

## MALADMINISTRATION AND MALPRACTICE POLICY AND PROCEDURE

### Introduction

This policy is aimed at everyone involved in the development, delivery and award of FAA qualifications both within and outside of the UK.

To assist in the prevention of maladministration and malpractice FAA have set policies, working procedures and assessment criteria which everyone involved in the design, delivery and award of FAA qualifications must adhere to.

The policy sets out procedures for identification, reporting, investigation and actions in dealing with suspected or alleged maladministration and malpractice.

### Definitions

**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 such as:

- Non-compliance with FAA policies and procedures
- Failure to adhere to FAA learner registration and certification procedures
- Failure to adhere to FAA financial requirements, such as invoice payment
- Unreasonable delays in responding to requests or communications from FAA
- Inaccurate claim for certificates

**Malpractice** is essentially any activity or practice which contravenes regulations and compromises the integrity of the assessment process and/or the validity of qualifications. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise the:

- Assessment process
- Integrity of a regulated qualification
- Validity of a result or certificate
- Reputation and credibility of First Aid Awards, 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.

Below are examples of Centre malpractice:

- Contravention of FAA Centre and qualification approval conditions
- Failure to satisfactorily implement conditions of approval within stated timelines
- Unreasonable Centre postponement of quality assurance procedures
- Denial of access to resources (premises, records, information, learners and staff) by any authorised FAA representative and/or qualification regulators
- Actions required by FAA External Quality Assurers not being met within agreed timescales
- Failure to adhere to FAA learner registration and certification procedures
- Failure to maintain auditable records for example certification claims
- Fraudulent claim for certificates
- Submission of false information to gain a qualification
- Intentional withholding of information from FAA which is critical to maintaining the rigour of quality assurance
- Misuse of the FAA brand
- Misrepresentation by any FAA personnel, FAA Centre or third party when advertising or promoting qualifications i.e. misleading users or learners to believe that a qualification is a regulated qualification when it is not a regulated qualification
- Insecure storage of assessment materials
- Unauthorised use, amendment, copying or distribution of assessment materials
- Breach of confidentiality of any assessment materials

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- Failure to comply with the FAA Reasonable Adjustments and Special Considerations policies
- Failure to carry out internal quality assurance processes
- Collusion or permitting collusion in assessments
- Persistent instances of maladministration
- Inappropriate assistance to learners by Centre staff for example unfairly helping them to pass a unit or qualification
- Using an unapproved Trainer/Assessor to undertake training
- Trainer/Assessor malpractice
- Deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned to the Centre

Below are examples of learner malpractice:

- Cheating or plagiarism of any nature
- Forgery of evidence
- Collusion
- Impersonation of another learner

### FAA Centres

All FAA Centres must take reasonable steps to prevent malpractice or maladministration from occurring throughout the delivery and award of FAA qualifications. It is a requirement for all Centres to hold their own documented process for preventing and investigating maladministration and malpractice which should follow this policy. This process will be reviewed during FAA quality assurance procedures.

It is important that Centre staff involved in the management, assessment and quality assurance of FAA qualifications and learners are aware of this policy and the Centre's own process for dealing with malpractice and maladministration.

Should any Centre require assistance on how to best prevent, investigate and deal with maladministration and malpractice, FAA is able to provide guidance on request.

FAA must be immediately informed where a Centre suspects maladministration and/or malpractice. On receipt of the notification from the Centre, FAA will risk assess the information supplied and make an informed decision as to whether the investigation should be carried out by the Centre in liaison with FAA personnel, or by FAA itself.

### Centre Investigation

Should FAA appoint the Centre to conduct the investigation, the Centre must follow their own maladministration and malpractice process and ensure that the investigation will be unbiased, prompt, thorough, independent and effective. The Centre Head should personally conduct/supervise the investigation and any Centre personnel appointed to undertake the investigation must have appropriate authority, competence and no personal interest in the outcome.

No Centre staff can participate in the investigation if there is a suspicion or allegation that the person is connected in any way or responsible for the maladministration/malpractice.

