



CPD Malpractice and Maladministration Policy

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Last review date – Sept 2019

Next review date – Sept 2020

Reviewed by – The Laurus Trust

Malpractice and Maladministration Policy

Objectives

The purpose of this policy is to protect the integrity of all accreditations awarded by or on behalf of the Laurus Trust, so that our accreditations remain a reliable indicator that a consistent standard has been met. The policy seeks to achieve this by clearly defining a consistent approach to prevent, identify, deal effectively with and learn from any instances of malpractice or maladministration.

Background and Legal/Regulatory Framework

It is of the utmost importance that we maintain the integrity of the accreditations awarded, so that everyone can be confident that an accreditation awarded (or withheld) by the Laurus Trust is a reliable indicator that the associated standard has (or has not) been met. This affects the value that the system puts on the accreditation our learners receive and therefore the positive impact that this can have on their ability to disseminate what they have learned in their schools and more widely. It also affects the Laurus Trust's reputation and credibility with customers, participants and funding partners and the value they put on our programmes. Finally, it is necessary to comply with the formal requirements with the Laurus Trust in the agreements under which we are granted awarding powers and associated regulatory frameworks.

Policy and Procedures

Definitions

Malpractice and maladministration comprise any deliberate or accidental action, failure to act, process or other practice that compromises the integrity and consistency of accreditations awarded by the Laurus Trust. This includes any compromise to the development, delivery, assessment and award of such qualifications. Examples include but are not limited to:

- By assessors, unnecessary discrimination or bias towards learners
- By assessors, incorrect entry of assessment scores or outcomes
- By the Laurus Trust staff, contractors or delivery partners, writing some or all of an assignment on behalf of a learner to meet the required qualification standard
- By candidates, impersonation: pretending to be someone else or arranging for another to take one's place in an assessment
- By candidates, plagiarism: presenting ideas, research, theories, or words of others as one's own
- By candidates, fraudulent claims for special consideration
- By the Laurus Trust staff, failure to maintain accurate and complete records leading to incorrect awards being made
- By the Laurus Trust staff, failure to institute appropriate systems to identify systematic failings in the standards applied by individual assessors
- By the Laurus Trust staff, deliberate falsification of records in order to award certificates to individuals who have not met the requirements

Prevention of malpractice and maladministration

For accreditations delivered fully by the Laurus Trust, we will institute systems and processes and equip our staff, contractors and delivery partners to minimise the risk of malpractice and maladministration. This includes:

- We will maintain a log of any actual malpractice or maladministration or near-misses laying out what we have learned in each case and how we have amended our processes to mitigate repeats of these instances
- We will maintain and enforce robust assessment and plagiarism policies to protect the accuracy, consistency and integrity of the assessment process
- We will institute systems and processes to minimise the risk of required data being entered incorrectly or not at all, whether by the Laurus Trust, learners or delivery partners
- Where possible we will maintain records in systems in ways that allow changes to assessor allocation or assessment outcomes to be audited and traced back to the individual who made those changes, in order to deter malpractice
- We will institute regular, robust quality assurance processes to oversee partners involved in the delivery of programmes leading to qualifications awarded by the Laurus Trust

Reporting suspected or actual malpractice or maladministration

We will disseminate this policy to all parties involved in our processes to award accreditations either as staff, contractors, partners or learners, so that all parties involved in the delivery, assessment and quality assurance of formal accreditations know how to report actual or suspected cases of malpractice and maladministration.

If any partner involved in the delivery of programmes leading to accreditations awarded by the Laurus Trust becomes aware of any suspected or actual malpractice or maladministration on their own part or on the part of learners registered with that partner, they must report this to the Laurus Trust within one working day of this first coming to their attention through their usual communication channels. They must then cooperate fully with the Laurus Trust to review the suspected irregularity. Where possible their report should include:

- Partner name and name and contact details of the person making the report
- Learner's name, TRA, school name and URN
- Details of the qualification for which they are enrolled and their start date
- Nature of the suspected or actual malpractice or maladministration and associated dates
- In the case of suspected malpractice, the details of any individual suspected of complicity in the case
- Details and outcome of any initial investigation carried out by the partner

If any learner, external contractor or partner organisation involved in the delivery, assessment or awarding of a qualification suspects malpractice or maladministration in any other circumstance, they should notify the participant support team responsible for their provision, or in the case of external contractors, notify the Head of Teaching School to ensure the report can be picked up and actioned promptly.

