

Malpractice & Maladministration policy and procedure

Introduction

This policy is aimed at our customers who are delivering Sports Leaders UK approved qualifications who are involved in suspected or actual malpractice/maladministration.

This policy sets out the steps Sports Leaders UK will follow when responding to suspected or actual cases of malpractice/maladministration. The steps will be initiated when our quality assurance processes find non-compliance issues or when Sports Leaders UK receive a whistle blowers account of events. It also sets out the procedural steps we will follow when reviewing the cases.

Review arrangements

We will review the policy as part of our self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback or requests from, or good practice guidance issued by, the regulatory authorities

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

1. Centre's responsibility

It is important that your staff involved in the management, assessment and quality assurance of our qualifications are fully aware of the contents of the policy and that your Centre has arrangements in place to prevent and investigate instances of malpractice and maladministration. Learners should be made aware of this policy and procedure if an investigation into suspected maladministration or malpractice is raised.

Suspected malpractice or maladministration should be reported through the Sports Leaders UK's Whistleblowing policy and procedure. A failure to report suspected or actual malpractice/maladministration cases, or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on your Centre (see our Sanctions policy for details of the sanctions that may be imposed).

If you wish to receive guidance/advice from us on how to prevent, investigate, and deal with malpractice and maladministration then please contact Sports Leaders UK contact@sportsleaders.org.

Your Centre's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by Sports Leaders UK periodically through our ongoing Centre monitoring arrangements.

Failure by a Centre to investigate allegations of suspected malpractice or maladministration in accordance with the requirements in this document also constitutes malpractice.

2.1 Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the assessment process;
- the integrity of a regulated qualification;
- the validity of a result or certificate;
- the reputation and credibility of Sports Leaders UK; or,
- the qualification or the wider qualifications community.
- the authority, reputation or credibility of any awarding organisation or Centre or any officer, employee or agent of any awarding organisation or Centre.

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.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of learners.

Examples of malpractice

Listed below are examples of Centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Denial of access to premises, records, information, learners and staff to any authorised Sports Leaders UK representative and/or the regulatory authority
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our learner registration and certification procedures

- Deliberate failure to continually adhere to our Centre approval requirements or actions assigned to your Centre
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim for certificates
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of our logo and trademarks or misrepresentation of a Centre's relationship with Sports Leaders UK and/or its recognition and approval status with Sports Leaders UK
- Collusion or permitting collusion in assessments
- Learners still working towards qualification after certification claims have been made
- Persistent instances of maladministration within the Centre
- Deliberate contravention by a Centre and/or its learners of the assessment arrangements we specify for our qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so).
- Unauthorised amendment, copying or distributing of assessment papers/materials
- Inappropriate assistance to learners by Centre staff (eg unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

2.2 Definition of maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a Centre (e.g. inappropriate learner records).

Examples of maladministration

Listed below are examples of Centre and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- Persistent failure to adhere to our learner registration and certification procedures

- Persistent failure to adhere to our Centre recognition and/or qualification requirements and/or associated actions assigned to the Centre
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from Sports Leaders UK
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from us which is required to assure Sports Leaders UK of the Centre's ability to deliver qualifications appropriately
- Misuse of our logo and trademarks or misrepresentation of a Centre's relationship with Sports Leaders UK and/or its recognition and approval status with Sports Leaders UK
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

3 Reducing learner malpractice

Many Centres take positive steps to prevent or reduce the occurrence of learner malpractice. These steps often include:

- using the course induction period to inform learners of the Centre's policy on malpractice and the penalties for attempted and actual incidents of malpractice
- showing learners the appropriate formats to record cited texts and other materials or information sources including websites. Learners should not be discouraged from conducting research; however work should ensure that appropriate information has acknowledged any sources used
- introducing procedures for assessing work in a way that reduces or identifies malpractice, e.g. plagiarism, collusion, cheating, etc. These procedures may include:
 - i. periods of supervised sessions during which evidence for assignments/tasks/coursework is produced by the learner
 - ii. the assessor assessing work for a single assignment/task in a single session for the complete cohort of learners
 - iii. using oral questions with learners to ascertain their understanding of the concepts, application, etc within their work
 - iv. assessors getting to know their learners' styles and abilities, etc.
 - v. ensuring access controls are installed to prevent learners from accessing and using other people's work when using networked computers

4. Procedure for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time **must immediately notify Sports Leaders UK.**



Sports Leaders UK should be notified through the procedure outlined in the Sports Leaders UK Whistleblowing policy.

In all cases of suspected malpractice and maladministration reported to us we will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty as outlined in the Sports Leaders UK Whistleblowing Policy.

5. Sports Leaders UK's role for the investigation of suspected malpractice or maladministration (internal and external reporting)

5.1 In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by Sports Leaders UK to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from occurring as defined by our regulators.