A detailed report of the outcome of the investigation must be forwarded to FAA and include the proposed action plan, including time scales. The plan must demonstrate how the Centre plans to deal with the situation and also how it will ensure that the issue does not recur. If the Centre identifies any adverse effects, they must take all reasonable steps to mitigate and correct as far as possible and inform FAA.

Following receipt of the report from the Centre, FAA will consider all factors put forward before making a decision as to whether the Centre's proposed Action Plan is suitable in dealing with the maladministration/malpractice case. FAA will inform the Centre of their decision in writing.

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### FAA Policy and Procedure

#### **Identification of Maladministration and Malpractice**

Maladministration and/or malpractice can be identified by:

- A Centre Trainer/Assessor, IQA or other member of Centre staff
- A FAA EQA or a member of FAA staff through FAA's quality assurance processes
- Verbal or written allegations that are reported by a learner, third party or other interested party to a FAA Centre or directly to FAA
- Notification from another Awarding Organisation or through Regulatory Bodies

#### **Process for making an allegation of Maladministration or Malpractice**

Anybody who identifies, or is made aware of suspected or actual cases of malpractice or maladministration, must report this to FAA immediately. They should put details in writing and enclose supporting evidence with the claim if possible.

All allegations should include where possible and if relevant:

- Centre name, address and number
- Learner's name if appropriate
- Centre personnel details (name and job role) if they are involved in the allegation
- Title and number of the FAA course/qualification effected or nature of the service effected
- Date/s of suspected or actual occurrence
- Full details of suspected or actual occurrence
- Written statements from those involved in the case
- Date of the report and the informant's name, position and signature
- Declaration of any conflicts of interest
- Indication if the informant wishes to remain anonymous

FAA will endeavour to protect an informant's identity when asked to do so. This cannot be guaranteed and a person's identity may need to be disclosed to:

- The police, fraud prevention agencies or other law enforcement agencies
- The courts
- Another person to whom we are required by law to disclose the identity
- Regulatory Bodies

An informant should also recognise that they may be identifiable due to the nature or circumstances of the disclosure.

Whistleblower's may be protected by law under the Public Interest Disclosure Act 1998 (PIDA). Full details of the PIDA Act can be found in the link at the end of this policy and legal advice should be sought.

### FAA Investigation Process

#### **Receiving an Allegation**

FAA must be informed of all allegations of maladministration and/or malpractice. In certain situations FAA may ask the Centre to investigate the matter, in liaison with FAA personnel. Please see FAA Centres section above.

On FAA receiving an allegation, it will be passed to the FAA Accountable/Responsible Officer and receipt of the allegation will be acknowledged within 5 working days. An appropriate member of FAA staff will be appointed to lead the investigation, ensuring they are independent, having no direct involvement in the alleged issues, and free of any conflict of interest.

The lead investigator will make preliminary checks and ensure that the claims are not vexatious or frivolous. On determining that there are reasonable grounds for the suspicion or allegation, information received will be analysed, verified and logged.

Any Centre or individual alleged to be involved in maladministration or malpractice will be informed of the allegation that has been made, along with the supporting evidence. The Centre or individual will be given the opportunity to submit a written statement to FAA.

FAA reserves the right to apply sanctions on the Centre or learner under investigation at any stage of the investigation process, in order to protect the interests of other learners and the integrity of the qualification. This may result in the Centre being suspended during the course of the investigation, or the learner's registration for the specific qualification or any other registrations they may have being placed on hold pending the outcome of the investigation.

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### **Conducting the Investigation**

FAA aim to complete any investigation within 30 working days of receipt of the allegation. The investigation may take longer if for example a Centre visit is required, and in such instances FAA will advise all parties concerned of the likely revised timescale. Please note that a fee would be chargeable for any required Centre visits. Please see the FAA Pricing Policy to view the current fee.

