



Malpractice & Maladministration Policy

Introduction

This policy is aimed at BWYQ customers, including learners, who are delivering or are registered on BWYQ approved qualifications or units within or outside the UK and who are involved in suspected or actual malpractice/maladministration. It is also for use by BWYQ staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps for someone who wants to report suspected or actual cases of malpractice/maladministration that has taken place at a BWYQ recognised centre or by a BWYQ staff member. It explains the centre's responsibilities and BWYQ's responsibilities in dealing with such cases. It also sets out the procedural steps BWYQ will follow when reviewing the cases.

Centre's responsibility

It is important that staff involved in the management, assessment and quality assurance of BWYQ qualifications, and learners, are fully aware of the contents of this policy and that centres also have arrangements in place to prevent and investigate instances of malpractice and maladministration.

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 centres (see BWYQ 018 Sanctions policy for details of the sanctions that may be imposed).

If centres wish to receive guidance/advice on how to prevent, investigate, and deal with malpractice and maladministration then please contact us (details below) and BWYQ will happily provide you with such advice and/or guidance.

Centre compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by BWYQ periodically through ongoing centre monitoring arrangements.

Should an investigation be undertaken within a centre, BWYQ will ensure that:

- the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes
- the investigation is carried out in an effective, prompt and thorough manner and
- that the investigator(s) look beyond the immediate reported issues to assure that the arrangements at the centre are appropriate for all qualifications

As part of the BWYQ Centre Recognition Agreement, centres have ensured that they:

- will provide access to documents, records, data, staff, third parties, sub-contractors, Learners, satellite centres or any other resource required by BWYQ and/or the regulatory authorities during an investigation of centre malpractice or maladministration and
- will develop a full action plan for managing and rectifying the negative impact caused by any incident of malpractice or maladministration, and which may include taking proportionate action to ensure it does not recur in the future – and that such action plans will be made available to BWYQ upon request.

Review arrangements

BWYQ will review the policy annually as part of the annual self-evaluation arrangements and revise it as and when necessary in response to customer and learner feedback, changes in BWYQ practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations.

In addition, this policy may be updated considering operational feedback to ensure BWYQ arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

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

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 BWYQ; or,
- the qualification or the wider qualifications community.

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 individuals or groups of learners.

Examples of malpractice

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 definitions of malpractice:

- Denial of access to premises, records, information, learners and staff to any authorised BWYQ representative and/or the regulatory authorities.
- Deliberate misuse of BWYQ logo, brand, name and trademarks or misrepresentation of a centre's relationship with BWYQ and/or its recognition and approval status with BWYQ.
- Deliberate failure to continually adhere to BWYQ centre recognition and/or qualification approval requirements or actions assigned to your centre.
- Intentional withholding of information from us, which is critical to maintaining the rigour of

quality assurance and standards of qualifications.

- Deliberate failure to carry out internal assessment, internal moderation or internal verification in accordance with BWYQ requirements.
- Unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones).
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Insecure storage of assessment materials.
- Inappropriate circulation/distribution of assessment materials.
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials.
- Inappropriate assistance/support to learners by centre staff (e.g. unfairly helping them to pass a unit or qualification).
- Deliberate failure to adhere to, or to circumnavigate, the requirements of BWYQ Reasonable Adjustments and Special Considerations Policy.
- Plagiarism by learners/staff.
- Copying from another learner.
- Cheating by learners/staff.
- Personation - assuming the identity of another learner or having someone assume their identity during an assessment.
- Collusion or permitting collusion in exams/assessments.
- Deliberate contravention by learners of the assessment arrangements BWYQ specify for BWYQ qualifications.
- Fraudulent claim for certificates and/or deliberate submission of false information to gain a qualification or unit.
- Falsifying records.
- Deliberate failure to adhere to BWYQ learner registration and certification procedures.
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence.
- Learners still working towards qualification after certification claims have been made.
- Selling certificates for cash.
- Selling papers/assessment details].
- Extortion.
- Fraud.
- Threatening or abusive behaviour that threatens the safety of staff and/or is intended to put undue influence on the outcomes of an assessment/award.