Internal staff processing informal or formal complaints which relate to malpractice or maladministration should follow this policy in place of the usual Complaints Policy and Procedure, passing on reports they receive relating to any suspected or actual malpractice

or maladministration to the accreditation team by email copying the Head of Teaching School. Internal staff should also raise their own concerns directly with the Teaching School team in the same way, which will be reviewed under the same process.

In all cases the party making the report must declare any personal interest they may have in the matter at the outset. Once a suspected or actual malpractice or maladministration has been reported, we have a duty to review the allegations and it will not be possible to prevent this by the reporting party subsequently withdrawing their report.

Where the party reporting the suspected or actual malpractice or maladministration has cause to believe that any individual who may be receiving this report could be complicit in malpractice, they should make their report directly to the Head of Teaching School. If the person making the report is concerned about possible adverse consequences, they may inform us that they do not wish for their identity to be divulged. When asked to do so, we will take due care to keep the reporting party's identity confidential, however we cannot guarantee this in all circumstances. We will inform the reporting party if it becomes necessary to reveal their identity against their wishes. The reporting party should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure (e.g. the party which the allegation is made against may manage to identify possible sources of disclosure without such details being disclosed to them). Circumstances under which we may need to disclose a reporting party's identity include (but are not limited to):

- We are required to reveal their identity to the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud), the courts (in connection with any court proceedings), or other third parties such as the relevant regulatory authority;
- If it is absolutely necessary for the purposes of the review.

Investigating allegations of malpractice or maladministration

We will disseminate this policy to all internal staff who are involved directly or indirectly with accredited programmes, and include it in staff inductions, to ensure an appropriate and consistent handling and resolution of such allegations.

Except where made anonymously, on receipt of a report of suspected or actual malpractice or maladministration:

- The Laurus Trust staff member who first received the allegation should acknowledge receipt of the report; we seek to acknowledge reports made in line with the above process within 2 working days
- Any accreditation team member who receives a report of suspected or actual malpractice or maladministration whether from an external or internal source will add this to the malpractice and maladministration log
- All allegations of malpractice or maladministration, irrespective of the nature of the incident, must be reported by the Laurus Trust staff member receiving such allegations to the Head of Teaching School, who will be accountable for reviewing the allegations
- Where the suspected or actual malpractice or maladministration would constitute plagiarism, this should be dealt with according to our Plagiarism Policy

Where there are reasonable grounds for a suspicion or allegation of malpractice or maladministration other than plagiarism, the Laurus Trust will promptly take all reasonable steps to establish whether or not malpractice or maladministration occurred. Anonymous

reports of malpractice or maladministration will be acted upon only if there is supporting evidence, or if the nature of the report warrants it. Steps that will be taken include:

- The Head of Teaching School will decide whether there are reasonable grounds for the allegation
- If so, Head of Teaching School will appoint someone with the appropriate skills and with no personal involvement or interest in the alleged malpractice or maladministration to review whether any irregularities have occurred related to the report. Where possible this will be a member of the Teaching School team, although in some cases this may need to be an the Laurus Trust staff member from another team
- The Head of Teaching School on will notify the license holder of the nature of the allegations and of the person appointed to review these, and keep them updated of the progress of the review
- We seek to complete this review within 10 working days of the suspicion or allegation being reported. However, in some cases the review may take longer, for example if it involves a partner organisation. In such instances, we'll advise all parties concerned of the likely revised timescale
- The Teaching School team member responsible will fully document all steps taken, evidence gathered and conclusions reached with the justification at this and subsequent stages, which will be stored securely on file for a minimum of five years
- Where applicable, the Laurus Trust will suspend the issuing of any results to the learner, partner or third party bodies until the review is concluded
- Where malpractice or maladministration is alleged to have been the fault of a learner or third party organisation, the Laurus Trust will notify them that the allegation has been made (at all times seeking to protect the identity of the person who made the allegation) and the process that will be followed, referring them to this policy
- In the case of serious allegations, the Laurus Trust will consider whether a temporary suspension to the partnership and/or suspension of the learner from ongoing assessment processes is necessary
- Where Laurus Trust staff are alleged to have been involved in malpractice, we will consider on the gravity of the allegation whether it is appropriate or necessary to reassign the individuals involved to other duties until the review is complete.
- All Laurus Trust staff involved in this review will at all times be sensitive to the effect on any individuals or organisations that are the subject of an allegation. We will strive to ensure that the review is carried out as confidentially as possible and that any such individuals or organisations have the opportunity to raise any issues about the proposed approach and the conduct of the review

Once a review is concluded, we seek to notify the party who reported the suspected or actual malpractice or maladministration of the outcome within 5 working days of the conclusion of a review. In doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

In the case that it is established that malpractice and maladministration did not occur but that there was a process weakness that made malpractice or maladministration possible or likely, the accreditation team will add this as a near miss on the malpractice and maladministration log. They will also consider and agree on any process changes to mitigate any such weakness in the future and add the conclusions to this log.

