

Malpractice and maladministration policy for training

Introduction

Both malpractice and maladministration pose a risk to the integrity of Activity Alliance, affecting its status, financial stability, reputation, and that of its stakeholders, as well as the credibility of the courses it is authorised to deliver.

Activity Alliance is committed to maintaining the highest standards of integrity and proactively preventing malpractice and maladministration. Our operations strictly adhere to relevant legislation and any awarding organisational conditions and Activity Alliance policies and procedures to preempt, mitigate, or effectively address any potential instances.

This policy provides clear definitions of malpractice and maladministration within the framework of designing and delivering Activity Alliance courses. It delineates the rights and responsibilities of delegates and establishes comprehensive procedures to be followed in the event of any suspected or identified malpractice or maladministration.

Definitions

Activity Alliance describes malpractice as a deliberate action that poses a risk to the integrity and/or validity of the delivery of its courses and any unlawful practice leading to a breach of regulations or conditions that would be deemed appropriate practice.

This includes deliberate non-compliance with any Activity Alliance policy, procedure, or guidance. It's important to note that the examples provided are not exhaustive and serve only as guidance for understanding Activity Alliance's definition of malpractice and maladministration.

Examples of learner malpractice include, but are not limited to:

- Plagiarism, such as passing off others' work as their own or dishonestly presenting material as their own.
- Inclusion of discriminatory material or language during group conversations
- Inappropriate behaviour during delivery of the programme causing a disruption to others.

Maladministration encompasses activities that are not deliberate but fail to comply with relevant regulations and requirements. This includes accidental non-compliance with any Activity Alliance policy, procedure, and guidance or a lack of care, judgment, or competence by any party involved in the development, delivery, or award of its courses. Any persistent maladministration will be considered malpractice.

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Maladministration within a centre or organisation may be initiated by a staff member or a contractor. Examples encompass, but are not confined to:

- Continuous neglect of compliance with learner registrations including sharing of data
- Unwarranted delays in addressing Activity Alliance communications and information requests
- Omission of maintaining auditable records
- Neglecting to inform Activity Alliance of errors or suspected issues.

Identifying malpractice and maladministration

All members of the Activity Alliance workforce, including tutors, and relevant third parties are obligated to report any allegations of malpractice or maladministration. Failure to report such cases may result in sanctions, penalties, or disciplinary procedures for personnel.

Roles, responsibilities, and reporting

Preventing malpractice or maladministration is prioritised over addressing it after the occurrence, and Activity Alliance is committed to taking reasonable measures to:

- Preventing malpractice or maladministration whenever possible
- Establishing procedures for investigating suspected or alleged malpractice or maladministration
- Continuously reviewing arrangements for preventing, investigating, and reporting malpractice and maladministration
- Offering guidance upon request on effectively preventing, investigating, and addressing malpractice and maladministration
- Identifying and sharing best practices to promote and support high-quality delivery
- Assessing the risk regarding potential malpractice/maladministration and responding accordingly
- Investigating suspected or alleged malpractice or maladministration
- Taking appropriate and proportionate action, collaborating with third parties as necessary, against those responsible for malpractice/maladministration
- Promptly taking reasonable steps to prevent or mitigate any adverse effects arising from malpractice/maladministration
- Conducting or overseeing investigations of cases (or suspected cases) of malpractice/maladministration to establish their occurrences
- Applying suitable sanctions consistent with Activity Alliance's policy
- Informing course organisers and tutors about malpractice/maladministration as appropriate
- Reporting instances of malpractice to relevant regulatory authorities

- Taking measures to prevent the recurrence of malpractice or maladministration.

Staff members and those representing Activity Alliance are responsible for:

- Taking all reasonable steps to prevent malpractice / maladministration
- Remaining vigilant to possible instances of malpractice / maladministration
- Complying with this policy (as updated from time to time)
- Implementing systems and procedures to record all suspected instances of malpractice / maladministration and making this information available to Activity Alliance
- Promptly notifying Activity Alliance of any incidents of malpractice / maladministration
- Cooperating with Activity Alliance malpractice / maladministration investigations
- Conducting investigations of malpractice as required by Activity Alliance
- Implementing any actions required by Activity Alliance during and after investigations into a case of malpractice
- Taking action required by Activity Alliance to prevent the recurrence of malpractice / maladministration.