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 (e.g. inappropriate learner records).

Examples of Maladministration

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 BWYQ definition of malpractice:

- Persistent failure to adhere to BWYQ learner registration and certification procedures.
- Persistent failure to adhere to BWYQ 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 BWYQ.

- Inaccurate claim for certificates.
- Late learner certification requests (e.g. beyond the certification end date for the qualification).
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence.
- Withholding or the delaying of information, by deliberate act or omission, from us which is required to assure BWYQ of the centre's ability to deliver qualifications appropriately.
- Misuse of BWYQ logo and trademarks or misrepresentation of a centre's relationship with BWYQ and/or its recognition and approval status with BWYQ.
- Poor administration arrangements and/or records.
- Persistent mistakes in relation to BWYQ delivery arrangements.
- Failure to adhere to, or to circumnavigate, the requirements of BWYQ Reasonable Adjustments and Special Considerations Policy.

Process 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 BWYQ**. M&M Form 1 included in Appendix A of this policy can be used to report the allegation.

All allegations must include (where possible):

- name and contact details of the person reporting the suspected malpractice or maladministration incident
- centre's name, address and number and/or BWYQ staff member's name and job role
- who was involved, including learner's name and/or centre personnel's details (name, job role) if involved in the case
- details of the BWYQ course/qualification affected or nature of the service affected
- 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
- details concerning any foreseeable adverse effect/ risk and mitigating actions

In addition, BWYQ ask that the person making the allegation declares any personal interest they may have in the matter to us at the outset.

Confidentiality and whistle blowing

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 provide us with your contact details. However, if you are concerned about possible adverse consequences that may occur should your identity be revealed to another party then please inform us that you do not wish for us to divulge your identity and BWYQ will work to ensure your details are not disclosed.

BWYQ will always aim to keep a whistleblower identify confidential where asked to do so although BWYQ cannot guarantee this and BWYQ may need to disclose your identity should the complaint lead to issues that need to be taken forward by other parties. For example:

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- the courts (in connection with any court proceedings)
- other third parties such as the relevant regulatory authority (e.g. Ofqual in England).

The investigator(s) assigned to review the allegation will not reveal the whistleblower's identity unless the whistleblower agrees or it is absolutely necessary for the purposes of the investigation (as noted above). The investigator(s) will advise the whistleblower if it becomes necessary to reveal their identity against their wishes.

A whistleblower should also recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure (e.g. the party which the allegation is made against may manage to identify possible sources of disclosure without such details being disclosed to them).

Once a concern has been raised BWYQ have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by a subsequent withdrawal of the concern as BWYQ are obliged by the regulators to follow-up and investigate allegations of malpractice or maladministration. In all cases, BWYQ will keep you updated as to how BWYQ have progressed the allegation (e.g. BWYQ have undertaken an investigation) and the whistleblower will have the opportunity to raise any concerns about the way the investigation is being conducted with the investigator(s). However, BWYQ will not disclose details of all of the investigation activities and it may not be appropriate for us to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons (e.g. disclose full details on the action that may be taken against the parties concerned). While BWYQ cannot guarantee that BWYQ will disclose all matters in the way that you might wish, BWYQ will strive to handle the matter fairly and properly.

Please see BWYQ 011 Whistleblowing Policy for further information.

Responsibility for the Investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice that have taken place at a recognised centre or by a BWYQ staff member will be examined promptly by the head of BWYQ's Malpractice Committee to establish if malpractice or maladministration has occurred and BWYQ will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulator Ofqual.

The Malpractice Committee 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 trained member of the committee to lead the investigation. The investigating officer(s) will establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered during the investigation.

As a result of this initial and ongoing assessment of the malpractice or maladministration allegation the BWYQ Directors will promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it. See BWYQ 015 Risk and Risk Management Policy.

At all times BWYQ will ensure that the personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter. If necessary, BWYQ will hire an independent consultant who has the appropriate level of training and competence.

