PADDLE SCOTLAND

Malpractice and Maladministration Policy

September 2024

Purpose of policy: Paddle Scotland strives to treat all of its Learners and Providers fairly without favour or bias and views Malpractice and / or Maladministration by anyone as a threat to the equity and openness of the organisation.

This policy relates to suspected or actual malpractice and maladministration on the part of Learners, Providers, Tutors, Assessors and anyone involved in the delivery of Paddle UK Awarding Body qualifications.

Definitions 3
Paddle Scotland's Responsibility 4
Reporting 5
Confidentiality and Whistleblowing 5
Paddle Scotland's Approach to Reports 6
Notifying relevant parties 6
Investigation process 7
Report 8
Outcomes 9
Timescales 10
Appendix 1. Example of Malpractice and Maladministration 11
Examples of malpractice 11
Examples of maladministration 13
Further Reading 14

*Where referring to Paddle UK Awarding Body this document will use the terminology of "Awarding Body".

Definitions

Learner is anyone undertaking training, development or assessment.

Staff includes everyone who is involved in the administration of training and assessment courses, tutor and assessor training, quality assurance and standardisation, e.g Responsible Officer, Coaching Administration Lead, Coaching Advisors, Event Coordinators, Internal Verifiers, Trainers and Quality Assurance Officers.

Tutor includes everyone who facilitates or delivers learning in any environment e.g. tutor, trainer, coach, teacher, facilitator, provider.

Assessor includes everyone who is involved in assessment decisions. These decisions could be of competence-based performance in a work environment, however they could also be the marking of assignments, assessing simulations, etc.

Malpractice is any activity or practice which deliberately contravenes regulations and compromises the integrity of qualifications. Malpractice covers any deliberate actions, neglect, default or other practice that compromises, or could compromise the:

- Assessment process
- Integrity of a qualification
- Validity of a result or certificate
- Reputation and credibility of Awarding Body Awards
- Qualification or the wider qualification community

Malpractice may include a range of issues from the failure to follow correct assessment procedures, 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 a certain Learner or groups of Learners.

Maladministration is essentially any activity or practice which results in noncompliance with administrative regulations and requirements and includes mistakes being made and poor administration. More serious or persistent cases of maladministration may be escalated to malpractice.

Appendix 1 lists examples of malpractice and maladministration.

Paddle Scotland's Responsibility

Paddle Scotland takes all reasonable steps to prevent the occurrence of malpractice or maladministration in the delivery of qualifications which it makes available or proposes to make available.

Paddle Scotland as a 'Delivery centre' follows the Paddle UK Awarding Body Malpractice and Maladministration Policy.

All staff, tutors and assessors involved in the management, delivery, assessment and quality assurance of Awarding Body qualifications should be fully aware of the Paddle Scotland Malpractice and Maladministration Policy (this policy).

Through monitoring and periodic sampling reviews, Paddle Scotland will prevent and/or investigate instances of malpractice and maladministration.

If we suspect/investigate a suspected or actual malpractice or maladministration case, the Tutor/Assessor/Learner is required to:

- Respond quickly and openly to all requests relating to the allegation and investigation;
- Cooperate and make sure staff cooperate fully with any investigation and requests for information.

The Paddle Scotland Responsible Officer will;

- Immediately inform Awarding Body that an investigation into a suspected or actual malpractice or maladministration case is being initiated.

Reporting

Anyone who identifies or becomes aware of suspected or actual cases of malpractice or maladministration must immediately notify Paddle Scotland by emailing the Delivery Centre Responsible Officer (Lara Cooper), lara.cooper@paddlescotland.org.uk

Notifications must include (if possible):

- The Assessor/Tutor's name, address and membership number
- Learner's name (if appropriate)
- Paddle Scotland personnel's details (name, job role) if they are involved
- Details of the Awarding Body course/qualification affected or nature of the service affected
- Nature of the suspected or actual malpractice/maladministration and associated dates

Anyone submitting notification of Malpractice or Maladministration will receive acknowledgement within 5 working days.

Confidentiality and Whistleblowing

A person making an allegation of malpractice or maladministration may want to remain anonymous.

Although it is preferable to reveal your identity and contact details to us, if you are concerned about possible adverse consequences, you may ask us not to divulge your identity. Paddle Scotland confirms we are not obliged (as recommended by the Awarding Body) to disclose information if this would be a breach of confidentiality or other legal duty.

Please refer to the Paddle Scotland Whistleblowing Policy for further details on how we manage such cases.

Approach to Malpractice and Maladministration Investigations

In accordance with regulatory requirements, we will promptly investigate all suspected cases of maladministration or malpractice to establish if either has occurred. We will take all reasonable steps to prevent any adverse effect from occurring as defined by the Awarding Body.