Dealing with confirmed instances of malpractice or maladministration

Where malpractice and maladministration are deemed to have occurred, the Laurus Trust will take all reasonable steps to prevent any adverse effect. Should any such adverse effect

be unpreventable, the Laurus Trust will mitigate it as far as possible and correct it. Steps we will take include:

- The Teaching School team member responsible for the review will determine where the fault lies for the irregularity and whether it was deliberate or accidental, and make a recommendation to the Head of Teaching School of reasonable measures to mitigate the adverse impact and any sanctions to be applied to learners or delivery partners (if applicable)
- Mitigation measures will include the prompt remarking of assignments where required, which will be conducted as soon as is reasonable (aspiring to 10 working days or less where reasonably achievable)
- Sanctions will be based only on the evidence presented, and must be justifiable, reasonable in scale, and consistent with previous decisions in similar circumstances
- The Teaching School team will add the case to the malpractice or maladministration log and make an assessment of the system or process weaknesses that made it possible, agree on any process changes to mitigate this weakness in the future, and add the conclusions of this review to this log
- All confirmed cases of malpractice or maladministration, irrespective of the nature of the incident, must be reported by the Head of Teaching School to the Laurus Trust's Executive Committee including the conclusions of where the fault lies, mitigation measures taken and sanctions applied

Where the malpractice or maladministration is the fault of the Laurus Trust or our staff members:

- In case of malpractice, the Laurus Trust will instigate formal HR proceedings as appropriate with the staff member(s) responsible
- In case of maladministration, the Laurus Trust will cover the full cost of any assessment processes that need repeating such as marking or moderating assignments

Where the malpractice or maladministration is the fault of the learner:

- In the case of malpractice, the Laurus Trust will decide what an appropriate sanction is based on the severity of the malpractice. In the first instance, a candidate would usually get a warning as well as receiving an automatic zero score for any area of an assignment which the malpractice relates to, and be required to pay the external assessment costs in full in advance if a remark is required. The delivery partner will always be notified where applicable. Further sanctions can include failing the qualification outright, notifying the candidate's school, notifying regulatory or quality assurance bodies overseeing the award of the relevant qualification, and in very serious cases and in discussion with the relevant regulatory or quality assurance bodies, notifying the police.
- In the case of maladministration, give the learner the option to rectify this, with proportionate administrative charges to cover the Laurus Trust's full costs in the case of serious fault.

Where the malpractice or maladministration is the fault of a partner involved in the delivery of programmes leading to qualifications awarded by the Laurus Trust:

- We will seek to protect the learner from the adverse effect of this malpractice or maladministration
- Wherever possible, we will avoid any requirement on learners to repeat assessment processes already undertaken

- The partner responsible will be required to cover the full costs of any necessary assessment steps
- The Head of Teaching School responsible will review whether the partner has taken adequate steps to provide sufficient confidence to continue the partnership, and if not we will either introduce additional oversight at the cost of the partner, or if necessary terminate the partnership

The Laurus Trust also aspires to high levels of transparency with all parties involved. To this end, the Laurus Trust will:

- Notify the learners involved, their schools, and where applicable, partners involved in the delivery of programmes leading to qualifications awarded by the Laurus Trust, within 2 working days of the conclusion of our review, including a description of the malpractice or maladministration and the impact on the learner, an apology, and steps taken or planned to mitigate the impact
- Notify regulatory or quality assurance bodies overseeing the award of the relevant qualification immediately on the conclusion of our review, including full details of the malpractice or maladministration, what steps we have taken to prevent or mitigate any adverse effect, and our assessment of the cause and of the malpractice or maladministration as well as the risk of repeat instances and any planned mitigations

Appeals

All appeals must be made within 5 working days of being notified of the outcome of the review and must be in writing. The Laurus Trust will notify any regulatory or quality assurance bodies overseeing the award of the relevant qualification immediately. The appeal will be heard within at most 15 working days, by someone at senior level or above from a department not involved in the original decision process, and with no personal interest in the decisions under consideration. The senior leader will base their deliberation on the full documentation on file for the review conducted. The director may uphold the decision fully, uphold the decision but with a change to any sanctions imposed or steps taken, overturn the original decision, or require further investigations to be undertaken. The instigator of the appeal will be notified within 2 working days of the decision of the director.

In the case that further investigation is needed, this will be conducted by a different the Laurus Trust staff member, at manager level or above from departments not involved in the original decision process.