

1. Purpose of Policy

1.1. The purpose of this policy is to set out the steps for managing any suspected or alleged instances of malpractice or maladministration across More Training.

2. Scope

2.1. This policy applies to all staff, learners, contractors and third-party agents involved with More Training.

3. Policy Statement

3.1. More Training will ensure that:

- any investigation is conducted fairly and by persons who are competent and have no personal interest in the outcome;
- consistency of any investigation throughout the organisation;
- any investigation is conducted in a timely manner;
- any suspected or alleged instance of malpractice is reported to regulators and awarding organisations;
- More Training co-operates with any regulator or awarding body as part of an investigation into suspected or alleged malpractice;
- any individuals are informed of the procedures any investigation will follow and the possible consequences, should malpractice be proven;
- there is a clear reporting process to inform all relevant parties of the outcome of any investigation of suspected or alleged malpractice;
- key information is provided to those preparing to make an allegation of malpractice or maladministration;

- clear steps are set out for our staff and learners and other personnel to follow when reporting suspected or actual cases of malpractice or maladministration;
- our responsibilities and processes in dealing with such cases are clear.

4. More Training Centre responsibility

4.1. More Training will ensure that all our learners and staff are fully aware of the contents of the policy and the arrangements we have in place to investigate allegations of malpractice and maladministration and to prevent future occurrences.

5. Definition of Malpractice and Maladministration

5.1. **Malpractice** is defined as any activity, practice or omission which is either wilfully negligent or deliberately contravenes the regulations and requirements of More Training, awarding organisations and funding partners. Examples include:

- a. failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- b. deliberate failure to adhere to our learner registration and certification procedures
- c. deliberate failure to continually adhere to our responsibilities as an approved centre for the delivery of nationally recognised qualifications
- d. deliberate failure to maintain appropriate auditable records, e.g. certification claims
- e. forgery of evidence relating to the quality, funding or learner achievement of qualifications
- f. fraudulent claims for certificates
- g. intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards of qualifications

- h. collusion or permitting collusion in exams or assessments
- i. plagiarism by learners or staff
- j. copying from another learner (including using ICT to do so)

1.1. **Maladministration** is defined as any activity, practice or omission which results in centre or learner non-compliance with administrative regulations and requirements. Examples include:

- a. persistent failure to adhere to our learner registration and certification procedures
- b. persistent failure to adhere to any of our obligations as an approved centre for training delivery
- c. late learner registrations (both infrequent and persistent)
- d. unreasonable delays in responding to requests or communications from awarding organisations
- e. inaccurate claims for certificates
- f. failure to maintain appropriate auditable records, e.g. certification claims

6. General information about Whistleblowing

6.1. What is a whistleblower?

You are a whistleblower if you are a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public.

As a whistleblower you are protected by law. This means that you should not be treated unfairly or lose your job because you have 'blown the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

7. Who is protected by law?

7.1. You are protected if you are a worker i.e. you are:

- an employee, such as at More Training
- a trainee, such as a student nurse
- an agency worker
- a member of a limited liability partnership (LLP)

Any attempt to silence you with a confidentiality clause in a settlement agreement is not valid if you are a whistleblower.

8. Complaints that count as whistleblowing

8.1. You are protected by law if you report any of the following:

- a criminal offence, e.g. fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, e.g. does not have the right insurance
- you believe someone is covering up some kind of wrongdoing

9. Complaints that don't count as whistleblowing

9.1. Personal grievances (e.g. bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

Report these under the More Training Grievance Policy.

You can contact the Advisory, Conciliation and Arbitration Service (ACAS) at any time for advice about resolving a workplace dispute.

10. Who to tell and what to expect

10.1. If you are concerned about what you think is some kind of wrongdoing at work, report your concerns immediately to your Line Manager, a Senior Manager or the Managing Director.

If you do not want to disclose your concerns to someone at work you can speak to a prescribed person such as a lawyer or ACAS or an advisor at the Citizens Advice Bureau or the charity Public Concern at Work or your Trades Union.

11. Making your claim anonymously or confidentially

You can tell your employer or a prescribed person anonymously but they may not be able to take the claim further if you have not provided all the information they need.

You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

12. What your employer or a prescribed person will do

Your employer or the prescribed person will listen to your concern and decide if any action is needed. You may be asked for further information.

You must say straight away if you do not want anyone else to know it was you who raised the concern.

You will not have a say in how your concern is dealt with.

Your employer or the prescribed person can keep you informed about the action they have taken, but they cannot give you much detail if they have to keep the confidence of other people.

A prescribed person can't help you with your relationship with your employer.

The More Training Malpractice and Maladministration Policy will give you detailed information on how a report of wrongdoing about More Training or any of the employers you may have dealings with in the course of your work will be managed.

