

Malpractice and Maladministration Policy

Scope

This policy is for all Crossfields Institute approved centres who are delivering Crossfields Institute regulated and self-regulated qualifications (within or outside the UK) and Quality Marks. It is also for use by our staff to ensure all malpractice and maladministration investigations are dealt with in a consistent manner.

The policy sets out the steps all centres and our personnel must follow when reporting suspected or actual cases of malpractice/maladministration and the responsibilities in dealing with such cases.

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. It covers any deliberate actions, neglect, default, or other practice that compromises, or could compromise:

- the assessment process
- the integrity of a qualification
- the validity of a result or certificate
- the reputation and credibility of Crossfields Institute 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 a certain learner or 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 mistakes or poor administration within a centre (e.g. inappropriate learner records, lack of security for learner records).

Centre Responsibility

It is important that all staff involved in the management, assessment and quality assurance of our qualifications are fully aware of the contents of this policy and that the centre has arrangements in place to prevent and investigate instances of malpractice and maladministration. This should be detailed in their own malpractice and maladministration policy, and which is aligned to that of Crossfields Institute

Failure to report suspected or actual malpractice/maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on a centre (see our Sanctions policy for details of the sanctions that may be imposed).

Centre compliance with this policy and how reasonable steps are taken to prevent and/or investigate instances of malpractice and maladministration will be reviewed by Crossfields Institute through the ongoing centre monitoring arrangements.

Making an Allegation of Malpractice or Maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration **must immediately notify Crossfields Institute** in writing

This must include

- centre name, address, and number
- learner name(s) where appropriate and Crossfields Institute registration number
- centre/Crossfields Institute personnel's details (name, job role) if they are involved in the case
- details of the Crossfields Institute 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

The person making the allegation must also declare any personal interest they may have in the matter to us at the outset.

Confidentiality and whistle blowing

We will always aim to keep a whistle-blower's identity confidential where asked to do so, although this cannot be guaranteed where there is a need to disclose identities should the investigation lead to issues that need to be taken forward by other parties. For example:

- the police, fraud prevention agencies or other law enforcement agencies
- the courts (in connection with any court proceedings)
- other third parties such as the relevant regulatory authority (Ofqual in England).

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

Responsibility for the Investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by Crossfields Institute to establish if malpractice or maladministration has occurred and all reasonable steps will be taken to prevent any adverse effect from occurring as defined by the regulator, Ofqual.

All suspected cases of malpractice and maladministration will be passed to our Responsible Officer, and we will acknowledge receipt, as appropriate, to external parties within 3 working days.

All personnel investigating malpractice and/or maladministration must have appropriate competence

Investigation timelines, summary process and reporting

Where possible, we aim to complete the investigation within 10 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a centre 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 centre.
- 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 centre, and/or to members of staff, in accordance with our Sanctions Policy
- To identify any adverse patterns or trends

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. In any interviews carried out with the person(s) accused of malpractice/maladministration they can choose to be accompanied by a work colleague, trade union representative, or another 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 a centre 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 co-operate with us

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to impose sanctions on the centre in order to protect the interests of learners and the integrity of the qualifications.

After an investigation, the Responsible Officer 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 (eg written statements)
- Confirm an appropriate level of remedial action to be applied

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

Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place we 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 or maladministration.
- Ensure there has been no gain from compromising our standards.

CFI will work with the centre to undertake actions resulting from the investigation and will also engage in a lessons learned process.

A centre or learner may appeal against a malpractice or maladministration decision following an investigation using the appeals policy.