

# Malpractice and Maladministration Policy

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## What is Malpractice

Malpractice is any act, omission default or practice that breaches our rules or compromises:

- the process of internal and external assessments
- the integrity of IQL UK qualifications or awards
- the validity of results or qualifications
- the reputation and credibility of IQL UK and RLSS UK

Malpractice includes maladministration, which is any act, omission or practice that results in an approved training centre, approved training provider or candidate failing to comply with our administrative regulations and requirements. Malpractice and maladministration can be deliberate or the result of negligence.

## Introduction and Scope

This policy is aimed at all those, including Approved Training Centre/ Provider(s) and candidates, who are delivering, assessing or are registered on IQL UK Regulated or Non-regulated Qualifications and Awards and may be involved in suspected or actual cases of malpractice.

This policy also applies to IQL UK staff who are suspected of being involved in such cases. It is also used to ensure IQL UK staff deal with all malpractice investigations in a consistent manner.

This policy sets out the steps the ATC/Ps, learner or other personnel must take when reporting suspected or actual cases of malpractice. This policy also sets out the steps IQL UK will take when responding to such cases.

It is important that ATC/Ps understand their own responsibilities in complying with this policy and make all individuals/organisations fully aware of the contents of this policy and have arrangements in place to prevent and investigate instances of malpractice in accordance with IQL UK policies and procedures.

Incidents of malpractice can potentially lead to candidates being disadvantaged. Where it is not possible to prevent this, incidents of suspected or actual malpractice must be dealt with promptly and thoroughly in accordance with IQL UK policy and procedures contained and/or referred to within this document.

Failure to report suspected or actual malpractice or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on ATC/Ps, and the individuals involved.

We intend to resolve report of malpractice informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally.

## Examples of Malpractice by a Candidate

- Altering or falsifying results documents, including certificates
- Copying from another candidate or allowing work to be copied
- Plagiarism of any nature
- Bringing unauthorised material or instruments into an examination room or assessment
- Failure to abide by the instructions of a Trainer or Assessor
- Making inappropriate or offensive written comments in an examination or test

## Examples of malpractice by an ATC/P

- Providing IQL UK with incorrect information during the onboarding process
- Falsifying or fabricating candidates marks, assessment evidence, observation records, certification claims or results documentation
- Providing assistance to candidates, beyond that which is permitted by the relevant guidance and syllabus or where applicable an assessment adaptation, which results in a potential or actual advantage during an examination and/ or assessment
- Breaching the confidentiality of question papers or materials
- Failing to report any instances of malpractice or suspected malpractice

## How to Report Suspected Malpractice.

Reports of malpractice should be made in writing via email within 10 working days of occurrence, or within two weeks of an unsatisfactory outcome of a complaint to an ATC/P.

Reports of malpractice should detail:

- A full description of the incident (including dates, times and, context where appropriate)
- Names of others involved
- Copies of any evidence, e.g., letters, completed forms, witness testimony
- Contact details (in accordance with Data Protection legislation. e.g., name and contact email or phone number)

If the report is excessively long or complex, we may ask you to provide a summary so that we are clear what the issues are.

## What will happen to my Report?

Where possible, we would like to deal with your report of malpractice informally and may do so over the telephone or via email. In such cases, we will confirm in an email the action we will take.

Sometimes a more formal approach is required and in these cases your report must be put in writing directly to: [compliance@iql.org.uk](mailto:compliance@iql.org.uk)

If the report cannot be put in writing, a member of the Compliance Team will relay any verbal conversation via email, to ensure the details around the incident have been understood.

We will acknowledge all reports within three working days, investigate and provide a response within 10 working days where necessary.

If the report of malpractice is not resolved informally, it will be escalated to our formal proceedings.

All reports of malpractice will be logged as soon as they are received. When a report of malpractice needs to be treated more formally, the case will be assigned to a member of the Compliance Team who will start the initial investigation.

If the report is from a candidate who has exhausted the ATC/Ps own malpractice procedure, we will contact the ATC/P Co-ordinator for the outcome of the incident.

We will endeavour to complete any investigation relating to malpractice within 28 working days of the receipt of the initial written complaint. To ensure a fair and thorough investigation, the duration may depend on the nature and severity of the report received, and the investigating team member will notify the complainant as soon as possible, if the investigation will take longer than expected.

Where possible, complainants will be kept informed during this period and will be informed of the outcome.

If your report is upheld, we will, subject to the requirements of confidentiality, inform you of the actions we propose to take. If your report is not upheld, we will explain why.

