



# 1.1c Malpractice and Maladministration Procedure

01/19 V1 JMP

## Introduction

This policy relates to suspected or actual malpractice and maladministration on the part of Learners, JP IAS staff and anyone involved in the delivery of Training qualifications.

## Trainer's responsibility

Trainers must take all reasonable steps to prevent the occurrence of malpractice or maladministration in the delivery of Training which it makes available or proposes to make available.

Training staff involved in the management, delivery, assessment and quality assurance of JP IAS Training should be fully aware of the:

- JP IAS *Malpractice and Maladministration Policy*

• JP IAS own internal malpractice and maladministration policy JP IAS may impose sanctions on Trainer for failure

to:

- Report a suspected or actual malpractice/maladministration case
- Have in place effective

arrangements to prevent such cases

Note: JP IAS *Sanctions Policy* has

more details.

JP IAS may give guidance to Trainer about how to prevent, investigate and deal with malpractice and maladministration.

Through ongoing quality assurance monitoring activity, JP IAS will periodically review how Trainer take reasonable steps to prevent and/or investigate instances of malpractice and maladministration.

If a Trainer investigates a suspected or actual malpractice/maladministration case, the Responsible Person must:

- Respond quickly and openly to all requests relating to the allegation and investigation
- Cooperate and make sure staff cooperate fully with any investigation and requests for information
- Immediately inform JP IAS that a malpractice/maladministration investigation is being carried out

If JP IAS is investigating a case of suspected or actual malpractice/maladministration at a Trainer, the Trainer must cooperate fully in all respects and grant JP IAS full access to all records, documentation and premises required for the purposes of the investigation.

## Definitions

### Malpractice

Malpractice is any activity or practice which deliberately contravenes regulations and compromises the integrity of qualifications.

Malpractice covers any deliberate actions, neglect, default or other practice that compromises, or could compromise the:

- Assessment process
- Integrity of a training
- Validity of a result or certificate
- Reputation and credibility of JP IAS Training
- Qualification or the wider qualification community

Malpractice may include a range of issues from the failure to follow correct assessment procedures, to the deliberate falsification of records in order to claim certificates.

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

Note: Appendix 1 lists examples of malpractice.

### Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes mistakes being made and poor administration within a Trainer.

Notes:

1 Appendix 1 lists examples of maladministration.

2 More serious or persistent cases of maladministration may be malpractice.

### Reporting

Anyone who identifies or becomes aware of suspected or actual cases of malpractice or maladministration must immediately notify JP IAS by completing a *Malpractice and Maladministration Report Form* and emailing this and any supporting evidence to: [info@jp-ias.co.uk](mailto:info@jp-ias.co.uk)

All forms must include (if possible):

- Trainer name, address and number
- Learner's name (if appropriate)
- JP IAS personnel's details (name, job role) if they are involved
- Details of the JP IAS course/qualification affected, or nature of the service affected
- Nature of the suspected or actual malpractice/maladministration and associated dates

- Details and outcome of any initial investigation carried out by the Trainer or anybody else involved, including any mitigating circumstances

If a Trainer conducts an initial informal investigation prior to formally notifying JP IAS, the Trainer should make sure staff involved in the initial investigation are competent (i.e. sufficiently experienced in Trainer operations and the processes associated with training delivery) and have no personal interest in the outcome of the investigation. However, it is important to note that, in all instances, the Trainer must immediately notify JP IAS if they suspect malpractice or maladministration as we have a responsibility to the Regulators to make sure all investigations are carried out rigorously and effectively.

When suspected or actual malpractice or maladministration cases are reported to JP IAS, we will protect the identity of the informant in accordance with our duty of confidentiality and other legal duties.

## Confidentiality and whistleblowing

A person making an allegation of malpractice or maladministration may want to remain anonymous.

Although it is preferable to reveal your identity and contact details to JP IAS, if you are concerned about possible adverse consequences, you may ask us not to divulge your identity. JP IAS confirm we are not obliged (as recommended by the regulators) to disclose information if this would be a breach of confidentiality or other legal duty. Please refer to the JP IAS *Whistleblowing Policy* for further details on how JP IAS manages such cases.

When investigating malpractice or maladministration, JP IAS will firstly try to confirm any allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

## JP IAS's Responsibilities

In accordance with regulatory requirements, JP IAS will promptly investigate all suspected cases of maladministration or malpractice to establish if either has occurred. We will take all reasonable steps to prevent any adverse effect from occurring as defined by the regulators.

Note: An Adverse Effect is any act, omission, event, incident or circumstance that: prejudices Learners; affects public confidence in the training; affects the standards of training which affects the ability of the JP IAS to undertake the development, delivery of training or award of qualifications in accordance with the Conditions.

JP IAS will appoint a relevant staff member to lead the investigation and they will be responsible for making sure the investigation is carried out efficiently, effectively and in accordance with the procedures in this policy. They will work to establish if malpractice or maladministration has occurred and review all evidence associated with the case. At all times we will make sure any JP IAS personnel assigned to the investigation have:

- The appropriate level of training and competence
- No previous involvement or personal interest in the matter

## Notifying relevant parties

JP IAS will notify the Trainer's Responsible Person that we will be investigating the matter.

