**MALPRACTICE/MALADMINISTRATION POLICY**

**Definition**

**Malpractice** would be deemed to be any **deliberate** activity likely to invalidate the passport or bring into doubt the integrity of the assessment and/or verification process whether by the learner, centre staff or any others involved in providing the qualification.

The most common instances of malpractice would include, for example:

• the evidence assessed is not entirely the Learner’s own work

• the passport/certificate has been claimed on the basis of falsified records

• requests for certifications are made contrary to the Regulatory Bodies’ Codes of Practice

• breaches of security

• false ID at registration and/or assessment

• collusion and/or cheating

• improper invigilation

• improper use of Regulatory Bodies’/Awarding Organisation logos

• assessment in non-approved sites

• discrimination against Learners or employers

• assessment by unapproved Assessor/s

• inducements/bribery

• intimidation

**Maladministration** would be deemed to be any non-deliberate activity likely to invalidate the certificate or bring into doubt the integrity of the assessment and/or verification process.

The most common instances of maladministration would include, for example:

• late registrations

• early certification claims

• incorrect certificate claims

• loss of Learner’s work

• poor/erratic record keeping

**Policy**

SPA will make its best endeavours to ensure that maladministration and/or malpractice does not occur. Should maladministration or malpractice be suspected SPA will undertake to investigate, resolve and mitigate the effects of future maladministration or malpractice.

To achieve this SPA have systems and procedures designed to minimise the potential for maladministration/malpractice.

SPA will provide advice and guidance to Centres on how they can reduce and/or avoid the potential for instances of maladministration/malpractice.

SPA has procedures to enable the reporting of suspected instances of maladministration/malpractice including allowing the opportunity of ‘whistleblowing’.

SPA has procedures for investigating all instances of possible maladministration/malpractice whether suspected by, or reported to, SPA. SPA has procedures for dealing with cases where maladministration/malpractice is found to have occurred.

SPA requires all Approved Centres to have equivalent policies and procedures for dealing with suspected or actual cases, of maladministration/malpractice which will include the mandatory requirement of notifying SPA when the maladministration/malpractice is first suspected. Where instances of maladministration/malpractice are confirmed SPA will notify the appropriate Regulatory Body and reserves the right to notify any other Awarding Organisation that SPA considers relevant.

**Procedure**

Where malpractice or maladministration is suspected or reported, SPA will adopt its investigative procedure.

SPA will appoint an appropriate independent person/s having no personal interest in the outcome, to investigate the alleged malpractice/maladministration. SPA will notify the Centre accordingly and this action will be notified, in writing, to the relevant Regulatory Body.

SPA will maintain a record of all suspicions and evidence of maladministration/malpractice and the outcomes of the investigation.

SPA will prepare a final report of each investigation, the report will include:

• the origin of the complaint or mode of discovery of the alleged irregularity(ies)

• the investigations carried out

• the evidence adduced

• the conclusions drawn

• the recommendations for action and resolution of the matter

• any evidence of invalid certificates

Copies of the report will be sent to the relevant Regulatory Body.

The Regulatory Body will have the right to take over the investigation if it so wishes. In such circumstances this will be notified to the Approved Centre.

Approved Centres share an equal responsibility to ensure malpractice/maladministration does not occur. They will be required to fully co-operate in all cases. Failure to co-operate may lead to future entries and/or registrations not being accepted.

Where a decision is taken to invalidate certificates, SPA will take such action as to ensure that:

• the interests of the Learner are fully protected insofar as it is reasonable and possible in the circumstances

• the Learner(s) involved are informed of the status of their certificates and of any arrangements for re-assessment and/or verification and/or certification

• original certificates are cancelled on the database to ensure duplicates cannot be issued

• the relevant Regulatory Body is informed of the invalid certificates and, where applicable, inform the relevant public funding body.

Where SPA has reason to believe that the malpractice/maladministration could affect another Centre, SPA will notify that Centre.

Where SPA has reason to believe that the malpractice/maladministration could affect another Awarding Organisation, SPA will notify that Awarding Organisation.