If you are not happy with the way your report of malpractice has been handled or the outcome of our investigation, you can refer your grievance to the Compliance Manager.

In such cases, this must be done within 10 working days of receipt of our decision.

Only the original incident and your dissatisfaction with how it was handled will be reviewed

Further consideration of your complaint will only be made if the review considers the complaint was not handled according to our procedures or failed to take into account critical evidence.

Any decisions made at this stage will be signed off by the Compliance Manager. This will be the final decision and the report will be closed.

We are required to report cases of malpractice/maladministration to the qualifications regulators where we believe an Adverse Effect may have occurred. An Adverse Effect includes situations in which candidates are disadvantaged; an awarding organisation is unable to develop, deliver or award its qualifications appropriately; the standards of an awarding organisation's qualifications are adversely affected; or public confidence in qualifications is undermined.

## When we cannot Investigate

Sometimes candidates or parents contact us because they're unhappy with a decision that's been made by one of our ATC/Ps. Unless this decision involves malpractice, as explained above, you'll need to give them an opportunity to respond to your concerns before we can get involved.

If you've exhausted the internal complaints process at your ATC/P and you need advice on what to do next, please refer to our complaints policy.

## Principles for Investigation

When investigating malpractice, we will try to clarify:

- What has happened
- Who was involved?
- Where this happened
- When this happened
- Names of witnesses (where possible)

We intend to address any reports of malpractice as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action once the necessary details of the incident have been received. Where further investigations are necessary, new time limits will be set, and the complainant will be provided of the new deadlines with an explanation for the delay.

We expect that reports of malpractice will be made as soon as possible after an incident arises and no later than 10 working days afterwards. We will consider exceptions to this timeframe in circumstances where there were valid reasons for bringing the report of malpractice at that time, and the complaint can still be investigated in a fair manner for all involved.

## Investigation outcomes

If the investigation confirms that malpractice has taken place IQL UK will consider what action to take to:

- Minimise the risk to the integrity of certification in the present and future
- Maintain public confidence in the delivery and awarding of qualifications
- Discourage others from carrying out similar instances of malpractice through ongoing training
- Ensure there has been no gain from compromising our standards

The actions IQL UK may take include where applicable:

- Implementing the Disciplinary policy for individual Trainer Assessors (TA's) where malpractice has occurred.
- Impose actions on ATC/Ps and TA's with specified deadlines to address instance of malpractice and to prevent reoccurrence
- Impose sanctions on ATC/Ps or TA's and communicate these together with rationale for sanction(s)
- In cases where certificates are deemed invalid, ATC/Ps and regulatory authorities will be informed with any action necessary for reassessment and/or for the withdrawal of the certificates. IQL UK will advise ATC/Ps to inform affected candidates of withdrawal of certificates and where possible, return invalid certificates to IQL UK who will amend databases to ensure duplicate invalid certificates cannot be issued.
- Conduct centre visits or TA observations in order to support and develop professional practice
- Amending aspects of IQL UK qualification development, delivery, awarding arrangements, associated guidance, assessment and/or monitoring arrangements where applicable to prevent the issue reoccurring
- Informing relevant third parties of IQL UK findings so they may take any relevant action in relation to the ATC/P
- Record 'lessons learned' from investigations

## Application of Sanctions

Either at notification of a suspected or actual case of malpractice and/or at any time during the investigation, IQL UK reserve the right to impose sanctions on the ATC/P in accordance with IQL UK Sanctions Policy to protect the interests of learners and the integrity of the IQL UK qualifications.

IQL UK also reserve the right to withhold a learner's, and/or cohort's, results for all the IQL UK qualifications they are studying at the time of the notification or investigation of suspected or actual malpractice

## Appeals

For all ATC/p's Learners, TA's and other personnel have the right to make an appeal against IQL UK decision to impose a sanction. Please refer to our Appeals Policy.

## Confidentiality and Whistle-blowing

To enable a full investigation to take place, it will be necessary for complainants to provide their name and contact details. However, in some instances a complainant may wish to remain anonymous.

We always aim to keep a whistle-blower's identity confidential where asked to do so, although this cannot be guaranteed. There may be situations where we have a duty to disclose identity for example to:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- The courts (court proceedings)
- Relevant authorities where there are safeguarding concerns
- RLSS UK as part of any investigations into issues around qualification delivery
- Other third parties, e.g., Regulators

## Contact Details

RLSS UK Contact details	
<b>Email</b>	compliance@iql.org.uk
<b>Telephone</b>	0300 323 0096
<b>Address</b>	RLSS UK Red Hill House 227 London Road Worcester WR5 2JG