In cases of Learner malpractice, we may ask the Trainer to investigate in liaison with our personnel.

We may withhold details of the person reporting the suspicions to avoid a breach in our duty of confidentiality or other legal duty.

If applicable, the JP IAS Responsible Officer will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration.

## Investigation process

JP IAS will conduct all investigations in a fair, reasonable and legal manner, making sure we consider all relevant evidence without bias. Investigations may include:

- Establishing the facts relating to the allegations in order to determine whether irregularities have occurred
- Identifying the cause of the irregularities and those involved
- Establishing the scale of the irregularities
- Evaluating any action already taken by the Trainer
- Determining whether remedial action is required to reduce the risk to current registered Learners and to preserve the integrity of the training.
- Ascertaining whether any action is required in respect of certificates already issued
- Obtaining clear evidence to support any sanctions to be applied to the Trainer, and/or to members of staff, in accordance with JP IAS *Sanctions Policy*
- Identifying any adverse patterns or trends

The investigation may involve a request for further information from relevant parties and interviews with personnel involved in the investigation. JP IAS will:

- Make sure all material collected as part of an investigation is kept secure
- Retain all records and original documentation concerning a completed investigation that ultimately leads to sanctions against a Trainer for at least three years. If an investigation leads to invalidation of certificates, 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 a further three years
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us

At any time during the investigation, JP IAS reserve the right to impose sanctions on the Trainer in accordance with JP IAS *Sanctions Policy* to protect the interests of Learners and the integrity of JP IAS.

JP IAS reserve the right to withhold certificates for all the JP IAS courses/qualifications at the time of the notification or investigation of suspected or actual malpractice/maladministration.

If appropriate, we may find that the complexity of a case or a lack of cooperation from a Trainer means that we are unable to complete an investigation. In such circumstances we will consult the relevant regulatory authority in order to determine how best to progress the matter.

If a member of JP IAS staff is under investigation, we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation, the appointed JP IAS staff member is responsible for overseeing the work of the investigation team:

- To make sure due process is being followed
- To make sure appropriate evidence has been gathered and reviewed
- For liaising with relevant external parties and keeping them informed

## Report

On completion of an investigation, JP IAS will produce a summary of the findings and outcomes which will be sent to the parties concerned. The summary 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 and/or any sanctions to be applied

If it was an independent/third party that notified JP IAS of the suspected or actual case of malpractice, we will also inform them of the investigation outcome – normally within 10 working days of making our decision – in doing so we may withhold some details if disclosing such information would breach a duty of confidentiality or any other legal duty.

If the investigation is internal, relating to a member of JP IAS staff, the investigation summary will be agreed by the Managing Director, along with the relevant internal Directors, and appropriate internal disciplinary procedures will be implemented.

## Outcomes

If the investigation confirms malpractice or maladministration has taken place JP IAS 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 JP IAS takes may include:

- Imposing actions in relation to the Trainer with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- Imposing sanctions on the Trainer – if so, these will be communicated in accordance with JP IAS *Sanctions Policy* along with the rationale for the sanctions selected

- If certificates are deemed invalid, informing the Trainer concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also ask the Trainer to let the affected Learners know the action we are taking and that their original certificates are invalid and ask the Trainer, when possible, to return the invalid certificates to JP IAS. We will amend our records to make sure duplicates of the invalid certificates cannot be reissued and we expect the Trainer to amend their records to show the original awards are invalid
- Amending aspects of our qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring
- Informing relevant third parties of our findings in case they need to take action in relation to the Trainer

In proven cases of malpractice and/or maladministration by a Trainer, JP IAS reserves the right to charge the Trainer for any re-sits and reissuing of certificates and/or additional external monitoring visits. The fees will be the current JP IAS prices for such activities.

In addition to the above JP IAS will record any lessons learned from the investigation and pass these onto relevant internal colleagues to help prevent similar instances of maladministration or malpractice from reoccurring.

If the relevant parties want to appeal against JP IAS's decision to impose sanctions, refer to JP IAS *Appeals Policy*.

## Timescales

JP IAS aims to action and resolve all stages of any investigation within 10 working days of receipt of the allegations, however, in some cases, the investigation may take longer. Once 10 working days have passed from the receipt of the *Malpractice or Maladministration Report Form*, JP IAS will either:

- update the relevant parties on progress and provide an indication of when the investigation may be completed (if the investigation has not yet been completed)
- or
- issue a summary of the completed investigation to the relevant parties

## Policy review arrangements

JP IAS will review this policy on an ongoing basis as part of our continuous improvement activity and revise it as and when necessary in response to customer and Learner feedback, changes in our policies and processes and actions from allegations.

In addition, we may update this policy in light of operational feedback to make sure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

## Contact us

If you have any queries about the contents of the policy, contact our

customer service team: Tel: 01582 594084

Email: JP IAS [info@jp-ias.co.uk](mailto:info@jp-ias.co.uk)

J M Pike  
Managing Director

Owner: Managing Director

Regulatory references: JP IAS documents referenced: JP IAS *Sanctions Policy*, JP IAS *Whistleblowing Policy*, JP IAS *Appeals Policy*, JP IAS *Access to Assessment Policy*.



