



***Malpractice &
Maladministration
Procedure***

Contents

1. Introduction	3
2. Scope and definitions	3
3. Reporting maladministration	4
4. Dealing with malpractice	4
5. Reporting malpractice	4
6. Invalidating certificates	5
7. Checklist	6
8. Whistleblowing	6
8.1 Definition	6
8.2 Raising a concern	6
8.3 Notes for the whistleblower	7
9. Event Notification	7

1. Introduction

VTCT certificates in accordance with the General Conditions of Recognition published by Ofqual, the Welsh Government and CCEA, SQA Accreditation's Regulatory Principles and some criteria from Ofqual's Additional Regulatory Documents. All VTCT approved centres must follow VTCT's procedures for reporting and dealing with any suspected case of malpractice or maladministration. Centres must ensure that their staff, learners and others involved in providing a qualification are aware of these procedures.

2. Scope and definitions

The malpractice and maladministration procedure applies to all VTCT qualifications. VTCT uses the following definitions for malpractice and maladministration.

Malpractice – Any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process and/or validity of achievement and certification.

Maladministration – Any activity, neglect, default or other practice that results in the centre or learner not complying with VTCT's requirements or and any other requirements as may be applicable.

Centres must inform VTCT of any suspected or alleged malpractice or maladministration. The following are examples of malpractice and maladministration.

Malpractice examples

- Evidence assessed is not the learner's own work;
- A learner has not finished the qualification after the certificate has been claimed;
- Certificates have been claimed on the basis of falsified records;
- Suspected irregular use of independent assessment papers and marking guides.

Maladministration examples

- Administration of learning and assessment is flawed, not fit for purpose or inefficient;
- Certificates have been claimed in error due to ineffective processes.

VTCT requires all centres to report promptly any malpractice suspected **after** learners have been registered. The possible implications of a failure to co-operate with these requirements will impact on the issue of certificates and the future acceptance of entries.

Where malpractice or maladministration is suspected in a centre, including any assessment site, or a partner organisation involved in the administration or assessment of the qualification, VTCT's Quality Assurance Department will write to the centre informing them that it has been suspended from making registrations and/or certification claims, dependent on the gravity of the malpractice or maladministration.

3. Reporting maladministration

When a centre discovers that certificates have been claimed in error, i.e. where a learner has either not completed the specified units or not completed the certificated qualification. The centre should contact VTCT Customer Support immediately and return all certificates for learners that have been incorrectly claimed.

VTCT will remove the record of attainment for the learner and VTCT's Quality Assurance Department will follow up all cases of maladministration, which requires centres to investigate and produce an action plan to improve processes to avoid maladministration in future. The centre's EQA will follow up on action plans and investigations during any external quality assurance visit to the centre.

4. Dealing with malpractice

All reports of malpractice will be treated as serious and on receipt of initial information or allegation, VTCT may provide details to the regulator(s) depending on the gravity of any malpractice.

As soon as practicable following receipt of information or allegation of suspected malpractice VTCT's Quality Assurance Department will provide full details to the centre principal or head of centre. VTCT will require the centre to instigate an immediate investigation and promptly provide VTCT with an initial response. VTCT will require regular updates on the progress of the investigation and a full report must be sent to VTCT once the investigation has been completed.

VTCT will conduct its own preliminary investigation which will normally involve one of VTCT's EQAs contacting the centre to agree when the visit is to occur.

Depending on the severity of the suspected malpractice, VTCT may carry out an initial investigation. VTCT must take action in all instances of alleged or suspected malpractice as it is necessary to maintain the integrity of qualifications. The actions taken will be proportionate to the gravity of the malpractice.

5. Reporting malpractice

Centres must report promptly all cases of suspected malpractice to VTCT's Quality Assurance Manager following notification of suspected malpractice.

Centres are advised that VTCT must report cases of malpractice to the regulator(s) whenever it finds evidence that certificates may be invalid or where other fraudulent activity is suspected. VTCT will cooperate with any follow-up investigation of malpractice required by the regulator(s). Centres are advised that VTCT must agree with the regulator(s) on appropriate remedial action if there is evidence that certificates are invalid.

Failure to report any suspected malpractice will result in immediate suspension of the centre for registrations and/or certifications until a full investigation has been completed. Centres that fail to report malpractice or maladministration may not have their approval status reinstated after the investigation is completed. VTCT is responsible for each of the centres it approves and as such, the responsibility for investigating alleged irregularities

normally rests with VTCT unless there are special circumstances which require the regulator(s) to be involved. VTCT's Quality Assurance Manager must notify the regulator(s) when commencing an investigation and provide an estimated timescale for its completion.

All investigations will be fully documented and the investigation records retained within VTCT's Quality Assurance Department. The Quality Assurance Manager will prepare a final report when the investigation is complete and this will be copied to the regulator(s). The report will provide details regarding:

- the origin of the complaint or mode of discovery of the alleged irregularity;
- the investigations carried out;
- the evidence provided;
- the conclusions drawn;
- the recommendations for action and resolution of the matter.

