

WELLBEING FITNESS EDUCATION CENTRE

MALPRACTICE AND MALADMINISTRATION

POLICY AND PROCEDURE

Introduction

The Wellbeing Fitness Education Centre seeks to take all reasonable steps to prevent the occurrence of malpractice and maladministration. This policy is supported by robust procedures and appropriate guidance for investigating and reporting on allegations and findings.

The Wellbeing Fitness Education Centre also has a malpractice policy and procedure that is followed where malpractice or maladministration concerns, allegations or incidents are reported, or occur.

The aim of this policy is to ensure that an incident does not lead to an 'adverse effect' and can be prevented, corrected or mitigated.

Scope

This policy applies to the development, delivery and award of regulated qualifications, which the Wellbeing Fitness Centre and its associates makes available or proposes to make available.

This policy applies to all associates, their staff and contractors. Associates must ensure that their staff and contractors are aware of and understand the content of this policy. Also, learners should have the content of this policy explained to them in terms of what malpractice means, what might constitute learner malpractice and what learners should do if they suspect malpractice.

This policy also applies to all staff of the Wellbeing Fitness Education Centre and its associates' wider workforce (including all contractors and consultants), and to its board of trustees and committee members.

This policy sets out the procedures to be followed if there is a concern that malpractice or maladministration has occurred, or where it has been identified; and how to report it to the Wellbeing Fitness Education Centre. This policy should be read in conjunction with the following policies of Wellbeing Fitness Education Centre:

- Complaints policy and procedure
- Appeals policy

Definition of Malpractice

The Joint Council for Qualifications (JCQ) 2019/2020 definition of malpractice is:

Malpractice means any act, default or practice which is a breach of the regulations or which:

- gives rise to prejudice to learners; and/or
- compromises public confidence in qualifications; and/or
- compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualifications or the validity of a result or certificate; and/or
- damages the authority, reputation or credibility of Wellbeing Fitness Education Centre and/or those of its associates; or any officer, employee or agent of the Wellbeing Fitness Education Centre and its associates.

Failure by an associate to notify, investigate and report to Wellbeing Fitness Education Centre any allegation of malpractice, or suspected malpractice constitutes malpractice in itself.

The JCQ definition of malpractice is the adopted definition for Wellbeing Fitness Education Centre qualifications.

Wellbeing Fitness Education Centre additionally classifies malpractice as any act, default or practice that is deliberate, where there is intention to breach regulations, prejudice learners, or where it causes any of the above effects.

Failure to take action as required by Wellbeing Fitness Education Centre, as detailed in this document, or to co-operate with a Wellbeing Fitness Education Centre investigation also constitutes malpractice.

The Wellbeing Fitness Education Centre recognises that whilst maladministration and malpractice are distinct, the two concepts can be on a spectrum. As such they will sometimes shade into one another. Sometimes, whether a particular incident is best classified as malpractice or maladministration will depend on the context, and it can be a matter of judgement.

Examples

The following examples provided below do not constitute an exhaustive list. If you are unsure of whether something might constitute malpractice or maladministration please contact the Wellbeing Fitness Education Centre for advice (ianryves@wellbeingfitness.co.uk)

Examples of Centre Malpractice

- Breach of security including controlled assessment conditions not complied with
- Claiming certificates for learners who have not yet completed their units/assessments/qualification
- Falsifying learners' assessments, or results
- Replacing learners' work with alternative work
- Tampering with learners' work prior to submission for assessment
- Improper support or over-assisting learners during assessment
- Fabrication of learners' work
- Use of learner details who have entered for qualifications in the past without those learners' knowledge
- Centre management not being made aware of assessments being conducted by individuals who have a personal interest in the assessment outcome
- Persistent instances of maladministration. Examples of Learner Malpractice
- Alteration of any results document, including certificates
- Failing to abide by the regulations as stated by an invigilator
- Collusion
- Copying from another learner

- Allowing their work to be copied by another learner
- Allowing others to assist in the production of a portfolio (beyond what is permitted)
- Submission of work that is supplied by another learner, or from some other source
- Plagiarism.

Examples of Maladministration

In broad terms, maladministration will generally cover mistakes or poor process where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude, or may simply be as a result of carelessness or inexperience. Maladministration events may also constitute malpractice, depending on the circumstances and evidence brought to bear during an investigation. For example, multiple occurrences of maladministration could constitute malpractice. Whilst not an exhaustive list, the following are some examples of maladministration:

- avoidable delay
- mistakes arising from inattention
- inadequate procedures
- failure to follow correct procedures
- poor record keeping
- inadvertent failure to take action
- poor communication
- inadvertently giving misleading or inadequate information.

Recognised Centre Responsibilities

Associates must provide their malpractice policy to the Wellbeing Fitness Education Centre when requested to do so. Centre policy and procedures need to be aligned to the Wellbeing Fitness Education Centre's policy and requirements.

All associates' staff and contractors must be fully informed of the contents of the Wellbeing Fitness Education Centre's policy and procedures for malpractice and maladministration. Learners should be made familiar with policy in this area too; they should have the content of this policy explained to them in terms of what malpractice means, what might constitute learner malpractice and what they should do if they suspect malpractice.

Associates' malpractice and maladministration policies

should also outline the actions the Wellbeing Fitness Education Centre might take if malpractice or maladministration is found in relation to their staff, contractors or learners.

Associates are recommended to have in place training as part of staff induction and on-going training to raise awareness of malpractice and maladministration and how to prevent it.

Recognised associates must have the capability and competence to investigate any case of malpractice or maladministration where required. Associates must cooperate fully with the Wellbeing Fitness Education Centre's investigations where we undertake to investigate a matter.

