

# Hampshire Training

## Malpractice and Misconduct Policy

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### 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 Organisation/Body of any cases of suspected or actual malpractice, maladministration and misconduct and follow their published procedures. For example; contacting the ITC First Office for urgent advice, or completing Malpractice & Misconduct Allegation Form F3.

### 2. Malpractice

- 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.
- 2.2 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.
- 2.3 Failure by Hampshire Training to deal with identified issues may in itself constitute malpractice.

### 3. Maladministration

- 3.1 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 learners 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

### 4. Misconduct

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

## 5. Examples

- 5.1 The following are examples of possible malpractice, maladministration and misconduct.
- Not following ITC First conditions regarding maintaining [Hampshire Training](#) Centre approval. E.g. failing to produce assessment records for each learner. Failing to follow ITC Policies.
  - Stating a qualification is accredited when it is not.
  - The learner impersonating someone else by falsifying registration documents.

## 6. Reporting alleged Malpractice or Misconduct

- 6.1 [Hampshire Training](#) staff, trainers/ assessors, quality assurers, 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). Additionally reports may be made directly to ITC First Chief Executive Officer.

## 7. Hampshire Training responses to allegations

- 7.1 Anonymous allegations  
Telephone or anonymous reports will be acted upon if there is sufficient evidence or the nature of the report warrants it. Upon receipt of the Malpractice and Misconduct Form (F3)  
Link to ITC website policy page  
<http://www.itcfirst.org.uk/policies/Procedures+%26+Forms/2.htm>  
[Hampshire Training](#) will acknowledge receiving the form within 2 days.
- 7.2 For allegations against [Hampshire Training](#) reported to ITC First (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 First undertakes to reply within 15 working days of the initial acknowledgment and deal with the report in accordance with their published procedures.
- 7.3 For allegations against a Learner [Hampshire Training](#) Manager in conjunction with the Awarding Body (if necessary) will investigate the allegation.  
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.

## 8. Allegations are upheld

- 8.1 If the allegation is upheld **against a Learner** a proportionate action will be decided upon by [Hampshire Training](#) and/or the Awarding Body one or more of the following actions may occur:
- Written warning
  - Certificate may be invalidated.
  - No further registrations may be accepted for that candidate.
- 8.2 If an allegation is upheld against [Hampshire Training](#) or one of its staff, then referral to ITC Malpractice, Maladministration and Misconduct Policy for details of the actions that may follow.

## 9. Investigations

- 9.1 The objectives of any investigation will be to:
- To establish the facts relating to allegations/complaints in order to determine whether 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 by [Hampshire Training](#).
  - To determine whether remedial action is required to reduce the risk to current learners 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

9.2 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.

9.3 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 process:

- 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.
- b) **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** – Imposed by [Hampshire Training](#) will be commensurate with the level of non-compliance identified. Sanctions or Action Plans developed by the Awarding Body will be complied with by [Hampshire Training](#).

9.4 Reports

- a) On completion of any report it will be sent to all parties concerned in the investigations within 15 working days of acknowledgement of receipt of allegation.
- b) The Awarding Body will inform the regulators of [Hampshire Training](#) as being the Centre that has an allegation of malpractice or maladministration against it.
- c) [Hampshire Training](#) will respond to any Awarding Body report within 3 weeks [15 working days] of receipt.
- d) [Hampshire Training](#) acknowledges that the Awarding Body is required to provide the regulatory authorities with a copy of any final report.
- e) [Hampshire Training](#) may request written guidance from an external regulator as how best to prevent and investigate malpractice or maladministration.

## 10. Appeals

- 10.1 [Hampshire Training](#) may appeal against Awarding Body decisions in accordance with their published Appeals Policy.

## 11. Role of regulatory authorities

- 11.1 [Hampshire Training](#) maintains the right to refer to the regulatory bodies if they disagree with any decisions made by any Awarding Body it is associated with.