The **minimum threshold** for determining the suitability of an independent consultant will be previous successful involvement in a malpractice and maladministration investigation and evidence of Malpractice and Maladministration training.

Every investigation panel member, including any independent consultant, will complete and sign a Conflict of Interest Declaration form.

In all cases BWYQ will tell the person who made the allegation who will be handling the matter, how they can contact them, what further assistance BWYQ may need from them and agree a timetable for feedback (see the above section on 'Confidentiality and whistleblowing' for possible limitations in relation to the feedback and the section below – 'Investigation timelines and summary process' – for details of anticipated response times).

In the case of learner malpractice at the centre BWYQ may ask your centre to investigate the issue in liaison with BWYQ personnel.

In all cases BWYQ may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

BWYQ may engage and communicate directly with members of centre staff and/or communicate directly with a learner(s) or their representative.

Where applicable, the BWYQ Chair will inform the appropriate regulatory authorities if BWYQ 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. In particular BWYQ will keep them informed of progress in large and/or complex cases.

Where the allegation may affect another awarding organisation and their provision BWYQ will also inform them in accordance with the regulatory requirements and obligations imposed on BWYQ by the regulator Ofqual and/or seek to undertake a joint investigation with them if appropriate. If BWYQ do not know the details of organisations that might be affected BWYQ will ask Ofqual to help us identify relevant parties that should be informed. If fraud is suspected and/or identified BWYQ may also notify the police.

Investigation Timelines and Summary Process

Where possible, BWYQ aim to complete 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 and interviews with relevant parties are required. In such instances, BWYQ 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 underpinned by terms of reference and 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 and whether other qualifications may be affected.
- 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 in accordance with BWYQ Sanctions Policy.
- To identify any adverse patterns or trends.

In carrying out any investigation BWYQ will be sensitive to the effect on, and reputation of, a centre and will strive to ensure that the investigation is carried out as confidentially as possible. The centre will have the opportunity to raise any issues about the proposed approach and the conduct of the

investigation with the investigator(s) during the investigation.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. In any interviews carried out with personnel involved with the alleged malpractice/maladministration, they can choose to be accompanied by a work colleague, trade union representative, or other party.

In addition, BWYQ 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 will be retained for a period of no 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, BWYQ reserve the right to impose sanctions on the centre in accordance with BWYQ 018 Sanctions Policy in order to protect the interests of learners and the integrity of the qualifications. The BWYQ Directors and Responsible Officer will be responsible for regularly reviewing the application and maintenance of sanctions to ensure they continue to be appropriate and proportionate to the incident(s) and risk of future incidents occurring.

BWYQ also reserve the right to withhold a learner's, and/or cohorts, results for all the BWYQ course/qualifications and/or units they are studying at the time of the notification/investigation.

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

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

Throughout the investigation the Malpractice Committee 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.

Investigation Plan

If BWYQ believe there is sufficient evidence to implicate a Centre in malpractice and/or maladministration BWYQ will follow the checklist in M&M Form 2 of Appendix A and will: --

- inform the centre or BWYQ staff person in writing of the allegation and the investigation;
- provide information about the allegation and explain that the investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
- provide an opportunity for the respondent to consider and make a response to the allegation;
- share information about the evidence that was found to support BWYQ's judgment and findings; and
- provide information about the BWYQ Appeals policy should they wish to appeal against the decision/outcome.

Investigation Summary and Report

After an investigation, BWYQ will produce a draft report using M&M Form 3 of Appendix A for the parties concerned to check the factual accuracy. The report will cover the following areas:

- Identify where the breach, if any, occurred.
- Confirm the facts of the case (and any mitigating factors if relevant)
- Identify who is responsible for the breach (if any)
- Contain supporting evidence where appropriate (e.g. written statements)
- Confirm an appropriate level of remedial action to be applied.

After the decision has been made, the head of the Malpractice Committee will inform the centre or the person being investigated of the decision within 10 working days including any actions that may be taken or sanctions imposed. Information about the BWYQ appeals procedure will be supplied.

