


Document title:	Maladministration and Malpractice Policy	Date of Issue:	25/10/2024	Date for review	25/10/2025
Owner:	Beverley Ellis	Issue Number:	24-1	Previous Version:	23-1
This policy has been reviewed and approved by the Operations Director:				 Beverley Ellis	

1. Policy Statement

- 1.1. TRS Training Limited is committed to ensuring access to fair assessment for all learners and to safeguarding the integrity of the award of qualifications

2. Scope of the Policy

- 2.1. This policy should be read in conjunction with our Appeals Policy.
- 2.2. The policy sets out the process an individual or centre needs to follow to report cases of alleged malpractice/maladministration, our responsibilities in dealing with such cases and the procedural steps we will follow when investigating any report.
- 2.3. Malpractice: is a deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or the validity of certificates.
- 2.4. 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 TRS Training Ltd.
- 2.5. Centre staff malpractice: this is malpractice committed by:
- a member of staff
 - a contractor (irrespective of type of contract)
 - an individual appointed to support the assessment process eg. a reader or scribe to a candidate.
- 2.6. Learner malpractice: this is any act of malpractice committed by a learner. Examples include: plagiarism, collusion and copying or use of unauthorised material in an assessment.

3. TRS Values

- 3.1. This policy underpins our commitment to our values, with particular reference to:
- RESPECT – All individuals and their unique talents
 - SUPPORT – A strong ethos of care, guidance and support
 - RESPOND – Listening to our customers, partners and stakeholders and being equipped to meet their changing needs
 - QUALITY – Providing outstanding teaching, learning and customer service
 - ACHIEVEMENT – Recognising and celebrating success with learners and staff

4. Implementation Principles

4.1. Roles and responsibilities

All staff involved in the management, assessment and quality assurance of our qualifications, and our learners are fully aware of the contents of this policy. Suspicions or actual incidents of malpractice / maladministration are recorded and reported to the Operations Director of TRS Training who will:

- Respond speedily to any request for an investigation into an alleged malpractice/maladministration.
- Supervise all investigations resulting from an allegation of malpractice.
- Inform staff members and learners of their individual rights.
- Report all suspicions or actual incidents of malpractice to the relevant awarding organisation.
- Pass on to the individuals concerned any warning or notification of penalties as a result of malpractice / maladministration.
- Submit a full written report of the case to the relevant awarding organisation.
- Communicate the decision reached by the relevant awarding organisation in relation to serious cases of malpractice / maladministration and implement the sanction as advised.
- Receive and check any appeals against malpractice / maladministration decisions and implement the appeal process as required.

4.2. Definition of malpractice:

4.2.1. Malpractice is essentially any activity or practice which deliberately contravenes regulations and/or our awarding organisation / EPAO's procedures and compromises the integrity of the internal or external assessment process and/or the validity of certificates/awards/achievements. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- 4.2.1.1. The assessment process
- 4.2.1.2. The integrity of a regulated qualification/apprenticeship
- 4.2.1.3. The validity of a result or certificate
- 4.2.1.4. The reputation and credibility of the awarding organisation / EPAO
- 4.2.1.5. The qualification or the wider qualifications community

4.2.2. 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.

4.2.3. For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

4.3. Examples of malpractice

4.3.1. The categories listed below are examples of Centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- 4.3.1.1. Denial of access to premises, records, information, learners and staff to any authorised representative and/or the regulatory authorities
- 4.3.1.2. Threatening or abusive behaviour that threatens the safety of staff and/or is intended to put undue influence on the outcomes of an assessment/award
- 4.3.1.3. Failure to carry out internal assessment, internal moderation or internal verification in accordance with awarding organisation requirements
- 4.3.1.4. Deliberate failure to adhere to awarding organisation learner registration and certification procedures
- 4.3.1.5. Deliberate failure to continually adhere to awarding organisation Centre recognition and/or awarding organisation /qualification approval requirements or actions assigned to our Centre
- 4.3.1.6. Deliberate failure to maintain appropriate auditable records, for example certification claims and/or forgery of evidence
- 4.3.1.7. Fraudulent claim for certificates
- 4.3.1.8. The unauthorised use of inappropriate materials/equipment in assessment settings (for example mobile phones/tablets & electronic devices)

