendations for preventing recurrence.

The final investigation report will be made available to the relevant regulatory authority or other external agencies where required.

Where an allegation has been submitted by an independent third party, TQH may advise them of the outcome of the investigation, normally within 10 working days of the final decision being made. However, information may be withheld where disclosure would breach confidentiality, data protection requirements or any other legal obligation.

Where the investigation concerns a member of TQH staff, the Head of Quality Assurance will normally oversee the investigation. Where the allegation concerns the Head of Quality Assurance, responsibility will transfer to the Chief Executive Officer or another appropriately independent senior person. Where appropriate, TQH's internal disciplinary procedures will be followed and, if necessary, the matter will be referred to the police or other relevant authority.

Investigation outcomes

Where an investigation confirms that malpractice or maladministration has occurred, TQH will determine the most appropriate actions to:

- protect the integrity of qualifications and certification;
- minimise any actual or potential adverse effect;
- maintain public confidence in TQH qualifications;
- prevent similar incidents from occurring in the future; and
- ensure that no individual or organisation benefits from malpractice or maladministration.

Actions may include, but are not limited to:

- requiring the recognised centre to implement corrective actions within agreed timescales;
- increasing External Quality Assurance monitoring or support;
- requiring additional training or standardisation for centre staff;
- restricting individual members of centre staff from undertaking specified assessment or quality assurance activities;
- requiring independent quality assurance or assessment activity where appropriate;
- applying sanctions in accordance with TQH's Sanctions Policy;
- taking appropriate action against learners where malpractice has been established, including written warnings, withdrawal of assessment outcomes, disqualification or restrictions on future registrations;
- reviewing, amending or withdrawing certification where this is necessary to maintain the integrity of qualifications;

- notifying the relevant regulatory authority and other appropriate organisations where required;
- reviewing and, where necessary, amending TQH policies, qualification documentation, assessment materials, quality assurance arrangements or guidance; and
- undertaking further investigations where evidence suggests that issues may be more widespread.

Where certificates are determined to be invalid, TQH will manage their withdrawal in accordance with its documented certification arrangements and will notify the relevant parties of the actions required.

Where additional External Quality Assurance activity, reassessment or certificate replacement is necessary as a direct result of proven malpractice or maladministration by a recognised centre, TQH reserves the right to recover reasonable costs in accordance with its published Fees and Invoicing Policy.

The Head of Quality Assurance will ensure that lessons learned from each investigation are recorded and, where appropriate, incorporated into TQH's quality assurance activities, qualification review arrangements, policies, guidance and continuous improvement processes.

Any party wishing to appeal against a decision arising from a malpractice or maladministration investigation may do so in accordance with TQH's Appeals Policy.

Malpractice and Maladministration Policy Summary

The Qualification Hub (TQH) is committed to protecting the integrity, fairness and validity of its qualifications. This policy sets out how suspected or actual malpractice and maladministration will be identified, reported, investigated and managed in accordance with regulatory requirements.

The policy applies to all TQH staff, contractors, External Quality Assurers (EQAs), recognised centres, centre staff, assessors and learners, and covers both centre-based and internal incidents that could affect the quality, integrity or credibility of TQH qualifications.

Key responsibilities

- Head of Quality Assurance – Oversees all malpractice and maladministration investigations, appoints investigators, reviews investigation outcomes and ensures appropriate corrective actions are implemented.
- Investigator / Lead EQA – Conducts investigations, gathers and evaluates evidence and prepares investigation reports.

- Responsible Officer – Provides regulatory oversight, ensures regulatory notifications are made where required and oversees matters that may result in an actual or potential adverse effect.
- Board of Directors – Receives management information and oversight reports to provide assurance that TQH's arrangements remain effective and compliant.

