



Train With Premier Malpractice and Maladministration Policy

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Version No	1
Operational from	21 st January 2021
Policy prepared by	Andy Heald – Head of Quality & Education
Policy approved by	TWP Board
Policy approved	21 st January 2021
Review date	21 st January 2022 (unless prompted by legislation etc)

Malpractice and Maladministration Policy

Section 01: Policy Scope

Train With Premier is a reputable education provider offering professional development programmes and regulated qualifications in active leisure, learning and wellbeing. Train With Premier is recognised as a centre for the delivery of vocational qualifications in accordance with a legally established third party agreement with a number of regulated awarding organisations. The awarding organisations that we are affiliated with are regulated in England by the Office of Qualifications and Examinations Regulation (Ofqual).

Train With Premier take all reasonable steps to prevent maladministration or malpractice and to mitigate and manage any adverse effects where it does occur.

Malpractice	<p>Malpractice is defined by us as any deliberate activity, neglect, default or other practice that is unethical or unlawful, which breaches regulations, the terms of any formal agreements and which compromises the integrity of our recognition status, financial stability, reputation, the reputation of stakeholders, products, assessment, processes and/or the validity of certificates. Malpractice may include a range of acts or omissions, from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.</p> <p>For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain learners or groups of learners. We perceive misconduct or any improper or unprofessional behaviour during assessment, or whilst operating within the realms of the delivery, of any our qualifications, as deliberate and within the bracket of malpractice.</p>
Maladministration	<p>Maladministration is defined by us as any activity or practice which results in non-compliance with the terms of any formal agreements and any other of our policy documents or processes. This includes the application of persistent mistakes, poor administration and inaccurate records.</p>

The nominated Integrity Officer maintains oversight for this policy, manages the processes and all associated records and any escalations.

Integrity Officer name	Mekila Kelly
Integrity Officer email	mkelly@trainwithpremier.com

Section 2: Policy Statement

Malpractice and Maladministration Prevention	
<p>Train With Premier is committed to the prevention of malpractice and maladministration. In support of this, clear and transparent operating rules have been established which must be complied with. Failure to do so will result in corrective action which serves to prevent, mitigate and/or manage any adverse effects. All stakeholders are required to formally agree to our protocol in accordance with terms of reference that are relevant to their specific role. We have outlined specific responsibilities for specific stakeholders below. However, we do expect that all stakeholders and any relevant third parties comply with all relevant legislation, regulation and our policy documents and processes in the strategic leadership of the organisation and in the delivery of programmes and qualifications.</p>	
Senior officers, staff and subcontracted workforce	<p>Train With Premier senior officers and staff must operate in accordance with all legislation, regulation, funding and awarding organisation rules. They must also operate in accordance with Train With Premier’s policies and procedures, job roles descriptions the organisational and industry codes of conduct.</p>
Subcontracted workforce	<p>Train With Premier’s subcontracted workforce members must operate in accordance with all legislation, regulation, funding and awarding organisation rules. They must also operate in accordance with Train With Premier policies and procedures, organisational and industry codes of conduct and the legally established supply of service agreement.</p>
Subcontracted sites	<p>Train With Premier’s training and sites which are not owned by the organisation must be supported by service level agreements which must contain facilities to support the full programmes of training and assessment. Each delivery site must be safe and accessible in accordance with Health and Safety at Work Act 1974 and the Equality Act 2010. The service level agreement make reference to the health and safety policy which is operational at the site and which must be adhered to when any centre stakeholder is in attendance at the site.</p>

Learners

Learners are required to behave in accordance with the [Insert centre name] policies and procedures, a signed learning agreement and relevant awarding organisation policy, procedures and specifications. Learners must act with integrity. The following behaviours constitute learner misconduct and will result in disciplinary action:

Failure to ensure appropriate behaviour and conduct at all times

Failure to abide by awarding organisation and centre rules, policy and procedures

Failure to provide accurate identification documents during the enrolment process

Failure to act with integrity by deliberately misleading the awarding organisation or recognised centre