- 4.3.1.9. Intentional withholding of information from an awarding organisation which is critical to maintaining the rigour of quality assurance and standards of qualifications/assessments
- 4.3.1.10. Deliberate misuse of an awarding organisation logo and trademarks or misrepresentation of a Centre's relationship with the awarding organisation, and/or its recognition and approval status with the awarding organisation
- 4.3.1.11. Collusion or permitting collusion in exams/assessments
- 4.3.1.12. Learners still working towards qualification after certification claims have been made
- 4.3.1.13. Persistent instances of maladministration within the Centre
- 4.3.1.14. Deliberate contravention by a Centre and/or its learners of the assessment arrangements specified by an awarding organisation
- 4.3.1.15. A loss, theft of, or a breach of confidentiality in, any assessment materials
- 4.3.1.16. Plagiarism by learners/staff
- 4.3.1.17. Copying in any way, from another learner (including using ICT to do so)
- 4.3.1.18. Impersonation by assuming the identity of another candidate or having someone assume your identity during an assessment
- 4.3.1.19. Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- 4.3.1.20. Inappropriate assistance to learners by Centre staff (for example unfairly helping them to pass a unit or qualification)
- 4.3.1.21. Deliberate submission of false information to gain a qualification or unit
- 4.3.1.22. Deliberate failure to adhere to, or to circumnavigate, the requirements of an awarding organisation's Reasonable Adjustments and Special Considerations Policy
- 4.3.1.23. False ID used at the registration stage
- 4.3.1.24. Creation of false records
- 4.3.1.25. Inappropriate use of technology during assessments (for example mobile phone)
- 4.3.1.26. Cheating
- 4.3.1.27. Cash for certificates (for example the selling of certificates for cash)
- 4.3.1.28. Selling papers/assessment details
- 4.3.1.29. Extortion
- 4.3.1.30. Fraud
- 4.3.1.31. Deliberate breach of awarding organisation or regulatory policies, procedures or practices
- 4.3.1.32. Deliberately using an unapproved tutor to undertake training

4.4. Definition of Maladministration

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 (for example inappropriate learner records).

4.5. Examples of maladministration

The categories listed below are examples of Centre and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on the definition of malpractice:

- 4.5.1. Persistent failure to adhere to awarding organisation learner registration and certification procedures
- 4.5.2. Failure to adhere to awarding organisation regulated policies, procedures and practices
- 4.5.3. Persistent failure to adhere to awarding organisation Centre Agreements and/or qualification requirements and/or associated actions assigned to the Centre
- 4.5.4. Failure to adhere to awarding organisation financial payment terms and/or plans (both infrequent and persistent)
- 4.5.5. Late learner registrations (both infrequent and persistent)
- 4.5.6. Unreasonable delays in responding to requests and/or communications from awarding organisations
- 4.5.7. Inaccurate claim for certificates
- 4.5.8. Failure to maintain appropriate auditable records, for example, certification claims and/or forgery of evidence
- 4.5.9. Withholding of information, by deliberate act or omission, from an awarding organisation which is required to assure their of the Centre's ability to deliver qualifications appropriately

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- 4.5.10. Misuse of an awarding organisation's logo and trademarks or misrepresentation of a Centre's relationship with the awarding organisation and/or its recognition and approval status
- 4.5.11. Failure to adhere to, or to circumvent, the requirements of an awarding organisation's Reasonable Adjustments and Special Considerations Policy.