Failure to address an identified issue may constitute malpractice.

Reporting

Confidentiality is paramount when reporting malpractice or maladministration concerns, and all reports will be treated with the utmost discretion.

Activity Alliance ensures that individuals reporting allegations are protected from penalties, and accused individuals are safeguarded against false, malicious, or anonymous accusations. Anonymous allegations may be considered if they are serious and supported by sufficient evidence for investigation and appropriate action.

All allegations must be documented and sent to Activity Alliance for investigation. Any reports should be directly submitted to the Programmes Manager (Workforce).

Upon the identification of suspected malpractice or maladministration, Activity Alliance may:

- Conduct basic checks to verify the accuracy of the allegation
- Request permission to disclose the name of the person making the allegation (if permission is not granted and the allegation still warrants investigation, Activity Alliance will make efforts to maintain anonymity, although the scope of the investigation may be affected)
- Share the details of the allegation with relevant parties

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- Assess whether a centre's internal procedures have been effectively utilised and exhausted, if applicable
- Ask for the allegation to be submitted in writing before initiating a comprehensive investigation.

Activity Alliance will assess the provided information and decide whether it is suitable to:

- Take no further action
- Initiate an investigation
- Determine whether to notify relevant regulatory authorities.

Rights of individuals

When an individual is suspected of malpractice, they should:

- Be informed of the allegation made against them and the supporting evidence
- Have the opportunity to seek advice, respond to the allegation, and submit a written statement
- Be informed of potential consequences if malpractice is proven (including the possibility of informing other professional bodies)
- Be informed of the appeals process.

Procedure

Upon receipt of an allegation, Activity Alliance will acknowledge it within five working days.

Activity Alliance will:

- Assess the evidence and determine actions (if the attached evidence is fully sufficient and consistent)
- Conduct an investigation assessing the evidence (if additional evidence needs to be collected and/or validated).

After all reasonable steps have been taken to collect and authenticate the evidence, identified actions will be communicated by the Activity Alliance Malpractice and Maladministration Officer. The officer will validate and confirm all outcomes to relevant stakeholders. This may include partner organisations and other stakeholders where appropriate.

Investigation procedure summary

Stage 1: briefing and record-keeping

Activity Alliance will:

- Provide clear briefs to investigators, emphasising the importance of maintaining auditable records.
- Keep collected materials confidential unless disclosure to authorities is necessary.

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- Retain records for criminal prosecution or civil claims if applicable.

Stage 2: establishing the facts

Activity Alliance will:

- Review evidence and documentation to establish factual accuracy.
- Determine the nature, timing, parties involved, and actions taken regarding suspected malpractice.

Stage 3: interviews

The rights of all parties involved will be respected in the process of gathering additional information on the alleged malpractice concern. The interview panel should normally consist of two people, one acting as interviewer and one as a notetaker. Interviewed parties can be accompanied by a colleague and they do not have to answer questions.

Stage 4: supplementary information and documentary evidence

In some instances, Activity Alliance will contact other individuals for additional information. Responses should be documented in writing including the number of attempts made to contact an individual. Activity Alliance will issue receipts for received documentation and authenticate evidence when possible.

Stage 5: conclusions and report

Activity Alliance will make evidence-based decisions and compile a comprehensive report including details, such as statements, relevant documentation, actions taken to ensure qualification integrity, and any mitigating factors.

Decision stage

Activity Alliance will arrange a panel to consider appropriate actions. The panel will review the investigation report and make a final decision. The decision stage aims to identify and determine if malpractice or maladministration has occurred, establish responsibility, and decide on remedial action. All decisions made during an investigation will be communicated to all parties involved.

Sanctions and Penalties

Activity Alliance may impose action plans, sanctions, and penalties for proven malpractice. In cases where maladministration is identified rather than malpractice Activity Alliance will address identified maladministration with actions for improvement, and monitoring implementation. Sanctions may not be appropriate.

Appeals

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Everyone has the right to appeal against malpractice and maladministration decisions, following Activity Alliance's Appeals Policy.