

Reviewed December 2016

Hampshire Training (Phil Quill)

Malpractice & Misconduct Policy

Next review due as necessary

Malpractice and Misconduct Policy

1. Introduction

1.1 This policy outlines the actions that may be taken by Hampshire Training in cases of malpractice, maladministration or misconduct. Hampshire Training will cooperate fully with external regulators or awarding bodies with any case of this nature.

1.2 Hampshire Training will inform the relevant Awarding Body (ITC for first aid qualifications) of any cases of suspected or actual malpractice, maladministration and misconduct and follow their published procedures. For example; contacting the ITC Office for urgent advice, or completing ITC Report Form F3 published on the ITC website.

2. Definitions

2.1 **Malpractice** is an illegal action for one's own benefit whilst in position of trust. Broadly covering actions and practices that threaten the credibility and honesty of the qualification and certification.

- a) Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process, and/or the validity of certificates. Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.
- b) Failure by Hampshire Training to deal with identified issues may in itself constitute malpractice.

2.2 **Maladministration** is to manage or administer inefficiently, badly or dishonestly, it is any activity, neglect, default or other practice that results in **Hampshire Training** or candidates not complying with the specified requirements for delivery of the qualifications and as set out in the relevant codes of practice where applicable. The definition is wide and can include:

- a) Delay
- b) Incorrect action or failure to take any action
- c) Failure to follow procedures or the law
- d) Failure to provide information
- e) Inadequate record-keeping
- f) Failure to investigate
- g) Failure to reply
- h) Misleading or inaccurate statements
- i) Inadequate liaison
- j) Inadequate consultation
- k) Broken promises

2.3 **Misconduct** is defined as improper conduct, that which is unseemly, indecent, inaccurate or wrong.

2.4 **The following are examples of possible malpractice, maladministration and misconduct.**

- a) Not following ITC conditions regarding maintaining Centre approval. E.g. failing to produce assessment records for each candidate. Failing to follow agreed ITC Policies.
- b) Stating a qualification is accredited when it is not when marketing.
- c) The candidate impersonating someone else by falsifying registration documents.

3. Reporting alleged Malpractice or Misconduct

3.1 Hampshire Training its staff, tutors, assessors, verifiers, candidates, members of the public can report allegations of malpractice or misconduct to the Hampshire Training Manager by completing the ITC Malpractice and Misconduct Report Form (F3) that will be utilised by the Centre.

- 3.2 Depending upon the nature of the occurrence, Hampshire Training may then:
- a) Maintain a Malpractice & Misconduct Log for review and External Quality Assurance
 - b) Report serious occurrences directly to ITC First Aid Awards Manager.
- 3.3 All cases will be recorded on Hampshire Training register with outcomes of investigation.

4. Hampshire Training Published Actions

- 4.1 Telephone or anonymous reports will be acted upon if there is sufficient evidence or the nature of the report warrants it and Malpractice and Misconduct Form (F3) completed by Hampshire Training
- 4.2 Upon receipt of the Malpractice and Misconduct Form (F3) from any source, Hampshire Training will acknowledge receiving the form within 2 days.
- 4.3 For allegations against a Candidate
- a) Hampshire Training Manager in conjunction with the Awarding Body (if necessary) will investigate the allegation.
 - b) A report of findings will be collated and forwarded with subsequent actions to the Candidate and Awarding Body within 15 working days of the initial acknowledgment.
- 4.4 If the allegations are upheld a proportionate action will be decided upon by Hampshire Training &/or the Awarding Body. One or more of the following actions may occur:
- a) Written warning
 - b) Certificate may be invalidated.
 - c) No further registrations may be accepted for that candidate.
- 4.5 For allegations against Hampshire Training reported directly to ITC (or other Awarding Body), Hampshire Training will cooperate fully with the Awarding Body in line with published Awarding Body policies and as reasonably requested by the Awarding Body. The Awarding Body will investigate and report the findings and subsequent actions to Hampshire Training according to Awarding Body published policies. E.g. ITC undertakes to reply within 15 day of the initial acknowledgment and deal with the report in accordance with their published procedures.

5. Investigations Performed by Hampshire Training

- 5.1 The objectives of any investigation will be to:
- a) To establish the facts relating to allegations/complaints in order to determine whether irregularities have occurred.
 - b) To identify the cause of the irregularities and those involved.
 - c) To establish the scale of the irregularities.
 - d) To evaluate any action already taken by Hampshire Training
 - e) To determine whether remedial action is required to reduce the risk to current candidates and to preserve the integrity of the qualification.
 - f) To ascertain whether any action is required in respect of certificates already issued.
 - g) To identify any patterns or trends.
 - h) To report findings to the Awarding Body
- 5.2 The principles of investigation:
- a) The fundamental principle of investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias.
 - b) Hampshire Training undertakes to log and track activities and supporting evidence, including dealing with whistle blowers and anonymous allegations.
 - c) Any investigator appointed by Hampshire Training will be independent of normal or day-to-day working relationships with the individual under investigation.

5.3 The process of investigation:

Most investigations will be conducted by Hampshire Training in conjunction with and in accordance with Awarding Body procedures and will follow the following route.

- a) **Confidentiality** - Most investigations will necessitate accessing material that is deemed confidential to the individuals or organisations providing it. In many instances it will be important that the evidence or information is original. If original records cannot be retained, it may be necessary to photocopy the original and record the copy as authentic. All material collected as part of an investigation will be kept secure and not normally disclosed to a third party.
- © **Retention** – Hampshire Training will retain all records and original documentation concerning a completed investigation that leads to sanctions against individuals or organisations for a period of not less than five years and will provide copies to the Awarding Body when and if required. If an investigation leads to invalidation of certificates by the Awarding Body, 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.
- c) **Evidence storage** – Hampshire Training will provide secure storage for all material associated with an investigation in case of subsequent legal challenge. Integrity and continuity of evidence will be maintained.
- d) **Conclusions** - Conclusions will be based on established evidence. A course of proposed action will be identified, agreed, implemented and monitored.
- e) **Sanctions** – Will be commensurate with the level of non-compliance identified.
 - a) Hampshire Training will instigate sanctions or an action plan according to the nature of the occurrence
 - b) Sanctions or Action Plans developed by the Awarding Body will be complied with by Hampshire Training

6. Reporting

6.1 Centre generated reports

- a) On completion of any report by Hampshire Training it will be sent to all parties concerned in the investigations within 15 working days of acknowledgement of receipt of allegation.

6.2 Response to Awarding Body Reports. Hampshire Training

- a) Will respond to any Awarding Body report within 3 weeks of receipt.
- b) Knows the Awarding Body (AO) will inform the external regulators as Hampshire Training being the Centre that has an allegation of malpractice or maladministration against it. The AO will maintain a Malpractice & Misconduct log
- c) Acknowledges that the Awarding Body is required to provide the regulatory authorities with a copy of any final report.
- d) May request written guidance from ITC as how best to prevent and investigate malpractice or maladministration.

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7. Appeals

7.1 Hampshire Training may appeal against Awarding Body decisions in accordance with their published Appeals Policy.

7.2 Hampshire Training maintains the right to refer to the regulatory bodies (Ofqual & SQA) if we disagree with, or wish to appeal any decision, made by any Awarding Body or Awarding Organisation it is associated with.

8. Malpractice & Misconduct Monitoring

8.1 Hampshire Training will maintain Malpractice & Misconduct Register that will be reviewed annually.

8.2 Hampshire Training will review this policy annually as part of IQA procedures.

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