4.6. Process for making an allegation of malpractice or maladministration

- 4.6.1. Anyone who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the Operations Director of TRS Training Ltd.
- 4.6.2. The allegation should be written down and submitted with any supporting evidence. All allegations must include (where possible):
- Learner's name and, where possible, the registration number
 - Name(s) of staff and the job title(s) of individuals implicated in the allegation.
 - Details of the course/qualification affected or nature of the service affected
 - Nature of the suspected or actual malpractice and associated dates details, including any mitigating circumstances
- 4.6.3. The Operations Director will keep the accused individuals fully informed of the allegations and provide them with a copy of the reported allegation.
- 4.6.4. Where necessary, the Operations Director may conduct an interview / telephone interview / collect a written statement with a learner or member of staff. These interviews will be conducted in line with the current company Disciplinary Procedures.
- 4.6.5. Legal advice is not normally required where there is no allegation of criminal behaviour. However, if an individual wishes to be accompanied by a solicitor, the other parties should be informed.
- 4.6.6. In all cases of suspected malpractice and maladministration, the identity of the 'informant' will be protected in accordance with our duty of confidentiality and/or any other legal duty.

4.7. The Investigation

- 4.7.1. Normally, if an allegation involves fraud or a serious breach of examination security, it will be expected that the investigation will be carried out by the relevant awarding organisation and / or the regulators in conjunction with the Operations Director of TRS Training Ltd. and possibly the local police. The funding agencies may also conduct their own investigation if fraud is suspected.
- 4.7.2. For all other cases, TRS Training Ltd aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.
- 4.7.3. The investigations will be conducted 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 the company and the qualification.
 - To identify any adverse patterns or trends.
- 4.7.4. 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.

4.7.5. Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation TRS Training Limited reserves the right to withhold the assessment results and certificates for an individual or a cohort of learners.

4.8. The Decision

4.8.1. The Operations Director will inform the individual learners / staff in writing within 3 working days of the decisions being made and will pass on warnings where this is indicated in a timely manner.

4.8.2. TRS Training Ltd will ensure that in most cases alleged malpractice is kept confidential between the company and the individuals involved, except in cases of serious malpractice / maladministration, which may result in disciplinary action / termination of employment.

4.9. Appeals against Decisions made in the cases of malpractice and maladministration.

4.9.1. The following individuals have a right to appeal:

- members of staff
- personnel recruited for examination duties
- learners

4.9.2. An appeal must be based on reasonable grounds which relate to the incident in question. For example, failure of TRS Training Ltd. to follow its procedures or further evidence coming available which changes the basis of the decision.

4.9.3. Any individual seeking to make an appeal must write to the Operations Director within five working days of receiving the malpractice / maladministration decision. Their submission must include any further evidence to support the appeal.

4.9.4. The Operations Director will check the evidence submitted to determine whether or not the context and grounds for the appeal are valid. At this stage the appeal may be upheld and resolved without the need for a formal hearing.

4.9.5. Where the appeal is not valid, the Operations Director will write to the individual giving reasons why the appeal cannot be acted upon.

4.9.6. Appeals against assessment decisions by external organisations, such as End Point Assessment Organisations or functional skills examination organisations will be made using their Appeals Procedure and Policy. The Quality Manager will support candidates in submitting their appeal. The Operations Director will ensure organisation used in our programmes have fair and accessible appeals policies and procedures

5. Policy Monitoring and reporting arrangements

5.1. The Senior Management Team are responsible for reviewing the impact of changes to TRS Training Limited's activities and adequacy and resources required to uphold this policy.

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- 5.2. The Board will review the volume and contexts of maladministration / malpractices incidents and the arising actions.
 - 5.3. The Board are responsible for approving this policy
 - 5.4. The policy is reviewed annually.

6. Summary of Revisions

Version	Date	Revision
23-2	31/3/23	Changed policy owner from Lee Johnston (ex-employee) to Beverley Ellis
23-2	31/3/23	Added clause 5.1
24-1	25/10/24	Included references to AI in the creation of learners' work and examples of maladministration (4.5) and malpractice (4.3)
24-1	25/10/24	Include definitions of malpractice (4.2) and maladministration (4.4)