13. If you are not satisfied with how your employer dealt with your concern

13.1. Tell someone else (e.g. a more senior member of staff) or a prescribed person or body as described above if you believe your concern was not taken seriously or the wrongdoing is still going on.

14. If you are treated unfairly after whistleblowing

14.1. You can take a case to an employment tribunal if you've been treated unfairly because you have blown the whistle AVCAS will advise you on how to do this.

If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.

You must raise any claim of unfair dismissal within 3 months of your employment ending.

15. Process for making an allegation of malpractice or maladministration

15.1. Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the Head of Personnel and Administration at More Training in writing (by letter or email) and include appropriate supporting evidence where possible.

All allegations must include (where possible):

- Details of any learners involved – include name and awarding organisation registration number
- Details of any More Training staff members involved – include name and job role

- Details of any other people involved – include name, organisation, job role and work address
- Details of the course or qualification affected or the nature of the service affected
- Details of the suspected or actual malpractice and associated dates

The Directors will then conduct an initial investigation to ensure that members of the formal investigation team are competent and have no personal interest in the outcome of the investigation.

16. Confidentiality and whistle blowing

In all cases of alleged malpractice and maladministration, More Training will protect the identity of the complainant in accordance with the requirements and exemptions within the Data Protection Act.

Whilst we are prepared to investigate issues reported to us anonymously we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those against whom the allegation has been made.

17. Responsibility for the investigation

17.1. More Training Directors will:

- act promptly to establish whether malpractice or maladministration has occurred
- acknowledge receipt of reports of alleged malpractice and maladministration within 48 hours
- allocate an appropriate member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred

- inform the appropriate regulatory authorities if an incident of malpractice or maladministration could either invalidate the award of a qualification or if it could affect another awarding organisation

17.2. More Training investigators will uphold the principles outlined below in carrying out investigations:

Professionalism: Our investigators will have a clear brief and understanding of their role and will maintain the highest standards of professionalism with regard to their personal conduct and the investigative activities they undertake. Investigators will act responsibly and treat those participating in an investigation with respect, engage them in professional dialogue and provide feedback in a constructive way.

Objectivity: Investigators will undertake all work with an open mind and, in particular, ensure that any evidence or information obtained is reviewed without preconceptions. Consideration will be given to all interpretations that may be placed on such evidence or information.

Fairness: Investigators will act in a courteous, polite and considerate manner, and will conduct all work applying proper standards of fairness and without discrimination. They will maintain a high level of awareness of the context in which centre staff are operating, of their feelings and reactions to the investigation process and of the approach and impact of the investigators themselves. Investigation reports will be fair and based on evidence.

Expertise: Investigators will have the experience, knowledge and skills to conduct an investigation. They will maintain their expertise and ensure that it is applied thoroughly and comprehensively in every aspect of their work.

Integrity: Investigators will work honestly and accurately and will meet the highest standards of propriety and integrity. They will respect the confidentiality and source of any information handled as part of the investigation.

18. Investigation timelines and summary process

18.1. We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

The fundamental principle of all investigations is to conduct them 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 More Training and the qualification.
- To identify any adverse patterns or trends.

18.2. 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 is 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.

- 18.3. Either at notification of a suspected or actual case of malpractice or maladministration and at any time during the investigation, we reserve the right to withhold the qualification results of a learner or a cohort.
- 18.4. Where a More Training staff member or associate is under investigation we may suspend them or move them to other duties until the investigation is complete.
- 18.5. Throughout the investigation the Managing Director will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed all relevant external parties.

19. Investigation report

- 19.1. After an investigation, we will produce a draft report for the parties concerned to check for factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report 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 to be applied.
- 19.2. We will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as appropriate and required.
- 19.3. If an internal investigation against a member of our staff finds evidence of malpractice or maladministration, the Managing Director will inform relevant internal managers and appropriate internal disciplinary procedures will be implemented.

20. Investigation outcomes

- 20.1. If the investigation confirms that malpractice or maladministration has taken place, we will take action to:

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- Address the specific instance of malpractice or maladministration.
- Minimise the risk to the integrity of certification now and in the future.
- Maintain public confidence in the delivery and awarding of qualifications.
- Prevent and discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising our standards.
- Inform the Awarding Organisation concerned where malpractice or maladministration have deemed certificates invalid and the consequent need for withdrawal and reassessment.
- Inform affected learners that their original certificates are invalid and arrange – where possible – for return of the invalid certificates.
- Inform relevant funding partners of our findings and actions.
- Reflect and record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help prevent the same instance of maladministration or malpractice from recurring.

21. Right of Appeal

21.1. Relevant party/ies involved in allegations of malpractice and maladministration which are upheld following investigation may appeal against a decision to impose sanctions through the More Training Complaints Procedure provided they are able to provide information or evidence which was not previously known to the investigation team.

Unless there are changes this policy will be reviewed annually at the end of the academic year (1st Aug – 31st Jul) by the Owner.