The final report will be available 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, BWYQ may also inform them of the outcome – normally within 10 working days of making a decision - in doing so BWYQ may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of BWYQ staff, the BWYQ Chair will agree the report with the relevant internal managers and appropriate internal disciplinary procedures will be implemented. In some circumstances the police or other external authorities may need to be alerted.

Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place BWYQ 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.
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising BWYQ standards.

BWYQ may impose actions in relation to your centre with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring such as:

- Undertaking additional/increased visits to a centre to provide them with a greater level of support and/or monitoring depending on their needs and performance.
- Requiring specific centre staff to undergo additional training and/or scrutiny by the centre if there are concerns about their ability to undertake their role in the delivery of BWYQ qualifications effectively.
- Not permitting specific centre staff to be involved in the delivery or assessment of BWYQ qualifications (e.g. not permitting an individual to invigilate BWYQ examinations or assessments)
- Altering the way, and the period in which, centres receive examination/assessment materials from BWYQ if there are concerns around their ability to maintain the security and confidentiality of such materials.
- Appointing independent invigilators to observe an exam at the centre if there are concerns around the centre's arrangements and/or the centre is unable to resource particular exams.

- Appointing independent assessors to undertake assessments at the centre if there are concerns around the centre's arrangements or resource levels.
- Impose sanctions on your centre – if so these will be communicated to you in accordance with BWYQ 018 Sanctions policy along with the rationale for the sanction(s) selected.
- Take action against a learner in relation to proven instances of maladministration or malpractice such as some or all of the following (which may be communicated to the learner by BWYQ and/or the learner's centre):
 - Issuing a written warning that if the offence is repeated further action may be taken
 - Loss of all marks/credits for the related work/unit
 - Disqualification from the unit(s)/qualification
 - Placing a ban from taking any further qualifications with us (e.g. for a set period of time)
- In cases where certificates are deemed to be invalid, inform centre(s) 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. BWYQ will also ask the centre(s) to let the affected learners know the action BWYQ are taking and that their original certificates are invalid and ask the centre – where possible – to return the invalid certificates to BWYQ. BWYQ will also amend the student registration records/database so that duplicates of the invalid certificates cannot be issued and BWYQ expect the centre to amend their records to show that the original awards are invalid.
- Amend aspects of BWYQ 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 the investigation findings in case they need to take relevant action in relation to the centre.
- Carry out additional, related investigations if BWYQ suspect the issue may be more widespread at the centre and/or at other centres.

In proven cases of malpractice and/or maladministration by a centre BWYQ reserves the right to charge the centre for any re-sits and reissuing of certificates and/or additional quality assurance activities/centre monitoring visits. The fees for which will be the current BWYQ prices for such activities at the time of the investigation.

In addition to the above the BWYQ Malpractice Committee will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help BWYQ prevent the same instance of maladministration or malpractice from recurring.

If the relevant party (ies) wishes to appeal against the decision to impose sanctions, please refer to BWYQ 020 Appeals Policy.

Contact us

If you have any malpractice or maladministration concerns or queries about the contents of this policy please write to:

BWYQ - 25 Jermyn Street, Sleaford, Lincolnshire, NG34 7RU

Call: **01529 306851**

Email: BWYQDirectors@gmail.com

Document History		
Date	Staff member	Action
<i>June 2015</i>	<i>BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan</i>	<i>Reviewed and revised</i>
<i>July 2015</i>	<i>Chair of BWYQ Paul Fox</i>	<i>Approved</i>
<i>August 2016</i>	<i>BWYQ Operations Coordinator and Responsible Officer Amanda Buchanan</i>	<i>Reviewed and revised</i>
<i>22nd August 2016</i>	<i>Lead Director for Quality Assurance Mila Bogen</i>	<i>Approved</i>
<i>September 2017</i>	<i>Head of BWYQ Operations and RO Amanda Buchanan</i>	<i>Reviewed and revised</i>
<i>September 2018</i>	<i>Chair of BWYQ Anthony Grover</i>	<i>Reviewed and revised by BWYQ board, Approved</i>
<i>January 2019</i>	<i>BWYQ Malpractice Committee</i>	<i>Reviewed and revised</i>
<i>April 2019</i>	<i>Chair of BWYQ Anthony Grover/Head of Malpractice Committee</i>	<i>Reviewed, approved by BWYQ board</i>
<i>September 2019</i>	<i>BWYQ Operations Coordinator</i>	<i>Reviewed and revised</i>
<i>October 2019</i>	<i>BWYQ Directors</i>	<i>Approved</i>
<i>November 2020</i>	<i>BWYQ Operations Coordinator</i>	<i>Reviewed and revised</i>
<i>December 2020</i>	<i>BWYQ Directors</i>	<i>Approved</i>