Note: An adverse effect is any act, omission, event, incident or circumstance that prejudices Learners; affects public confidence in qualifications; affects the standards of qualifications which the awarding organisation makes available; or, affects the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with the conditions.

We will appoint a relevant staff member to lead the investigation and they will be responsible for making sure the investigation is carried out efficiently, effectively and in accordance with the procedures in this policy. They will work to establish if malpractice or maladministration has occurred and review all evidence associated with the case. At all times, we will make sure any personnel assigned to the investigation have:

- the appropriate level of training and competence;
- no previous involvement or personal interest in the matter.

Notifying relevant parties

We will notify the Awarding Body Responsible Officer that we will be investigating a suspected or actual case of malpractice or maladministration.

In cases of Learner malpractice, we may ask the Tutor/Assessor to investigate in liaison with our personnel.

We may withhold details of the person reporting the suspicions to avoid a breach in our duty of confidentiality or other legal duty.

If the suspicion may affect another Delivery Centre and their provision, we will also inform them in accordance with existing Awarding Body requirements.

We may notify other relevant stakeholders such as an employer or deployer or candidates involved in a course if we feel there is a need for them to know.

Investigation process

We will conduct all investigations in a fair, reasonable and legal manner, making sure we consider all relevant evidence without bias. Investigations may include:

- establishing the facts relating to the allegations in order to determine whether irregularities have occurred;
- identifying the cause of the irregularities and those involved;
- establishing the scale of the irregularities;
- evaluating any action already taken by the Tutor, Assessor or staff member;
- determining whether remedial action is required to reduce the risk to current registered Learners and to preserve the integrity of the qualification;
- ascertaining whether any action is required in respect of certificates already issued;
- obtaining clear evidence to support any sanctions to be applied to the Assessor, Tutor or Learner, and/or to members of staff, in accordance with Paddle Scotland Sanctions Policy;
- identifying any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and interviews with personnel involved in the investigation.

We will:

- make sure all material collected as part of an investigation is kept secure;
- retain all records and original documentation concerning a completed investigation that ultimately leads to sanctions for at least three years. If an investigation leads to invalidation of certificates, 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 a further three years;
- expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with us.

At any time during the investigation, we reserve the right to impose sanctions on the Assessor, Tutor, Learner and/or staff member in accordance with Paddle Scotland Sanctions Policy to protect the interests of Learners and the integrity of the qualifications.

If appropriate, we may find that the complexity of a case or a lack of cooperation from a party means that we are unable to complete an investigation. In such circumstances,

we will consult with Awarding Body in order to determine how best to progress the matter.

If a member of our staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation, the appointed staff member is responsible for overseeing the work of the investigation team:

- to make sure due process is being followed;
- to make sure appropriate evidence has been gathered and reviewed;
- for liaising with relevant external parties and keeping them informed.

Report

On completion of an investigation, we will produce a summary of the findings and outcomes which will be sent to the parties concerned. The summary will:

- identify where the breach, if any, occurred;
- confirm the facts of the case;
- identify who is responsible for the breach (if any);
- confirm an appropriate level of remedial action and/or any sanctions to be applied.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we will also inform them of the investigation outcome – normally within 20 working days of making our decision – in doing so, we may withhold some details if disclosing such information would breach a duty of confidentiality or any other legal duty.

If the investigation is internal, relating to a member of staff, the investigation summary will be agreed by the Chief Executive Officer, along with the relevant internal managers, HR and appropriate internal disciplinary procedures will be implemented.

Outcomes

If the investigation confirms malpractice or maladministration has taken place we will consider what action to take in order 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 our standards.

The action we take may include:

- Imposing actions in relation to Assessor, Tutor, Learner and/or staff member with specified deadlines in order to address the instance of malpractice or maladministration and to prevent it from recurring.
- Imposing sanctions on the Assessor, Tutor, Learner and/ or staff member – if so, these will be communicated in accordance with Paddle Scotland Sanctions Policy along with the rationale for the sanctions selected.
- If certificates are deemed invalid, inform Awarding Body why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also inform the affected Learners, letting them know the action we are taking and that their original certificates are invalid and ask them, when possible, to return the invalid certificates to us.
- We will amend our records to make sure duplicates of the invalid certificates cannot be reissued.
- Amending aspects of our qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- Informing relevant third parties of our findings in case they need to take action in relation to the issue.

In proven cases of malpractice and/or maladministration by an Assessor, Tutor, Learner and/or Staff member, we reserve the right to charge for any re-sits and reissuing of certificates and/or additional external monitoring visits. The fees will be the current prices for such activities, expense fees will be at cost for charges for time, please see the Delivery Centre Fees document. In addition to the above we will record any lessons learned from the investigation and pass these onto relevant internal colleagues to help prevent similar instances of maladministration or malpractice from reoccurring.