Any failure to report suspected or actual malpractice or maladministration cases, or failure to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on an associate, such as those outlined in the Wellbeing Fitness Education Centre's sanctions policy. Recognised Centre procedure for reporting malpractice/maladministration to Wellbeing Fitness Education Centre Associates' staff, contractors or learners who discover or suspect malpractice or maladministration must report this to the responsible person as identified in the Wellbeing Fitness Education Centre's malpractice and maladministration policy.

The responsible person for each associate is required to notify the Wellbeing Fitness Education Centre at (ianryves@wellbeingfitness.co.uk) within 2 working days of a malpractice/maladministration allegation, suspicion, or actual case being reported to them, and before commencing any investigation.

In the case of an allegation or suspicion of malpractice or maladministration, Wellbeing Fitness Education Centre will advise the associate, and will conduct any required investigation. In some circumstances Wellbeing Fitness Education Centre will carry out the investigation, in other cases the associate may be required to undertake the investigation.

Wellbeing Fitness Education Centre Responsibilities

Wellbeing Fitness Education Centre procedure for reporting malpractice/ maladministration for staff of the Wellbeing Fitness Education Centre and its associates.

The staff of Wellbeing Fitness Education Centre, external quality assurers, markers and moderators; trustees and committee members who come across a case of, or suspect malpractice/maladministration when visiting associates, sampling work remotely, or in any other circumstances must immediately contact Wellbeing Fitness Education Centre.

This can be done by email to ianryves@wellbeingfitness.co.uk, using the subject line 'reporting malpractice', or phoning the office and asking to speak to Ian Ryves.

Wellbeing Fitness Education Centre's procedure for investigating and reporting on malpractice/maladministration

When a notification of malpractice or maladministration has been received regarding an associate, Wellbeing Education Centre staff or a learner, Wellbeing Fitness Education Centre will determine whether it is appropriate for the associate to undertake an investigation or whether Wellbeing Fitness Education Centre will carry out the investigation. Wellbeing Fitness Education Centre will provide guidance regarding the process to follow where the associate is to investigate.

Wellbeing Fitness Education Centre will ensure that the person/s responsible for undertaking any investigations possess(es) the appropriate expertise and is/are competent to carry out the investigation. The person/s responsible for any investigation will not have any association with the subject of the investigation i.e. there must be no conflicts of interest present.

An investigation form and log will be set up immediately and an investigation plan prepared. Investigations involving associates will require the cooperation of the Wellbeing Fitness Education Centre and may require visiting the associate.

Wellbeing Fitness Education Centre will ensure that the associate, or those subject to investigation if appropriate, is/are kept informed of progress with regards to any investigation.

Where the staff of Wellbeing Fitness Education Centre and/or its associates have malpractice or maladministration allegations made against them this will be investigated.

Investigation findings

The outcome of any investigation will depend on the nature of the allegation, whether the allegation is proven and what was found through the investigation process. The findings of any investigations conducted by Wellbeing Fitness Education Centre and/or its associates will be communicated to the affected party.

Appeals

Associates and others have the right to make an appeal against the decision of Wellbeing Fitness Education Centre to impose a sanction. Please refer to our appeals policy.

Notifying Relevant Parties

Wellbeing Fitness Education Centre and/or its associates will report allegations of malpractice/maladministration to

the regulator where there is a potential for adverse effect, or circumstances prescribe such a course of action. In such circumstances the outcome of any investigation will be provided to the regulator too.

Associates will immediately inform Wellbeing Fitness Education Centre of any significant incidents that occur where there is an actual or potential impact on students. Regulatory requirements also mean that Wellbeing Fitness Education Centre and/or its associates are required to notify other organisations where malpractice is found and may impact on them.

In all instances Wellbeing Fitness Education Centre will protect personal data and comply with data protection requirements.

Public Interest Disclosure (Whistleblowing)

Where staff of Wellbeing Fitness Education Centre and/or its associates have concerns about raising an issue or reporting their suspicions of malpractice or maladministration but are concerned to protect their interests, they are advised to follow their organisation's whistleblowing policy.

Members of the public who wish to advise Wellbeing Fitness Education Centre and/or its associates of potential malpractice, should refer to Wellbeing Fitness Education Centre's public interest disclosure (whistleblowing) policy.

Review Arrangements and Monitoring

Wellbeing Fitness Education Centre will review this policy annually and as part of its self-evaluation arrangements, and revise it when necessary in response to customer feedback, findings from internal and external monitoring arrangements, changes in internal practices, actions from the regulatory authorities or other external agencies, or where there may be changes in legislation.

If you would like to provide any views on this policy, please contact us via the details provided at the end of this document.

Wellbeing Fitness Education Centre's quality and standards are responsible for monitoring the effectiveness of the application of this policy. Summary reports will be submitted to enable the committees to monitor the application and effectiveness of the policy and process. An annual summary is also submitted to the board of trustees for monitoring and ratification.

Serious cases, or those that may constitute an adverse effect will be reported, for information, directly to the board of trustees.

Contact details

If you wish to discuss any aspect of this policy and/or have a related query, please contact:

Ian Ryves
Wellbeing Fitness Education Centre
Unit 4
Lucas Bridge Business Park
Old Greens Norton Road
Towcester NN12 8AX
ianryves@wellbeingfitness.co.uk

Glossary of Terms

Adverse Effect

An act, omission, event, incident, or circumstance has an adverse effect if it –

- (a) gives rise to prejudice to learners or potential learners, or
- (b) adversely affects –
 - (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its conditions of recognition,
 - (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - (iii) public confidence in qualifications.

Collusion

Working collaboratively with another learner/s beyond what is permitted.

Plagiarism

Definition adopted from the Joint Council for Qualifications: "unacknowledged copying from or reproduction of published sources or incomplete referencing".



Email: ianryves@wellbeingfitness.co.uk

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