Exceptionally, the regulator(s) may need to take over an investigation. In such circumstances the regulator(s) will provide a written instruction to VTCT informing them of this requirement and its reasons for taking such action.

6. *Invalidating certificates*

VTCT must inform the regulator(s) whenever it finds evidence that a certificate may be invalid and must agree any appropriate action that may be required. Any qualification certificates are in principle deemed invalid in the following circumstances:

- the evidence assessed is not the learner's own work;
- the learner has not finished the qualification after the certificate has been claimed;
- the certificates have been claimed on the basis of falsified records;
- the awarding organisation has issued certificates contrary to the regulator(s) requirements.

These circumstances set out the reasons why a certificate may be judged to be invalid. They do not prescribe the action that automatically has to be taken. A variety of factors need to be considered and VTCT's Quality Assurance Manager will discuss these with the regulator(s). Action taken must be proportionate depending on the gravity of the malpractice or maladministration.

The responsibility for the assessment and certification of learners is one which is shared between the centre and VTCT. Therefore centres must accept a shared responsibility, when dealing with problems caused for learners and when certificates have been wrongly claimed. When the decision is taken to invalidate certificates, VTCT must ensure that the centre promptly:

- follows the principle of seeking to protect the interests of learners as far as reasonably possible in the circumstances;
- contacts the learners involved and notify them of the status of their certificates and of any arrangements for re-assessment and/or certification;
- ensures that the original certificates, whenever possible, are returned to VTCT.

7. Checklist

Following an initial report of suspected malpractice:

1. Centre provides written confirmation to VTCT within two days following receipt of initial report of suspected malpractice; or VTCT informs centre of suspected malpractice;
2. VTCT Quality Assurance Department to provide full written details to centre principal / head of centres;
3. VTCT applies sanctions on centre certification and if necessary, registration of learners whilst investigation is carried out;
4. EQA to liaise with centre contact to arrange for VTCT to conduct a preliminary investigation which will normally involve a visit to the centre;
5. Centre completes initial investigation and provides written report to VTCT;
6. Centre provides VTCT with a copy of the final report which provides details of findings, actions taken and recommendations to safeguard against any future reoccurrence;
7. On satisfactory conclusion VTCT will reinstate centre approval and will accept claims for learner registration and certification; or on unsatisfactory conclusion, VTCT seeks further advice from the regulator(s) which may result in handing over the investigation to the regulator(s);
8. VTCT will provide the regulator(s) with regular updates throughout the investigation, and a final copy of the report when the investigation has reached conclusion.

8. Whistleblowing

8.1 Definition

Whistleblowing is a term used when an individual discloses information relating to malpractice and/or the covering up of malpractice. The malpractice is often committed by the individual's employer, although this is not necessarily the case.

8.2 Raising a concern

To raise a concern that malpractice has taken place in relation to VTCT qualifications, the individual should raise their concern through the line management of the centre.

If concerns are not addressed by the centre or the individual feels that it is not possible to raise the concerns internally then the individual should raise their concerns to VTCT's Quality Assurance Manager.

VTCT will evaluate the concern and may ask for more evidence/information from the individual. VTCT will decide whether and how to pursue the concern and will inform the individual of the action taken by VTCT.

VTCT will inform the regulator of the issue raised and the course of action to be taken. The regulator will be informed at all stages of any investigation of the circumstances as undertaken by VTCT.

Upon conclusion of any investigation, VTCT will provide you with a summary update of outcomes given the need to protect confidentiality.

The regulator(s) will be provided with full details of the investigation/evaluation and where any serious issues are proven, other awarding organisations offering the same or similar qualifications will also be informed.

8.3 Notes for the whistleblower

VTCT is unable to accept anonymous allegations against a centre and as such is unable to act upon allegations of malpractice received anonymously. At all stages of a matter being investigated, VTCT will take all possible steps to protect the whistleblower's identity given the details or context expressed.

VTCT will consider each disclosure of information sensitively and carefully, and decide upon an appropriate response. Information received in a disclosure may be shared with third parties where considered necessary.

VTCT will always endeavour to keep a whistleblower's identity confidential where asked to do so, although by law and by regulation, we may need to disclose your identity to:

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud) ;
- the courts (in connection with court proceedings) ;
- another person to whom we are required by law to disclose your identity;
- the regulator responsible for the standards of the qualification(s) concerned.

A whistleblower should also be aware that he or she may be identifiable by others from the nature or circumstances of the disclosure.

9. Event Notification

VTCT are required to comply with the regulators' requirements to notify of certain events. VTCT must promptly notify the relevant regulator(s) when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect.

An Adverse Effect includes where VTCT believes that there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification, which it makes available, or could affect another awarding organisation.