

Malpractice & Maladministration Policy

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MALPRACTICE AND MALADMINISTRATION POLICY

INTRODUCTION

This policy applies to anyone involved in the development, delivery and award of EAL approved qualifications or units, within or outside the UK; who identifies or suspects potential malpractice/maladministration. The policy provides definitions and the process by which a suspected or alleged instance of malpractice or maladministration can be reported. It also describes your responsibilities and the way EAL will manage such cases to ensure that all malpractice and maladministration investigations are conducted in a consistent manner.

DEFINITIONS

Maladministration is any activity, neglect, default or other practice that results in the centre staff or learner not complying with the specified requirements for the delivery of units or qualifications.

Examples of maladministration include but are not limited to:

- Centre issuing an incorrect certificate or incorrect results to learners¹
- Failure to follow procedures when entering learner data or recording assessment decisions
- Inaccurate production of assessment records
- Negligent or uninformed destruction of assessment or qualification records
- Failure to keep unseen assessment papers or mark schemes secure prior to assessment
- Failure to keep learner data secure
- Failure to declare a conflict of interest

Malpractice is any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or the validity of certificates.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain individuals or groups of learners.

Examples of malpractice include but are not limited to:

- Criminal offences such as bribery or fraud
- Fraudulent claim for certificates
- Assisting learners in the production of evidence, to such an extent that the evidence is not authentic (i.e. does not represent the learner's own achievement)
- Actions compromising the credibility of EAL and its products and services
- Actions compromising the reputation of EAL's regulators, or which bring the wider qualifications systems into disrepute

¹ Where centres have made an error when claiming certificates the incorrect certificates must be returned to EAL with full details of how the error occurred using the incorrect claim process, before replacement certificates can be reissued. Payment for re-issue will be charged to the centre. **All** such errors will be logged as **maladministration** against the centre profile and the centre's EQA will be informed.

PROCESS FOR REPORTING AN ALLEGATION OF SUSPECTED MALPRACTICE OR MALADMINISTRATION

Malpractice/Maladministration may be discovered or suspected by centres, EAL staff (in particular members of the external quality assurance or exams quality monitoring teams) or by others involved in our qualifications, including learners or members of the public. All suspected or alleged instances of malpractice/maladministration **must** be reported directly to EAL through the Customer Experience team either by phone – 01923 652400 or via email customercare@eal.org.uk or letter and should include details of the findings or suspicions. In order for EAL to fully investigate, please provide as much information as possible.

Please note - we may ask that you get in touch by email if your enquiry is complex or requires a more detailed response.

Depending upon the circumstances, EAL may ask a centre to carry out their own internal investigation and submit a report to EAL with details of their findings and a conclusion; including an action plan following their investigation. Guidance for carrying out an Internal Investigation can be found in the documents library of SmarterTouch. However, the centre **must** report suspected or alleged malpractice or maladministration in the first instance to EAL, prior to deciding on this approach.

CENTRES' RESPONSIBILITIES

As part of EAL's recognition process centres **must** have their own policy in place for identifying and managing malpractice and maladministration. It is also the responsibility of centres to:

- Inform their staff and learners involved in the management, assessment and quality assurance of EAL qualifications, of the contents of the centre's policy.
- Ensure there are arrangements in place to mitigate and investigate instances of maladministration and malpractice.
- Inform a member of your staff, or learner, if they are suspected of malpractice, that an investigation will be launched and that they may have the right to feedback and/or to appeal.
- Co-operate with EAL at all times during an investigation.
- Respect the confidentiality of information that is handled surrounding and as part of an investigation.

A 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.

REOCCURRING INSTANCES OF MALADMINISTRATION

Repeated cases of maladministration within a 12 month period, relating to the same processes within a centre will be considered more seriously, as efforts to mitigate reoccurrence either have not been implemented or are deemed to be insufficient.

In the event that three cases of maladministration have been logged in respect of a centre which relate to the same cause or process failure, EAL reserve the right to carry out a centre visit in order to support you further and help ensure there are no future occurrences. If EAL deems a Maladministration support visit is necessary, the centre will be informed that this may incur a fee and this will be communicated to you prior to the centre visit.²

Should a subsequent case of maladministration be identified following a centre visit, EAL will consider this to be possible malpractice.

INVESTIGATION STAGE

EAL will acknowledge all allegations within 2 working days of receipt of the information and aim to action; resolve and conclude all stages of the investigation within 20 working days of receipt of the information. We will then communicate our findings and outcome in writing within a further 10 working days of the conclusion of the investigation. 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.

All suspected cases of malpractice will be reviewed in accordance with EAL's procedures and regulatory requirements, ensuring the investigation is carried out in a prompt and effective manner and in accordance with this policy. All reasonable steps will be taken to prevent an adverse effect from occurring.