BWYQ Malpractice & Maladministration Procedures

[Please see 017 BWYQ Malpractice & Maladministration Policy for full details]

Notification of Suspected Malpractice & Maladministration (M&M Form 1)

To report an incident of suspected Malpractice or Maladministration at the Centre or of a BWYQ staff member, please complete M&M Form 1 (attached) and email it to BWYQDirectors@gmail.com with:

- Your name and contact details
- Centre's name, address and phone number and/or BWYQ staff member's name and job role
- Learner's name/unique learner number and/or Centre personnel details (name, job role) if applicable
- Details of the BWYQ course/qualification affected or nature of the service affected
- Nature of the suspected or actual malpractice and associated dates
- Details and any outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- Details concerning any foreseeable adverse effect/risk and mitigating actions.

The form will be securely forwarded to head of the BWYQ's Malpractice Committee and the delegated BWYQ investigating officer(s) will acknowledge receipt, as appropriate, to external parties, within 5 working days.



Planning a Malpractice & Maladministration Investigation (M&M Form 2)

The investigating officers will:

- Have Malpractice & Maladministration training and competence
- Maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately
- Stipulate and/or provide secure storage arrangements for all material associated with an investigation in case of subsequent legal challenge. This may take the form of locked, secured containers for hard copies or electronic copies stored on an external drive within an encrypted vault. The drive will be stored in a locked, secured container.
- Establish the facts using M&M Form 2 (attached), determining:
 - What occurred (nature of malpractice/substance of the allegations)
 - Why the incident occurred, Who was involved in the incident, When it occurred, Where it occurred, What action, if any, the centre has taken
- Contact the accused in writing, obtain written representations and conduct face-to-face interview(s) with the accused and any relevant parties (it is advisable to have at least 2 interviewers, one acting as the interviewer and the other as the note-taker), with clear records of the interviews to include:
 - Prepared questions
 - Responses to questions, which should be recorded
- Those being interviewed should be informed that they may have another individual of their choosing present and that they do not have answer questions -- the rights of individuals are protected.
- It is best practice for both parties to sign the account as a true record/reflection of what was covered/stated/agreed.
- If an investigation necessitates a site visit to a Centre then Centre staff will be informed via e-mail, giving notice of the date and time of the visit, as well as the planned activities.



Summary of Malpractice & Maladministration Investigation (M&M Form 3)

Once the investigator(s) have gathered/reviewed all relevant evidence, an investigation summary will be drafted using M&M Form 3 (attached), checked for accuracy and sent to BWYQDirectors@gmail.com. The investigation summary will include:

- A decision outcome
- If malpractice is considered proven, sanctions may be imposed either by the centre or by BWYQ, reflecting the seriousness of the case, with a final report sent to the regulatory authority, as required
- There is right to appeal the decision and the BWYQ Appeals Policy will be made available.
- Records of all malpractice cases and their outcomes are maintained by the centre and/or BWYQ for a period of at least five years.

Notification of Suspected Malpractice & Maladministration

Confidential

This form is to be used by anyone who needs to notify BWYQ of suspected malpractice or maladministration at a training centre recognised by BWYQ or of BWYQ personnel. Please send completed form to BWYQDirectors@gmail.com

[If you are submitting a plan of investigation or a formal summary report following an investigation, please use M&M Form 2 or M&M Form 3, respectively.]