5.2 All suspected cases will be passed to our Compliance Manager. If this is initiated through the whistleblowing policy, Sports Leaders UK will acknowledge receipt, as appropriate, to external parties within **five working days**.

5.3 Our Compliance Manager will raise the issue with the responsible officer for the organisation and a compliance team will be formed to carry out the investigation into the alleged malpractice or maladministration. The compliance team will consist of a quorate of two, the team will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. The compliance team will establish whether or not the malpractice or maladministration has occurred and review any supporting evidence received or gathered by Sports Leaders UK.

At all times, we will ensure that Sports Leaders UK personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or conflict of interest in the matter.

6. Notifying relevant parties

In all cases of suspected or actual malpractice, we will notify the Centre Course Manager, the Head of Centre/Principal and if appropriate the Governing Body or the responsible employer. All parties involved in the allegation will be notified that we will be investigating the matter and/or in the case of learner malpractice, we may ask the Centre to investigate the issue in liaison with our own personnel. In this scenario, we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

Where applicable, our Responsible Officer will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could have adverse effects for example; either invalidate the award of a qualification to learners or if it could affect another awarding organisation.

Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed on Sports Leaders UK by their regulator. If we do not know the details of organisations that might be affected we will ask the regulator to help us identify relevant parties that should be informed.

The Responsible Officer, will also make the decision during the investigation as to when the Audit, Risk and Compliance Committee should be informed.

8. Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within **20 working days** of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a Centre visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

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 by the Centre.
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification.
- To ascertain whether any action is required in respect of certificates already issued.
- To obtain clear evidence to support any sanctions to be applied to the Centre, and/or to members of staff, in accordance with our Sanctions Policy.
- To identify any adverse patterns or trends.

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. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a Centre be retained for a period of not less than five years. 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.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to impose sanctions on the Centre in accordance with our Sanctions Policy in order to protect the interests of learners and the integrity of the qualifications.

We also reserve the right to withhold a learner's, and/or cohort's, results for all the Sports Leaders UK course/qualifications and/or units they are studying at the time of the notification or investigation of suspected or actual malpractice/maladministration.

If appropriate, we may find that the complexity of a case or a lack of cooperation from a Centre means that they are unable to complete an investigation. In such circumstances, we will consult the relevant regulatory authority in order to determine how best to progress the matter.

Where a member of Sports Leaders UK's staff is under investigation we may suspend them, or move them to other duties until the investigation is complete.

Throughout the investigation our Responsible Officer 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 relevant external parties

Sports Leaders UK may have to notify the police in some cases of malpractice. For example, for allegations of malpractice which involve fraud or a serious breach of regulations and implicate the Head of Centre or senior management.

9. Investigation report

After an investigation, we will produce a draft report for relevant parties concerned to check the factual accuracy where appropriate. 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 possible)
- Confirm an appropriate level of remedial action to be applied.

We will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we'll also inform them of the outcome – normally within **10 working days** of making our decision - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

10. Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take to:

- Minimise the risk to the integrity of certification now and in the future.
- Maintain public confidence in the delivery and awarding of qualifications
- Uphold the standards of Sport Leaders UK.
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising our standards.

The action we may take could be to:

- impose actions in relation to the Centre with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- impose sanctions on the Centre – if so these will be communicated to you in accordance with our sanctions policy along with the rationale for the sanction(s) selected.
- inform the Centre concerned and the regulatory authorities in cases where certificates are deemed to be invalid, why they're invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also ask the Centre to let the affected learners know the action we're taking and that their original certificates are invalid and ask the Centre – where possible – to return the invalid certificates to Sports Leaders UK. We will also amend our database so that duplicates of the invalid certificates cannot be issued and we expect the Centre to amend their records to show that the original awards are invalid.
- amend aspects of our qualification development, delivery and awarding arrangements and if required assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.



- inform relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the Centre.

In proven cases of malpractice and/or maladministration by a Centre Sports Leaders UK reserves the right to charge the Centre for any assessments and reissuing of certificates and/or

additional Quality Assurance visits. The fees will be the current Sports Leaders UK prices for such activities at the time of the investigation.

Further information on the application of sanctions can be found in the Sanctions Policy.

In addition, to the above any lessons learnt will be recorded from the investigation and pass these onto relevant internal colleagues to help Sports Leaders UK prevent the same instance of maladministration or malpractice from reoccurring. This may involve contingency plans being created to mitigate risk of malpractice or maladministration occurring across all Centres. These will be communicated appropriately to all Centres through the Briefing for Centres.

If the relevant party(ies) wishes to appeal against our decision to impose sanctions, please refer to our Appeals Policy.

Contact us

If you've any queries about the contents of the policy, please contact our Quality Assurance Manager, Telephone: 01908 689180 or via email: contact@sportsleaders.org or via post to: 24 Linford Forum, Rockingham Drive, Linford Wood, Milton Keynes, MK14 6LY.

Maladministration and Malpractice flow diagram