If the relevant parties want to appeal against the decision to impose sanctions, refer to Paddle Scotland Appeals Procedure.

Timescales

We aim to take action and resolve all stages of any investigation within 20 working days of receipt of the allegations, however, in some cases, the investigation may take longer. Once 20 working days have passed from the receipt of the malpractice or maladministration notification, the relevant staff member will either:

- update the relevant parties on progress and provide an indication of when the investigation may be completed (if the investigation has not yet been completed), OR
- issue a summary of the completed investigation to the relevant parties.

Cases not deemed Malpractice or Maladministration

Not all cases investigated will be deemed as malpractice or maladministration.

However, through the course of an investigation it may be identified that a Tutor, Assessor, or member of our staff is not meeting certain Awarding Body or regulatory requirements. If so, we will assign actions and agreed target dates for completion with a view to ensuring Paddle Scotland maintains compliance.

These actions are assigned to give the Tutor, Assessor, or member of our staff an initial opportunity to resolve the situation with respect to compliance, without any further action being taken. Paddle Scotland has an enabling approach to compliance and provides support and guidance to the Tutor, Assessor, or member of our staff on how to resolve compliance issues at this stage.

In these cases, the principles laid out in this Malpractice and Maladministration Policy are followed alongside the Paddle Scotland Sanctions Policy.

Appendix 1. Example of Malpractice and Maladministration

Examples of malpractice

Examples of Assessor, Tutor, Learner and/or Staff member, malpractice include:

- Denial of access to any authorised representative or regulatory authorities to premises, records, information, Learners and staff.
- Deliberate failure to carry out assessment, moderation or quality assurance activities in accordance with our requirements.
- Intentionally withholding information from Quality Assurance which is critical to maintaining the quality assurance and standards of our qualifications.
- Deliberate failure to continually adhere to Provider Service Agreements or agreed action plans.
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims or forgery of evidence.
- Deliberate failure to adhere to Learner registration, Learner Check-in, submission of results and certification procedures.
- Fraudulent claim for certificates.
- Deliberate misuse of our logo or misrepresentation of our relationship/ relationship with Awarding Body or its recognition and our approval status.
- Deliberate failure to adhere to, or attempt to circumnavigate, the conflicts of interest policy.
- Persistent instances of maladministration.
- Deliberate failure to adhere to, or an attempt to circumnavigate, the requirements of our Equality and Diversity Policy.
- Creation of false records.
- Cash for certificates, e.g. selling certificates for cash.
- Extortion.
- Fraud.
- Deliberate contravention of the assessment arrangements Awarding Body specify for their qualifications.
- False ID used at the registration stage.
- Impersonation of a Learner for an assessment.
- Selling and/or publishing assessment materials.
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Unauthorised amending, copying or distributing of materials.

- Inappropriate assistance to Learners, e.g. helping them to pass a qualification.
- Plagiarism.
- The unauthorised use of inappropriate materials/equipment in assessment settings, e.g. mobile phones.
- Collusion or permitting collusion during assessments.
- Copying from another Learner, including by using IT.
- Deliberate submission of false information to gain a qualification.
- Repeated instances of maladministration.

Note: This list is not exhaustive and is only intended as guidance.

Examples of Maladministration

Examples of Assessor, Tutor, Learner and/or Staff member maladministration include:

- Persistent failure to adhere to Learner registration, Check-in, submission of results and certification procedures.
- Persistent failure to adhere to Awarding Body approval and/or qualification requirements and/or associated actions assigned to assessor, tutor, learner and/or staff member.
- Unreasonable delays in responding to requests and/or communications from Paddle Scotland.
- Inaccurate claim for certificates.
- Failure to maintain appropriate auditable records, e.g. certification claims or forgery of evidence.
- Withholding information, by deliberate act or omission, from Paddle Scotland which is required to assure us of the assessor, tutor, and/or staff member to deliver qualifications appropriately.
- Misuse of our logo or misrepresentation of a relationship with Awarding Body or its recognition and approval status of Paddle Scotland.
- Failure to adhere to, or attempt to circumnavigate, the conflicts of interest policy.
- Failure to adhere to, or an attempt to circumnavigate, the requirements of the Equality and Diversity Policy.
- Incorrect marking of assessments.
- Failure by an assessor, tutor, provider, and/ or staff member to inform us of changes to personnel involved in an qualification.

Note: This list is not exhaustive and is only intended as guidance.

Other Relevant Policies

Paddle UK Awarding Body Malpractice and Maladministration Policy.

The following documents can be found on the Paddle Scotland website;

- Appeals Procedure
- Delivery Centre Fees
- Equality and Diversity Policy
- Sanctions Policy
- Whistleblowing Policy