The objectives of the investigation are to:

- Establish the facts relating to the allegations/suspicions in order to determine whether any irregularities have occurred
- Identify the cause of the irregularities and those involved
- Establish the scale of the irregularities
- Evaluate any action already taken by the Centre, if appropriate
- Determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification
- Ascertain whether any action is required in respect of certificates already issued
- Obtain clear evidence to support any sanctions to be applied to the Centre, learners or members of staff, in accordance with the FAA Sanctions Policy
- Maintain an auditable record of all evidence, findings and analysis
- Identify any adverse effects that may have been caused

During the investigation FAA could:

- Request further information from all relevant parties. The information will be verified by, for example, desktop research or contacting other parties and cross referencing with other evidence. All information relating to the investigation including emails will be collated and retained. The only FAA personnel having access to this information would be the lead investigator and the FAA Accountable/Responsible Officer who is overseeing the investigation. All information is stored on password protected computers
- Conduct interviews with relevant personnel, either face to face or by telephone. The interviewee will be informed that they can be accompanied by another person. Interviews will be documented by FAA
- Arrange a Centre visit

FAA expects all parties involved in the investigation to co-operate fully. Failure to co-operate will lead FAA to make a decision based on evidence available.

### **Outcome of the Investigation**

If the investigation confirms that there has been maladministration or malpractice, FAA will impose sanctions that are proportionate to the gravity and scope of the occurrence as per the FAA Sanctions Policy.

Should the outcome indicate that the Centre has been guilty of maladministration, FAA may require the Centre to undergo increased quality assurance procedures along with providing additional support and monitoring of their activities. To prevent further occurrence FAA would provide the Centre with an Action Plan which includes timescales for implementation.

Should a learner be found guilty of malpractice, FAA may:

- Disallow all or part of the learners assessment evidence
- Not issue the learners certificate/s
- Not accept any further registrations from the learner
- Disqualify them from the qualification

Should the investigation lead to a specific course being invalid, FAA will ensure that this is voided on all internal systems and require Centres to do the same. The Centre is responsible for informing all learners of the outcome and returning to FAA any certificates that may have been issued.

In proven cases of maladministration or malpractice FAA reserves the right to charge the Centre for any re-sits and reissuing of certificates.

Any adverse effects identified will be promptly corrected or mitigated as far as possible.

FAA will ensure confidentiality of all investigation documentation and all documents concerning a completed investigation or appeal will be retained for a period of 3 years.

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### Reporting the outcome of the Investigation

FAA will produce a report after a full investigation into the alleged maladministration/malpractice. FAA will make the report available to all relevant parties including the Regulators.

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
- Ensure there has been no gain from compromising FAA standards
- Detail any sanctions to be imposed

FAA will inform all relevant parties within 5 working days of the decision being made.

During the investigation process, if FAA believes that maladministration or malpractice has led to an adverse effect, Ofqual, Qualifications Wales and CCEA would be informed as appropriate. If the issue is in Scotland, SQA Accreditation would be informed immediately when any cases, or suspected cases, of maladministration and/or malpractice is identified. In serious cases FAA will agree the course of action with the appropriate Regulator. In exceptional cases the Regulators may lead the investigation.

Where FAA believes that the maladministration/malpractice will affect another Centre or Awarding Organisation, FAA will notify them accordingly.

If it was an independent/third party that notified FAA of the suspected/alleged maladministration and/or malpractice FAA will inform them of the outcome of the investigation as far as possible. FAA cannot guarantee to disclose all information should the disclosure breach a duty of confidentiality or any other legal duty.

### Preventing reoccurrence of Maladministration and/or Malpractice

Details of the allegation and outcome will be reported to relevant FAA staff and External Quality Assurers to help prevent and identify future occurrences.

FAA will use all information and knowledge gained during the investigation to review all policies and procedures to update the way in which FAA work to help prevent any future instances of maladministration or malpractice occurring.

### Appeals

If a Centre or learner wishes to appeal against a decision, please refer to the FAA Appeals Policy.

### Policy Review

FAA will review this policy on a regular basis to ensure its effectiveness and taking into account any feedback. Should you have any feedback regarding this policy then please contact FAA as below.

### Contact Details

First Aid Awards Ltd, Awards House, 10 Central Treviscoe, St Austell, Cornwall PL26 7QW

**TEL** 03458 333999

**EMAIL** [enquiries@firstaidawards.com](mailto:enquiries@firstaidawards.com)

### Useful Links

[FAA Plagiarism Policy](#)

[FAA Sanctions Policy](#)

[FAA Appeals Policy](#)

[FAA Pricing Policy](#)

[PIDA Act 1998](#)