Your Name:

Your Email Address/Phone Number:

Centre Name:

Centre Address:

Date of Incident:

Names/Positions of learners or staff who were involved in the incident:

Qualification, unit or specification title:

Describe the nature of the suspected malpractice/maladministration, including details as to how it was discovered by whom and when:

Could the candidates have been unfairly advantaged or disadvantaged by the suspected malpractice/maladministration? If so, please give details.

Signed:

Date:

Planning a Malpractice & Maladministration Investigation

This checklist is useful for BWYQ’s Malpractice Committee and/or investigator(s) to plan an investigation of suspected malpractice or maladministration.

The plan should include the supporting statements and communications, plus a copy of the questions to ask at interview. Those being interviewed should be informed that they may have another individual of their choosing present and that they do not have to answer questions -- the rights of individuals are protected.

It is best practice to record the interview(s) and for both parties to sign the account as a true record/reflection of what was covered/stated/agreed.

Name of Centre or person suspected of committing malpractice or maladministration:

Name(s) of investigating officer(s):

Investigating officer(s) should indicate Yes/No by putting a cross in the appropriate box for the following points and attach copies of documentation to this form, as indicated in the brackets:

		Yes	No
1	The investigating officers have been informed of their individual responsibilities and rights		
2	The Centre or person who is suspected of malpractice or maladministration should:		
	<ul style="list-style-type: none"> be informed (preferably in writing) of the allegation that has been made (investigator to attach a copy of any letter/notification in the submission to the awarding organisation) and: 		
	<ul style="list-style-type: none"> be provided with a copy of the BWYQ Malpractice & Maladministration Policy; 		
	<ul style="list-style-type: none"> be informed what evidence there is to support the allegation; 		
	<ul style="list-style-type: none"> know the possible consequences should malpractice be proven; 		
	<ul style="list-style-type: none"> know they have the opportunity to consider the response to the allegations; 		
	<ul style="list-style-type: none"> be informed that there is an opportunity to make a statement in response to the investigation in writing or to put forward their verbal response at an interview; (investigator to provide a copy of written statements or the written minutes of the recorded interview to the awarding organisation); 		
	<ul style="list-style-type: none"> be informed they will have the right to bring a support person with them to an interview, that they have an opportunity to seek advice, as necessary, and to submit a supplementary statement; 		
	<ul style="list-style-type: none"> know that they will be informed of the decision once made within 10 working days and that an applicable appeals procedure is in place should they want to appeal the decision; and 		
	<ul style="list-style-type: none"> be informed of the possibility that information relating to a serious case of malpractice may be shared with other awarding organisations, the regulatory body and other appropriate authorities, if required. 		

Investigator’s list of questions to ask at interview:

- 1.
 - 2.
- etc.

A copy of the completed form, list of questions to ask at interview and all documentation, including minutes/notes from the interview and all correspondence with the centre or person who is suspected of malpractice or maladministration should be submitted to the head of the BWYQ Malpractice Committee and BWYQ Chair using a secure, password-protected system.

Summary of Malpractice & Maladministration Investigation

Written Summary of the Investigation:

Decision Outcome:

Any Sanctions Imposed:

Name and Signature of Main Investigator:

Other members of the investigative team:

Date:

This document must be kept as a confidential record for 5 years.

Appendix – Malpractice and Maladministration Log

This will be securely stored by the Responsible Officer on an external drive with a back up copy, also on external drive, securely stored by the Operations Coordinator.

Security

The files will be stored securely on the drive in an encrypted vault. The drive itself will be in a locked and secured container.

In according with GDPR (2018), a Processing activity log will also be completed as necessary.

	A	B	C	D	E	F	G	H	I	J	K	L	M
	Reference	Suspected malpractice (MP) or Maladminis	Who reported risk? Name/ job role/ course code	Date raised	Descripti on of event	Malpractice or Maladministrati on description	Risk Status (RAG rated)	Reported to which member of senior personnel?	Date reported to BWYQ and by whom	Agreed actions to mitigate risk	Dead line /dates	Comments/ updates	Open/ Closed
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