

Malpractice and Maladministration Policy

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 regulated qualification;
- the validity of a result or certificate;
- the reputation and credibility of GEM Compliance Training Ltd. or,
- the qualification

Malpractice may include a range of issues from the failure to maintain appropriate records or systems, to the deliberate falsification of records to claim certificates.

Examples of malpractice

- Failure to carry out internal verification in accordance with Awarding Organisation Requirements
- Failure to adhere to relevant learner registration and certification procedures.
- Failure to maintain appropriate auditable records
- Fraudulent claim(s) for certificates
- Intentional withholding of information from us which is critical to maintaining standards of qualifications
- Collusion or permitting collusion in exams/assessments
- Plagiarism by learners/staff

Definition of Maladministration

Maladministration is any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration.

Examples of maladministration

- Failure to adhere to our registration and certification procedures.
- Failure to adhere to our Awarding Organisation requirements
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records
- Withholding of information

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 immediately notify the Directors of GEM Compliance Training Ltd. In doing so they should put them in writing/email and enclose appropriate supporting evidence. All allegations must include (where possible):

- Learner's name



- Staff members name and job role - if they are involved in the case
- Details of the course/qualification 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 Directors will then conduct an initial investigation prior to ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

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

Confidentiality and whistle blowing

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; if you are concerned about possible adverse consequences you may request that the Directors do not divulge your identity.

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.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by the Directors to establish if malpractice or maladministration has occurred

We will acknowledge receipt, as appropriate, to relevant external parties within 48 hours.

The Directors will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy.

Notifying relevant parties

Where applicable, our Directors will inform the appropriate Awarding Organisation if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification.

Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

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 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

- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of GEM Compliance Training Ltd. and the qualification.
- 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. Therefore, we will:

- Ensure all material collected as part of an investigation must be kept secure.
- 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 withhold a learner's, and/or cohort's, results.

Where a member of GEM Compliance Training Ltd. staff or an Associate is under investigation we may suspend them, or move them to other duties until the investigation is complete.

After an investigation, we'll 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:

- 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 as required.

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 10 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 against a member of our staff, the report will be agreed by the Directors, along 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 in order to:

- Minimise the risk to the integrity of certification now and in the future.
- Maintain public confidence in the delivery 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 take may include:

- Imposing actions to address the instance of malpractice/maladministration and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid, inform the Awarding Organisation concerned why they're invalid and any action to be taken for reassessment and/or for the

withdrawal of the certificates. We'll also let the affected learners know the action we're taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to GEM Compliance Training Ltd.

- Informing relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre.

In addition, to the above the Directors will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help 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 Complaints and Appeals Procedure.

This Policy has been approved & authorised by:

Name: Gavin Milligan
Position: Managing Director
Date: 01/02/2022
Signature:



Revisions

Version	Date Created	By	Reason for change
1	1 st December 2018	Gavin Milligan	New document
2		Gavin Milligan	
3		Gavin Milligan	