



## **Malpractice & Maladministration Policy for Sussex County Sports Partnership Trust delivery of Sports Leaders Qualifications**

### **Introduction**

The Sussex County Sports Partnership Trust (SCSPT) will be referred to throughout this policy as 'Active Sussex' and is an approved Sports Leaders Qualification (SLQ) Centre and can therefore deliver Sports Leaders Qualifications.

This policy is aimed at our customers and learners, who are delivering and are registered on Active Sussex approved qualifications or units. This includes the Level 5 Certificate in Primary School Physical Education and the Level 6 Award in Primary School Physical Education Subject Leadership.

It sets out the steps Active Sussex's centre and learners must follow when reporting suspected or actual cases of malpractice and maladministration and Active Sussex's responsibilities in dealing with such cases. It also sets out the procedural steps Active Sussex will follow when reviewing such cases.

### **Definitions:**

**Centre:** is the organisation that is approved by SLQ to deliver its qualifications. To run a qualification, it is a requirement of SLQ and the regulatory authorities that every organisation must apply to become a Qualification Centre or Professional Learning Centre (PLC) before delivery. The regulatory authorities will audit SLQ to ensure that agreed quality assurance standards are being implemented and maintained. In turn, SLQ must ensure that all Qualification Centres have the resources and training in place to implement the responsibilities to SLQ and to the learners undertaking the qualifications at the Centre.

### **Centre's responsibility**

It is important that Active Sussex staff involved in the management, assessment and quality assurance of its qualifications and its learners, are fully aware of the contents of this policy and, further, that Active Sussex has arrangements in place to prevent and investigate instances of malpractice and maladministration.

Failure to report suspected or actual malpractice and maladministration cases or, failure to have in place effective arrangements for preventing such cases, may lead to sanctions being imposed on Active Sussex by SLQ.

### **Review arrangements**

Active Sussex will review this policy annually as part of its annual self-assessment arrangements and quality plan. It will also be revised as and when necessary, in response to customer and learner feedback, changes in its practices, actions from the regulatory authorities or external agencies or changes in legislation or trends identified from previous allegations. In addition, this policy may be updated in light of operational feedback to ensure its arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

### **Definition of Malpractice**

**Malpractice** means any activity or practice which deliberately contravenes regulations and compromises the integrity of internal or external assessment processes and/or the validity of certificates. For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of learners.

The categories listed below are examples of centre and learner malpractice:

- Contravention of Active Sussex's centre and qualification approval conditions;
- Denial of access to resources (premises, records, information, learners and staff) by any authorised Active Sussex representative and/or the regulatory authorities;
- Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with Active Sussex's requirements;
- Deliberate failure to adhere to Active Sussex's learner registration and certification procedures;
- Deliberate or persistent failure to continually adhere to Active Sussex's centre recognition and/or qualification approval criteria or actions assigned to its centre;
- Deliberate failure to maintain appropriate auditable records e.g. learner files;
- Persistent instances of maladministration within Active Sussex's centre;
- Fraudulent claims for certificates;
- The unauthorised use of materials/equipment in assessment/exam settings (e.g. mobile phones/cameras);
- Intentional withholding of information which is critical to maintaining the rigour of quality assurance and standards;
- Deliberate misuse of Active Sussex's logo;
- Forgery of evidence;
- Collusion or permitting collusion in exams;
- Learners still working towards qualifications after certification claims have been made;
- Contravention by Active Sussex's centres and learners of the assessment arrangements it specifies for its qualifications;
- Insecure storage of assessment materials and exam papers;
- Plagiarism of any nature by learners;
- Unauthorised amendment, copying or distributing of exam papers;
- Inappropriate assistance to learners by centre staff or commissioned tutors (e.g. unfairly helping them to pass a unit or qualification); and
- Submission of false information to gain a qualification or unit.

This list is intended as a guide and is not exhaustive.

### **Definition of Maladministration**

**Maladministration** means 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 use of learner records).

### **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 report their findings to the Chief Executive. In the absence of the Chief Executive the allegation will be addressed by the Head of Operations.

Any such report should be made in writing/email ([info@activesussex.org](mailto:info@activesussex.org)) and enclose the appropriate supporting evidence. Please state **PRIVATE & CONFIDENTIAL: Malpractice or Maladministration** in the subject title.

All allegations must include (where possible) the:

- Centre's name, address and number;
- Learner's name and awarding organisation number;
- Centre/Active Sussex personnel's details (name, job role) if they are involved in the case;
- Title and number of the Active Sussex course/qualification affected or nature of the service affected;
- Date(s) suspected or actual malpractice occurred;
- Full nature of the suspected or actual malpractice; and
- Written statements from those informant's name, position and signature.

If a centre conducts an investigation before submitting it formally, the centre should:

- Ensure that staff leading the investigation are independent of the staff/learners/function being investigated;
- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes;
- Submit the findings of the investigation to Active Sussex with your report

In all cases we will protect the identity of the 'informant' in accordance with its duty of confidentiality and/or and other legal duty – See the Active Sussex Whistleblowing Policy.

### **Investigation timeliness and process**

Active Sussex aims to action and resolve all stages of the investigation within 20 working days following 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. Active Sussex expects all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with it.

The investigation may involve:

- A request for further information from the centre or Active Sussex personnel; and
- Interviews (face to face or by telephone) with personnel involved in the investigation.

Where a member of Active Sussex staff is under investigation, they may be suspended, or they may be moved to other duties until the investigation is complete. The Active Sussex Disciplinary Policy will be referred to (a copy can be provided on request).

### **Investigation Report**

After an investigation, a draft report will be produced for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned. Active Sussex shall make the final report available to the parties concerned and to the Awarding Bodies. If it was an independent person or organisation that notified us of the suspected or actual case of malpractice, it shall also inform them of the outcome, normally within 10 working days of making our decision. In doing so it may withhold some details if disclosure of such information would breach a duty of confidentiality or any other legal duty. If there has been an internal investigation against a member of our staff the report will be agreed and appropriate internal procedures will be applied.

If the malpractice involves a criminal act, the matter will be reported to the police.

### **Actions and Sanctions if Malpractice is Proven**

After investigation, those cases of malpractice and/or maladministration which are proven the following actions may be taken:

#### **Staff/Tutor Malpractice**

- Verbal warning about future conduct;
- Written warning about future conduct;
- Imposition of special conditions for future involvement in conduct, training or administration of candidates and/or exams; or
- Dismissal.

#### **Candidate Malpractice**

- A verbal warning about future conduct;
- A written warning about future conduct;
- Notification to the police if malpractice involves a criminal act; or
- Exclusion from course.

### **Investigation Outcomes**

At the end of any investigation Active Sussex will review the issues raised, record any lessons learned from the investigation and update policies and procedures as necessary with the aim of preventing further maladministration or malpractice. If any party wishes to appeal any decision relating to action to be taken against a learner or centre following a malpractice or maladministration investigation, please refer to SLQ Appeals Procedure – [SLQ Appeals Policy](#)



### **Record Retention**

All records of investigations of suspected malpractice (including any outcomes) will be kept following SQA requirements:

- Where an investigation of suspected malpractice is carried out, Active Sussex will retain related records and documentations for three years. Records to be included will be any work of the candidate, assessment, examination and verification records relevant to the investigation.
- In the case of appeal to SLQ against the outcome of a malpractice investigation, assessment and examination records will be maintained for six years.
- In an investigation involving a potential criminal prosecution or civil claims, records and documentation will be retained for six years after the case and any appeal has been heard. If Active Sussex is in any doubt about whether criminal or civil proceedings will take place, it will keep records for the full six-year period.

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