Failure to abide by the learning agreement as agreed with the recognised centre: this might refer to attendance and conduct

Failure to ensure proper behaviour in assessment. The following will not be tolerated and constitutes **malpractice**:

- Cheating
- Plagiarism
- Collusion
- Impersonation
- Disruptive behaviour
- Aggressive behaviour
- Bullying or inappropriate comments
- Impeding or damaging the work of others
- Producing assessment which is not authentic
- Inappropriate, offensive or obscene material or language

Learners must behave in a manner which is deemed appropriate and misconduct is considered as part of this policy. Examples are outlined in the addendum. We also expect that learners conduct themselves with appropriate organisational or industry codes of practice in their role as a learner. Our learners often participate in practical sessions where participants are asked to attend. Learners might also attend a work-based environment. Due to the nature of our industry many learners will come into contact with children, adults and adults at risk. Any violations of safe practice and associated codes of conduct will be investigated and may lead to the withdrawal of the learner's registration.

Section 2: Procedures

Malpractice and Maladministration reporting

All individuals affiliated with Train with Premier have a duty to notify us immediately after having identified potential maladministration or malpractice or as soon as possible thereafter. If they have not been able to tell us immediately, they must provide a reason when they contact us.

Cases of malpractice or maladministration being withheld or confirmed may result in the imposition of penalties or disciplinary procedures in accordance. To enable thorough evaluation of evidence and investigations to be conducted care must be taken by the informant when reporting the matter to include:

- a detailed account of the circumstances surrounding the suspicions and allegations
- details of any consequent actions or investigations carried out
- any extenuating circumstances
- where applicable, statements signed and dated by all people involved

The Integrity Officer will acknowledge receipt of the formal appeal within 10 working days. The acknowledgment will outline the course of action to be taken relevant to the nature of the allegation. The Integrity Officer will escalate the allegation to relevant authorities upon receipt such as:

- The awarding organisation
- The qualifications regulator
- The qualification funding agencies
- The professional body and national governing bodies
- The courts [in connection with any court proceedings]
- The police, fraud prevention agencies or other law enforcement agencies [to investigate or prevent crime, including fraud]

The Integrity Officer will then work with the relevant authority to investigate as appropriate. We reserve the right to use penalties and take immediate disciplinary action in order to prevent or mitigate any adverse effects. Updates or outcomes will be communicated with or every 25 working days. We will not be eligible to disclose all details of the investigation activities as this may not be appropriate for confidentiality and legal reasons. Whilst we cannot guarantee that we will disclose all matters we will maintain communication and will strive to handle the matter fairly and properly.

Malpractice and Maladministration whistleblowing procedures

In the event that the person making the report of suspected malpractice or maladministration wishes to remain anonymous, we aim to try to maintain confidentiality wherever practicable. It is preferred that allegations are accompanied with an identity and contact details. Those who wish to remain anonymous and are concerned about possible adverse consequences should explicitly state this in the allegation report. We cannot guarantee confidentiality in all cases as we may need to disclose the identity should the allegation lead to issues that need to be taken forward by relevant authorities.

The authority assigned to review allegations are not permitted to reveal the person's identity unless the whistle-blower agrees, or it is absolutely necessary for the purposes of the investigation. The relevant authority will advise the whistle-blower if it becomes necessary to reveal their identity against their wishes.

Whistle-blowers should also recognise that they may be identifiable due to the nature or circumstances of the disclosure; for example, the party which the allegation is made against may identify possible sources of disclosure without such details being disclosed to them.

Upon receipt of an allegation we have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing the initial concern as we are obliged by the regulators to follow-up and investigate all allegations of malpractice or maladministration. In all cases, updates will be provided, and the whistle-blower will have the opportunity to raise any concerns about the way the investigation is being conducted. We will not be eligible to disclose all details of the investigation activities as this may not be appropriate due to confidentiality or for legal reasons. While we cannot guarantee that we will disclose all matters as may be requested we will strive to handle the matter fairly and properly.