After an initial investigation, cases of malpractice which have a potential or proven Adverse Effect will be submitted to the Governance and Regulation team for formal review and to enable formal notification to the regulator, where required. At all times we will ensure that EAL personnel assigned to the investigation have the appropriate level of investigation training and competence, and they have had no previous involvement or personal interest in the matter.

At any time during an investigation EAL reserve the right to impose sanctions on a centre in accordance with our **Sanctions Policy**; to withhold a learner's and/or cohort's results for all EAL qualifications and/or units they are registered on; and/ or apply appropriate restrictions in order to protect the interests of learners and the integrity of our qualifications.

In the event that an EAL member of staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation EAL's Governance and Regulation Team will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and that all relevant external parties are informed.

INVESTIGATION OUTCOMES & REPORTING

Where malpractice has been proven, EAL will consider whether the integrity of its assessments have been jeopardised and will take action to protect and ensure the integrity of assessments now and in the future. We will agree with you the actions to be taken. In accordance with the UK's regulatory requirements any action taken will be commensurate with the gravity of the malpractice.

² Persistent failure to rectify such errors will result in EAL applying sanctions

An investigation report (if required) will be produced for the parties concerned to check the factual accuracy. Reports may be made available to the regulator(s) and other external agencies as required. 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 there has been an internal investigation against a member of EAL's staff, the report will be agreed by EAL's senior management and HR and appropriate internal procedures will be applied.

Following an investigation outcome, EAL will consider one or all of the following:

- Offer advice on how to mitigate reoccurrence.
- Provide support of our dedicated EQA's.
- Maintain positive and productive lines of communication.
- Assist with necessary EAL processes and administration.
- Review the issues raised, record any lessons learned and update policies and procedures as necessary with the aim of preventing further malpractice or maladministration.

EAL reserves the right to charge the centre for any cases of malpractice / maladministration, examination resits, reissuing of certificates and/or additional external quality assurance visits. We will discuss and agree this with you in advance of any charges being made.

If you wish to appeal against our decision to take action as recommended in the investigation report, please refer to EAL's **Appeals Policy**.

NOTIFYING RELEVANT PARTIES

In all cases of suspected or actual malpractice/maladministration, EAL will notify the centre coordinator and any centre staff or learners involved in the allegation. We may withhold details of the person making the allegation(s) solely if to do so would breach a duty of confidentiality or any other legal duty.

In relation to suspected or actual cases of malpractice, EAL will inform the appropriate regulator(s) of any investigation according to their requirements where there is evidence that a result or certificate may be invalid, or where an adverse effect is likely to occur. In exceptional cases, the regulator may lead the investigation. Where EAL believes the allegation(s) may affect another awarding organisation, we will inform them in accordance with the regulatory requirements.

CONFIDENTIALITY AND WHISTLE-BLOWING

When making an allegation of malpractice or maladministration, it is always preferable to reveal your identity and contact details to us; however if you wish to remain anonymous or are concerned about possible adverse consequences, you may request us not to divulge your identity.

At all times we will investigate such allegations from a whistle-blower in accordance with our current **Whistle-blowing Policy**.

PRIVACY STATEMENT

It is necessary for us to collect and hold personal information about you in order to investigate your concern(s) relating to malpractice and maladministration.

We will hold the information you provide to us securely and use it to help us to investigate your concerns. For more information please access our EAL Privacy Policy - [EAL Privacy Policy](#)

WHAT PERSONAL DATA WE COLLECT AND WHO HAS ACCESS TO IT

We will ask for your name and contact details. We may also ask you for your organisation's name, although these are not mandatory. If you are worried about being identified, you can make a disclosure to EAL anonymously. We treat anonymous disclosures just as seriously as those made openly. However, if you do make a disclosure anonymously, we may not be able to investigate your concerns as effectively.

We will also ask for further information so that we can investigate your concerns, such as the qualifications affected, centres involved, number of learners affected and your report of the incident, along with any supporting documents or evidence.

To ensure EAL deals with your allegation equally and fairly, all disclosures, including those sent to other departments in EAL, including the Responsible Officer or board members, will be forwarded to the Governance & Regulation Team for action.

Your information will be shared internally with limited EAL staff in relevant departments in order that we can handle, investigate and respond to your disclosure.

We may also share your information with other organisations, such as the regulators, government departments, enforcement agencies and the police if we think it is necessary to do so. There may also be certain circumstances where we are required, by law, to share your information.

REVIEW ARRANGEMENTS

We will review this policy annually as part of our self-evaluation arrangements and revise it in line with any feedback from customers, learners, regulatory authorities or external agencies, or changes in our practices.

CONTACT US

If you have any queries about the contents of the policy or wish to receive guidance/ advice from EAL on how to prevent malpractice or maladministration, please contact the Customer Experience Team on 01923 652400 or email them at customercare@eal.org.uk or via post to:

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