Reporting and investigation

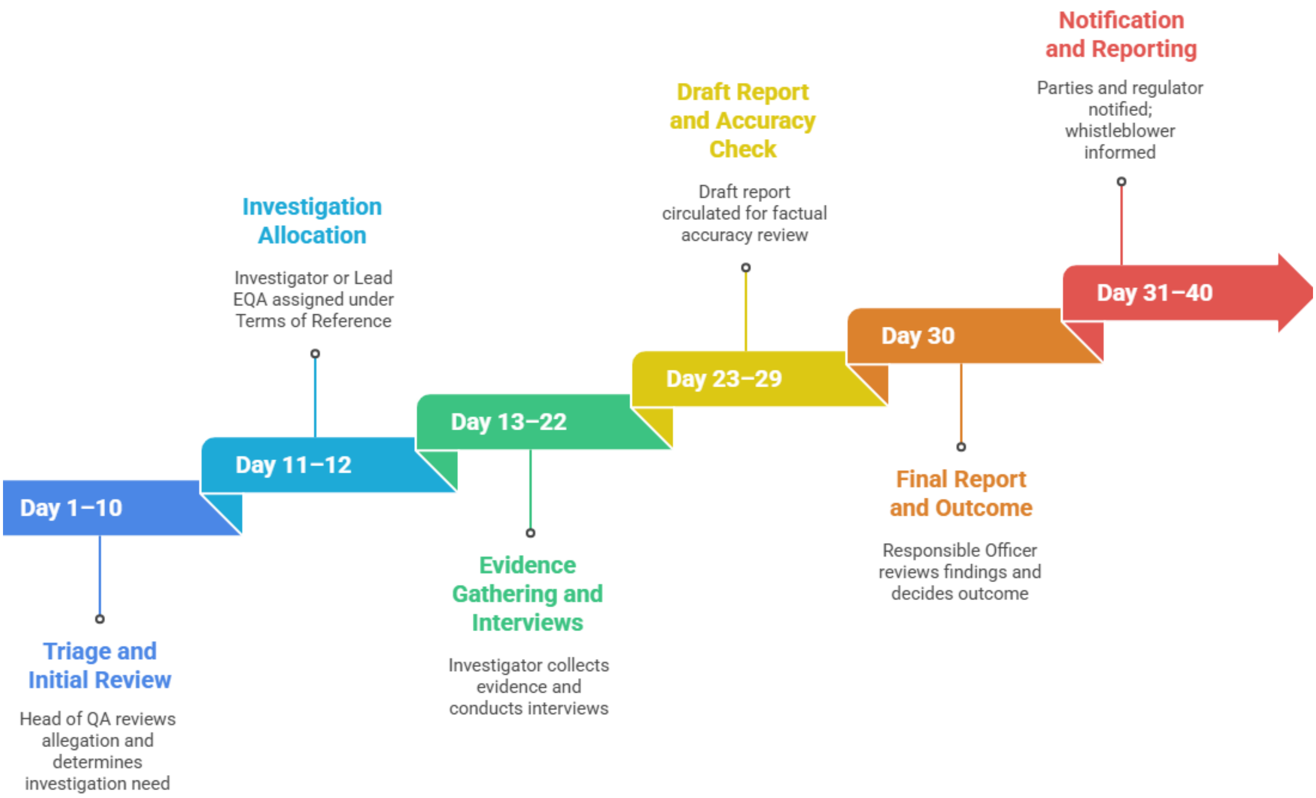
Concerns may be reported through The Hub or directly to TQH. All allegations are reviewed promptly and, where appropriate, investigated in accordance with this policy. TQH aims to complete investigations within 20 working days wherever reasonably practicable, although more complex investigations may require additional time.

Fairness and continuous improvement

All investigations are conducted fairly, objectively, proportionately and confidentially. Whistleblowers are supported in accordance with TQH's Whistleblowing Policy, and the interests of learners remain central throughout the investigation process.

Lessons learned from investigations are recorded and used to strengthen TQH's policies, qualification development, quality assurance arrangements and centre monitoring activities as part of its commitment to continuous improvement.

TQH Malpractice and Maladministration Investigation Timeframe



Contact us

If you have any queries about this policy or require advice on the prevention, reporting or investigation of malpractice or maladministration, please contact the Head of Quality Assurance:

Email: qualityassurance@thequalificationhub.com