

# MALPRACTICE AND MALADMINISTRATION POLICY

1. MALPRACTICE AND MALADMINISTRATION POLICY
  - a. This policy is aimed at DOMAX Ltd, Staff, Tutors and Customers, including Learners, who are delivering, or enrolled on a DOMAX Ltd approved qualification, who are involved in suspected or actual Malpractice/ Maladministration. It is also for use by DOMAX Ltd's staff to ensure they deal with all Malpractice and Maladministration investigations in a consistent manner.
  - b. It sets out the steps the Centre's Learners or other Personnel must follow when reporting suspected or actual cases of Malpractice/Maladministration and DOMAX Ltd's responsibilities in dealing with such cases. It also sets out the procedural steps DOMAX Ltd will follow when reviewing the cases.
2. CENTRE'S RESPONSIBILITY
  - a. It is important that the staff involved in the management, assessment and quality assurance of DOMAX Ltd qualifications, and the Learners, are fully aware of the contents of the policy and that the Centre has arrangements in place to prevent and investigate instances of Malpractice and Maladministration.
3. CENTRE REVIEW ARRANGEMENTS
  - a. DOMAX Ltd will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to Customer and Learner feedback; changes in DOMAX Ltd and DOMAX Ltd's practices; actions from the Regulatory Authorities or External Agencies; changes in Legislation; or trends identified from previous allegations.
  - b. In addition, this policy may be updated in light of operational feedback to ensure DOMAX Ltd's arrangements for dealing with suspected cases of Malpractice and Maladministration remain effective.
4. DEFINITION OF MALPRACTICE
  - a. 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 any of the following:
    - i. The assessment process
    - ii. The integrity of a Regulated Qualification
    - iii. The validity of a result or certificate
    - iv. The reputation and credibility of DOMAX Ltd
    - v. The qualification or the wider qualification's community
  - b. 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.
  - c. For the purpose of this policy, this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of Learners.
5. DEFINITION OF MALADMINISTRATION

- a. 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.)

## 6. EXAMPLES OF MALADMINISTRATION

- a. The categories listed below are examples of Centre and Learner Maladministration. Please note that these examples are not exhaustive and are only intended as guidance on DOMAX Ltd's definition of Maladministration:
  - i. Persistent failure to adhere to DOMAX Ltd's Learner registration and certification procedures
  - ii. Persistent failure to adhere to DOMAX Ltd's Centre recognition and/or qualification requirements and/or associated actions assigned to the Centre
  - iii. Late Learner registrations (both infrequent and persistent)
  - iv. Unreasonable delays in responding to requests and/or communications from DOMAX Ltd
  - v. Inaccurate claim for certificates
  - vi. Failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence
  - vii. Withholding of information, by deliberate act or omission, from us which is required to assure DOMAX Ltd of the Centre's ability to deliver qualifications appropriately.

## 7. EXAMPLES OF MALPRACTICE

- a. The categories listed below are examples of Centre and Learner Malpractice. Please note that these examples are not exhaustive and are only intended as guidance on DOMAX Ltd's definition of Malpractice:
  - i. Failure to carry out internal assessment, internal moderation or internal verification in accordance with DOMAX Ltd's requirements
  - ii. Deliberate failure to adhere to DOMAX Ltd's Learner registration and certification procedures
  - iii. Deliberate failure to continually adhere to DOMAX Ltd's Centre recognition and/or qualification approval requirements or actions assigned to the Centre
  - iv. Deliberate failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence
  - v. Exchanging, obtaining, receiving, passing on information (or the attempt to), which could be examination related.
  - vi. Making a false declaration of authenticity in relation to the authorship of coursework or the contents of a portfolio
  - vii. Allowing others to assist in the production of coursework or assisting others in the production of coursework
  - viii. The misuse, or the attempted misuse, of examination materials and resources (e.g. exemplar materials)
  - ix. Being in possession of confidential material in advance of the examination
  - x. Personating/pretending to be someone else
  - xi. Bringing into the examination room unauthorised material e.g. study guides,
  - xii. Behaving in a manner as to undermine the integrity of the examination
  - xiii. Altering any results documentation including certificates.
  - xiv. Failing to abide by instructions or advice of an examiner
  - xv. Fraudulent claim for certificates

- xvi. Collusion or permitting collusion in exams/assessments
- xvii. Learners still working towards qualification after certification claims have been made
- xviii. Persistent instances of Maladministration within the Centre
- xix. Deliberate contravention by a Centre and/or its Learners of the assessment arrangements as specified for DOMAX Ltd qualifications.
- xx. A loss, theft of, or a breach of confidentiality in, any assessment materials
- xxi. Plagiarism by Learners/staff
- xxii. Copying from another Candidate (including using ICT to do so)
- xxiii. Personating -assuming the identity of another Candidate or having someone assume your identity during an assessment

#### 8. PROCESS FOR MAKING AN ALLEGATION OF MALPRACTICE OR MALADMINISTRATION

- a. Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the Internal Quality Assurer and submit the Malpractice and maladministration form. In doing so they should put them in writing/email and enclose appropriate supporting evidence.
- b. All allegations must include (where possible):
  - i. Learner's name and DOMAX Ltd registration number
  - ii. DOMAX Ltd staff member's name and job role – if they are involved in the case
  - iii. Details of the course/qualification affected or nature of the service affected
  - iv. Nature of the suspected or actual malpractice and associated dates details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- c. The Internal Quality Assurer will then conduct an initial investigation prior to ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.
- d. In all cases of suspected malpractice and maladministration reported we will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty relating to data protection laws.

