

Leisure Active (LA) Training LTD. treats all cases of suspected malpractice and maladministration very seriously and will investigate any suspected cases thoroughly. The purpose of this policy is to set out how allegations or suspicions of malpractice or maladministration in relation to all LA training qualifications are dealt with. The scope of the policy is to provide:

- LA training's responsibility as a training provider
- a definition of malpractice and maladministration
- examples of malpractice and maladministration by staff and learners
- process for making an allegation
- processes for managing allegations.

LA Training's responsibility

It is important that all staff involved in the management, assessment and quality assurance of our qualifications, along with all learners, are fully aware of the contents of the policy and arrangements are put in place to prevent and investigate instances of malpractice and maladministration

Malpractice

Any activity or practice which deliberately breaches 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 LA Training; or,
- 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.

Maladministration

Failure to adhere to the regulations regarding the conduct of controlled assessments, coursework and examinations or malpractice in the conduct of the examinations/assessments

and/or the handling of examination papers, candidate scripts, mark sheets, cumulative assessment records, results and certificate claim forms, etc.

Examples of Staff Malpractice

This list below is not exhaustive and LA Training at its discretion may consider other instances of malpractice.

- Improper assistance to candidates;
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) where there is insufficient evidence of the candidates' achievement to justify the marks given or assessment decisions made;
- Failure to keep candidate coursework/portfolios of evidence secure;
- Assisting learners in the production of work for assessment, where the support has the potential to influence the outcomes of assessment, for example where the assistance involves producing work for the learner
- Allowing evidence to be included for assessment which is known by the staff member not to be the learner's own;
- Facilitating and allowing impersonation;
- Misusing the conditions for special learner requirements;
- Falsifying records/certificates, for example by alteration, substitution, or by fraud;
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment;
- Producing falsified witness statements, for example for evidence the learner has not generated

Examples of learner malpractice

This list below is not exhaustive and the LA Training at its discretion may consider other instances of malpractice.

- A breach of the instructions or advice of an invigilator, supervisor, or the awarding body in relation to the examination or assessment rules and regulations;
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments;
- Collusion: working collaboratively with other candidates, beyond what is permitted;
- Copying from another candidate (including the use of ICT to aid the copying);

- Allowing work to be copied e.g. posting written coursework on social networking sites prior to an examination/assessment;
- Disruptive behaviour in the examination room or during an assessment session (including the use of offensive language);
- Exchanging, obtaining, receiving, passing on information (or the attempt to) which could be examination related by means of talking, electronic, written or non-verbal communication;
- Making a false declaration of authenticity in relation to the authorship of controlled assessments, coursework or the contents of a portfolio;
- Allowing others to assist in the production of controlled assessments, coursework or assisting others in the production of controlled assessments or coursework;
- The inclusion of inappropriate, offensive or obscene material in scripts, controlled assessments, coursework or portfolios;
- Impersonation: pretending to be someone else, arranging for another person to take one's place in an examination or an assessment;
- Plagiarism: unacknowledged copying from published sources or previously completed work by another student.
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries (when prohibited), instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices;
- Behaving in a manner so as to undermine the integrity of the examination.

Examples of maladministration

- Persistent failure to adhere to our learner registration and certification procedures.
- Persistent failure to 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 AoL
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence

- Withholding of information, by deliberate act or omission, from LA Training which is required to assure quality throughout the assessment process.

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 LA Training. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

- All allegations must include (where possible):
- Learner's name
- LA Training staff members name and job role - if they are involved in the case
- Details of the 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 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 will 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; however 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 LA Training to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence as defined by the awarding body.

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

LA Training Director's 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 and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by LA Training.

Notifying relevant parties

Where applicable, our Director will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation.

Where the allegation may affect another awarding organisation and their provision, they will be contacted to inform them in accordance with the regulatory requirements and obligations imposed by the regulators.

Investigation timelines and summary process

LA Training aims 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 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
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of AoL 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 LA Training's staff or an LA Training associate is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our Directors 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 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 Managing Director, 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 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 take may include:

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

In addition, to the above the Director will record any outcomes 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 or parties wish to appeal against our decision to impose sanctions, they should refer to our Complaints Procedure.

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