Malpractice and Maladministration investigations

Investigation activities may require evidence collection and review which may include:

1. Evidence sourced by scrutinising quality and audit systems, data, documentation and records against legislation, regulation, centre recognition conditions, specifications, service level agreements or learner agreements. This may include comparison between the product and any learner records of attendance or achievement including assessment papers, observations and portfolios.
2. Evidence sourced by conducting a physical visit to centre sites or premises. In the case of partners, suppliers or subcontracted services this may be planned and communicated. However, dependent upon the severity of the situation this may be unannounced. In such cases the investigator would be required to comply with the established Code of Conduct.
3. Evidence may be sourced by collecting any associated communications and requesting written testimonies.
4. Evidence may be sourced through interviews. These are often an essential component of an investigation and may be informal or formal, dependent on the nature of the issue. Informal interviews are conducted on an ad-hoc basis by the investigator when deemed necessary. These are not recorded, except by written minutes of the interview, and do not necessarily have a structure. Formal interviews consist of a set of thoroughly prepared questions to assist in the examination of the issue, where the responses will be recorded. Where an interview with a learner is deemed necessary, it should be conducted in the presence of the tutor, assessor, internal quality assurer and/or safeguarding officer as appropriate.

This list is not exhaustive and may not be required in all cases. This serves as an indication of the nature of activities required to solicit evidence in light of each individual set of circumstances and will be completed in liaison with the relevant awarding organisation or authority.

An evaluation of the information collected will be completed and outcomes determined once evidence has been validated, triangulated and agreed with the relevant awarding organisation or authority. Updates or outcomes will be communicated to all relevant stakeholders within and/or every 25 working days.

Malpractice and Maladministration outcomes

Maladministration and malpractice outcomes will be agreed in alliance with the relevant authority responsible for maintaining oversight for the investigation. In many cases due to the nature of our programmes and qualifications.

All penalties, their nature and length will be proportionate to the offence and based upon valid evidence.

Penalties for strategic leaders and staff

Confirmed maladministration or malpractice on the part of subcontracted workforce will incur penalties proportionate to the offence which include verbal warning, written warning, retraining, temporary suspension, working only under supervision or permanent exclusion including regulatory and legal action pertaining to the:

- leadership of centre
- financial management of the centre
- coordination of the centre
- coordination of products
- delivery of products
- assessment of products
- internal quality assurance of products

Penalties for subcontracted workforce

Confirmed maladministration or malpractice on the part of subcontracted workforce will incur penalties proportionate to the offence which include verbal warning, written warning, retraining, temporary suspension, working only under supervision or permanent exclusion including regulatory and legal action pertaining to the:

- delivery of products
- assessment of products
- internal quality assurance of products

Penalties for subcontracted training and assessment sites

Confirmed maladministration or malpractice on the part of subcontracted training and assessment sites will incur penalties proportionate to the offence which include:

- verbal and written reminders of reminder of terms and conditions
- termination of the contract
- regulatory or legal escalations

Penalties for learners

Confirmed maladministration or malpractice on the part of the learner through misconduct includes:

- Written warning
- Disqualification from an assessment and awarding organisation escalation
- Disqualification from the centre, qualification, professional body and regulatory escalation [this may be for a period]
- Disqualification from all qualifications with a specified awarding organisation, regulatory escalation and potential legal action

Section 4: Policy and procedure review

Systematic review

Train With Premier have in place a standardised and systematic monitoring process to ensure the continued relevance and accuracy of this policy. Any data collected with relates to the implementation of this policy will be used to inform any changes to the policy, approaches to the management of the organisation and to the delivery of products and services where this is required.

This policy and associated procedures were approved by the Board on 21st October 2020 and will be reviewed by the Board by 21 October 2022 unless there is a change in legislation changes or supporting data identifies that a review is required before this date.

Section 5: Policy document version control

This document is subject to version control. All changes will be tracked here and confirmed as an updated version.

Version	Publication	Details
Version 01	21/10/2020	First publication.