#### 9. CONFIDENTIALITY AND WHISTLEBLOWING

- a. Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to us; however if you are concerned about possible adverse consequences you may request that the Internal Quality Assurer do not divulge your identity.
- b. While we are prepared to investigate issues which are 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 the allegation relates.

#### 10. RESPONSIBILITY FOR THE INVESTIGATION

- a. In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by DOMAX Ltd to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence.
- b. We will acknowledge receipt, as appropriate, to external parties within 48 hours.
- c. The Internal Quality Assurer 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 and will allocate a relevant member of staff to lead the investigation

and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by DOMAX Ltd.

#### 11. NOTIFYING RELEVANT PARTIES

- a. Where applicable, the Internal Quality Assurer will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation.
- b. 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 by the regulator. If we do not know the details of organisations that might be affected we will ask the regulatory body to help us identify relevant parties that should be informed.

#### 12. INVESTIGATION TIMELINES AND SUMMARY PROCESS

- a. We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.
- b. 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:
  - i. To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred.
  - ii. To identify the cause of the irregularities and those involved.
  - iii. To establish the scale of the irregularities.
  - iv. To evaluate any action already taken
  - v. To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of DOMAX Ltd and the qualification.
  - vi. To identify any adverse patterns or trends.
- c. The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore,:
  - i. We will ensure all material collected as part of an investigation must be kept secure.
  - ii. 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.
  - iii. We expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with us.
  - iv. 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 withhold a learner's, and/or cohort's, results.
- d. Where a member of DOMAX Ltd's staff or an DOMAX Ltd Associate is under investigation we may suspend them or move them to other duties until the investigation is complete.
- e. Throughout the investigation the Internal Quality Assurer 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.

### 13. INVESTIGATION REPORT

- a. After an investigation, we will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:
  - i. Identify where the breach, if any, occurred.
  - ii. Confirm the facts of the case.
  - iii. Identify who is responsible for the breach (if any)
  - iv. Confirm an appropriate level of remedial action to be applied.
- b. We will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.
- c. 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.
- d. If it's an internal investigation against a member of our staff the report will be agreed by the Head of Institution, along with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

### 14. INVESTIGATION OUTCOMES

- a. If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take in order to:
  - i. Minimize the risk to the integrity of certification now and in the future.
  - ii. Maintain public confidence in the delivery and awarding of qualifications.
  - iii. Discourage others from carrying out similar instances of malpractice or maladministration.
  - iv. Ensure there has been no gain from compromising our standards.
- b. The action we take may include:
  - i. Imposing actions in order to address the instance of malpractice/maladministration and to prevent it from re-occurring
  - ii. In cases where certificates are deemed to be invalid, inform the Awarding Organisation concerned and the regulatory authorities why they're invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We'll also let the affected learners know the action we're taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to DOMAX Ltd.
  - iii. Informing relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre.
- c. In addition, to the above the Internal Quality Assurer will 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 reoccurring.

## Malpractice Form

### Incident Information

Date(s) of Incident:	
Time(s) of Incident	
Qualification, unit or specification code:	
Learner Name(s) Batch Number(s)	
Name(s) and role(s) of invigilator(s)/assessment personnel or other witness/witnesses	

### Individual(s) who gathered evidence

Name	
Role	
Reason why suitable to gather evidence (e.g. experienced senior leader):	
Has evidence been gather based on the Malpractice and Maladministration Policy guidelines?	
Does the individual proposed to gather evidence have any known conflicts of interest or personal interest in the outcome of the investigation?	

## Details

We'd like to understand what happened so that we can make sure we involve the appropriate Domax personnel who will carry out an initial fact find. Please provide details of the full nature of the alleged or actual maladministration or malpractice, including any mitigating circumstances and the contents and outcome of any investigation carried out by personnel, e.g. the centre or yourself, relating to the issue

Details of the nature of the suspected or actual maladministration and / or malpractice, including details of how it was identified, by whom and when; and any evidence obtained

## Supporting Evidence

Please indicate below the supporting evidence submitted with this report. All relevant information and materials must be submitted at this time. Evidence submitted subsequently may not be considered. Evidence submitted with this form

- Statement from Course teacher
- Statement from Invigilator
- Statement from other members of staff
- Statement from Learner
- Assessment and Internal Verification or Moderation
- Copies of sources of plagiarised material
- Statement from employer
- Records
- Other relevant documentation