



## Introduction

This policy is aimed at our customers, including learners, who are delivering/registered on SafeCert Awards Ltd (SafeCert) approved qualifications or units within or outside the UK and who are involved in suspected or actual malpractice/maladministration. 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, candidates or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

## Centres Responsibility

It is important that your staff who are involved in the management, assessment and quality assurance of our 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 malpractice/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/advice from us on how to prevent, investigate, and deal with malpractice and maladministration then please contact us (details below) 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 SafeCert periodically through our ongoing centre monitoring arrangements.

## Review Arrangements

SafeCert will review the policy on a three-year cycle or sooner with any regulatory or legislation changes.

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 SafeCert Awards Ltd; or,
- the qualification or the wider qualifications community.

## Examples of Malpractice

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.

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:

- Fraudulent claim for certificates
- The unauthorised use of inappropriate materials/equipment in assessment settings (eg mobile phones)
- Collusion or permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the centre
- Deliberate contravention by our a centre and/or its learners of the assessment arrangements we specify for our qualifications
- Copying from another candidate (including using ICT to do so).
- Unauthorised amendment, copying or distribution of exam/assessment papers/materials
- Inappropriate assistance to learners by centre staff (eg unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy

## Definition of Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (eg inappropriate learner records).

## Examples of Maladministration

The categories listed below are examples of centre and learner maladministration.

- Inefficient systems that do not adhere to our learner registration and certification procedures.
- Inefficient systems that do not 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 SafeCert Awards Ltd
- Inaccurate claim for certificates
- Omitting information from us which is required to assure SafeCert of the centre's ability to deliver qualifications appropriately
- Using our logo and trademarks that misrepresents the centre's relationship with SafeCert Awards Ltd and/or its recognition and approval status with SafeCert Awards Ltd
- Omitting the recording of instances of reasonable adjustments and special considerations when used

## 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 promptly notify SafeCert Awards Ltd. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- centre's name, address and number
- learner's name and SafeCert Awards Ltd registration number
- centre/SafeCert Awards Ltd personnel's details (name, job role) if they are involved in the case
- details of the SafeCert Awards Ltd course/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, including any mitigating circumstances

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

In all cases of suspected malpractice and maladministration reported to us, we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

## **Confidentiality and whistleblowing**

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to us, and if you are concerned about possible adverse consequences request us not to divulge your identity. If it helps to reassure you on this point, we can confirm that we are not obliged (as recommended by the regulators (SQA Accreditation/CCEA Regulation) to disclose the information if doing so would be a breach of confidentiality and/or any other legal duty.

While we are prepared to investigate issues which are reported to us anonymously, we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those the allegation relates. At all times we will investigate such allegations from whistle-blowers in accordance with relevant whistle-blowing legislation.

## **Responsibility for the investigation**

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be examined promptly by SafeCert Awards Ltd to establish if malpractice or maladministration has occurred and will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulators SQA Accreditation and CCEA Regulation.

All suspected cases of malpractice and maladministration will be passed to our Quality Assurance Manager and we'll acknowledge receipt, as appropriate, to external parties within 3 days. If it is decided that there is a possible case and the information is not from a malicious source then the information will be passed to the regulator SQA Accreditation and CCEA Regulation as appropriate.

At all times we will ensure that SafeCert personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

## **Notifying relevant parties**

In all cases of suspected or actual malpractice, we'll notify the Head of your Centre involved in the allegation that we'll be investigating the matter and/or in the case of learner malpractice, we may ask your centre to investigate the issue in liaison with our own personnel – in doing so we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

Where applicable, our General Manager will inform the appropriate regulatory authorities of all cases of actual or suspected cases of malpractice and/or maladministration.

Where the allegation may affect another awarding organisation and their provision, we will also inform them in accordance with the regulatory requirements and obligations imposed on SafeCert by the regulators SQA Accreditation and CCEA Regulation. If we do not know the details of organisations that might be affected, we will ask SQA Accreditation and CCEA Regulation to help us identify relevant parties that should be informed.

## Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within 20 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'll 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 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.
- To evaluate any action already taken by the centre.
- To determine whether remedial action is required to reduce the risk to currently 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.

Where a case of malpractice and/or maladministration is identified, SafeCert and/or the Centre will take appropriate corrective and/or preventative action. The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will:

- Ensure all material collected as part of an investigation is securely kept. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a centre will be retained for a period of not less than five years. If an investigation leads to the 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 seven years thereafter.
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with us.

Either at the 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 accordance with our Sanctions Policy in order to protect the interests of learners and the integrity of the qualifications.



We also reserve the right to withhold learners, and/or cohorts', results for all the SafeCert courses/qualifications and/or units they are studying at the time of the notification or investigation of suspected or actual malpractice/maladministration.

If appropriate, we may find that the complexity of a case or a lack of cooperation from a centre means that we are unable to complete an investigation. In such circumstances, we will consult the relevant regulatory authority in order to determine how best to progress the matter.

Where a member of SafeCert's staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our General Manager 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 for liaising with and keeping informed relevant external parties.

## **Investigation report**

After an investigation, we'll produce a draft report for the relevant parties concerned to check the factual accuracy where appropriate. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- Identify where the breach, if any occurred.
- Confirm the facts of the case.
- Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied.

We'll make the final report available to the parties concerned and to the regulatory authorities and other external agencies within 7 working days.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we'll also inform them of the outcome – normally within 7 working days of making our decision - 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 it's an internal investigation is against a member of SafeCert the report will be agreed upon by the General Manager with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

## **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.

The action we may take include:

- impose actions in relation to the centre with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- impose sanctions on the centre – if so these will be communicated to the centre in accordance with our sanctions policy along with the rationale for the sanction(s) selected.
- in cases where certificates are deemed to be invalid, inform the centre concerned and the regulatory authorities why they're invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We'll also ask the centre to let the affected learners know the action we're taking and that their original certificates are invalid and ask the centre – where possible – to return the invalid certificates to SafeCert. We'll also amend our records so that duplicates of the invalid certificates cannot be issued and we expect the centre to amend their records to show that the original awards are invalid.
- amend aspects of our qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- inform relevant third parties (eg funding bodies) of our findings in case they need to take relevant action in relation to the centre.

In proven cases of malpractice and/or maladministration by a centre SafeCert reserves the right to charge the centre for any resits and reissuing of certificates and/or additional External Quality Assurer visits. The fees for which will be the current SafeCert prices for such activities at the time of the investigation.

In addition, to the above the General Manager will record any lessons learnt from the investigation and pass these on to relevant internal colleagues/centres to help SafeCert and centres prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant party(ies) wishes to appeal against our decision to impose sanctions, please refer to our Appeals Policy.

## **Contact us**

If you've any queries about the contents of the policy, please contact Quality Assurance Manager Alison Whelan at 0845 500 2 100 or email them at [alison@safecertawards.com](mailto:alison@safecertawards.com)



SafeCert will report all allegations of malpractice/maladministration to the regulators in line with the Awarding Organisation Centre Approval terms and conditions.



I the responsible person as listed below authorise the use of the policy and have signed and dated it.

<b>Company Name</b>	SafeCert Awards Ltd	<b>Company Address</b>	38 Main Street, Gortin BT79 8PH
<b>Responsible Person Name</b>	Paul Horsburgh	<b>Position</b>	General Manager
<b>Responsible Officer Signature</b>	<i>Paul Horsburgh</i>	<b>Date</b>	15 <sup>th</sup> Aug 2023

SafeCert will review the policy on a three-year cycle or sooner with any regulatory or legislation changes.