

British Safety Council

Malpractice and Maladministration Policy



Introduction

This policy covers malpractice and maladministration by centres, learners or others involved in the development, delivery and award of British Safety Council qualifications.

Irrespective of the underlying cause or the people involved, all allegations of malpractice or maladministration in relation to qualifications and assessment need to be investigated in order to protect the integrity of the qualifications and to be fair to all centres and learners

Centre's Responsibility

The British Safety Council centres are responsible for ensuring that all staff and learners are fully aware of the contents of this policy and that there are adequate arrangements in place to identify, prevent and investigate instances of malpractice and/or maladministration.

Centres must report any suspected or actual malpractice or maladministration. A failure to do so or to have in place effective arrangements to prevent such cases, will lead to sanctions being imposed on the centre (please refer to the Sanctions Policy for details of the sanctions that may be imposed).

Centres may wish to contact the British Safety Council Compliance Team on how to prevent, investigate, and deal with malpractice and maladministration. Please find the further details at the end of this policy.

The centre's compliance with this policy and how it takes steps to deal with and prevent malpractice will form as part of the British Safety Council's centre monitoring process.

Defining Malpractice

The British Safety Council defines Malpractice as any activity or practice, which deliberately or knowingly 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 qualification
- the validity of a result or certificate
- the reputation and credibility of the British Safety Council.

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 learners.



Below is a list of examples of centre and learner malpractice . It should be noted that these examples are not exhaustive and are only intended as guidance on the British Safety Council definition of malpractice:

- Failure to allow access to premises, records, information, learners and staff to any authorised British Safety Council representative and/or the regulatory authorities (i.e. Ofqual, Qualification Wales or CCEA Regulation)
- Failure to carry out assessments or internal quality assurance in accordance with British Safety Council or regulatory requirements
- Deliberate failure to adhere to our learner registration and certification procedures, including the timing (e.g. late) of registrations or certifications
- Deliberate failure to continually adhere to our centre approval or actions assigned to the centre
- Deliberate failure to continually adhere to our monitoring or approval requirements.
- Deliberate failure to maintain appropriate records (e.g. certification claims) for monitoring and/or forgery of evidence
- Claims for certificates which are fraudulent
- Use of inappropriate personnel
- Withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of British Safety Council
- Deliberate misuse of the British Safety Council logo and trademarks or misrepresentation of a centre's relationship with the British Safety Council and/or its recognition and approval status
- Issuing certificates relating to British Safety Council qualifications (i.e. centre produced certificates)
- Collusion or permitting collusion in assessments
- Persistent instances of maladministration within the centre
- Deliberate contravention by a centre and/or its learners of the assessment arrangements
- Theft of any assessment materials
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so)
- A learner bringing into an examination room aids (e.g. notes, mobile phone, smart watch) that could be used to help answer the examination questions
- Impersonation of a learner for assessment, or the use of a proxy
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by centre staff
- Deliberate submission of false information to gain a qualification
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- False identification used at the registration stage
- Creation of false records



- Cash for certificates (e.g. the selling of certificates)
- Selling certificates, questions and/or assessment details
- Threatening or abusive behaviour that is intended to put undue influence on the outcomes of an assessment or award
- The use of electronic assistance aids such as earpieces, cameras, Bluetooth enhanced devices
- The use of template and prewritten examination and assignment documents
- A learner using others' ideas and words in an assignment without clearly acknowledging the source of the information (plagiarism)
- An individual completing examination materials on behalf of the learner
- An invigilator revealing the questions in an examination to learners before the time of the examination
- Failing to notify the British Safety Council on a timely basis in respect of any known or suspected malpractice

In summary 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, the concept 'malpractice' also covers misconduct and forms of unnecessary discrimination or bias towards certain learners.

Defining maladministration

Maladministration is defined as any activity, neglect, default or other practice that results in the Approved Training Centre not complying with the British Safety Council requirements, including the British Safety Council Centre Handbook or the General Conditions of Recognition.

Maladministration is in effect any activity or practice which results to non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration.

Examples of maladministration include (please note these examples are not exhaustive):

- Failure to adhere to learner registration and certification procedures
- Failure to adhere to the British Safety Council Centre Agreement and Centre Approval criteria and/or associated actions
- Inaccurate claim for certificates
- Logo misuse or misrepresentation of Centre recognition and approval status
- Errors in relation to the British Safety Council's qualification and assessment delivery arrangements
- A centre failing to return all examination materials after an examination
- A centre failing to issue learners with appropriate notices and warnings in an examination
- A centre not ensuring the examination venue conforms to requirements



- Errors or omissions in information supplied to the British Safety Council
- Late learner registrations
- Unreasonable delays in responding to requests and/or communications from the British Safety Council.
- Inaccurate claims for certificates
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.
- A loss or breach of confidentiality in any assessment materials

Reporting suspected malpractice or maladministration

All examiners, invigilators, centres, learners and awarding organisation staff are required to report any suspicions of malpractice or maladministration on the part of centres, learners, tutors or anyone involved in delivering the qualification. Such reports should be made to the British Safety Council's Compliance Team immediately and in writing to : compliance@britsafe.org

All allegations must include (where possible):

- the nature of the suspected or actual malpractice/maladministration and associated dates
- details of the British Safety Council qualification affected
- centre's name, address and number
- learner's name, date of birth and learner registration number
- details of centre personnel (e.g. name, job role) if they are involved in the case
- details of British Safety Council personnel (e.g. name, job role) if they are involved in the case
- details and outcome of any initial investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances

In addition, we will ask the person making the allegation to declare any personal or conflict of interest they may have in the matter at the outset.

Should the British Safety Council undertake an investigation at your centre, the Head of Centre must co-operate and respond to all requests relating to the allegation and/or investigation, ensuring that their staff co-operate fully with any investigation and/or request for information.

In all cases of suspected malpractice and maladministration reported to us we will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

Responsibility for the investigation

Suspected cases of maladministration and malpractice will be examined promptly by the British Safety Council Compliance Team, who will acknowledge receipt, as appropriate, within three working days. We will take all reasonable steps to prevent any adverse effect from occurring as defined by the regulators.

Responsibility in ensuring that the investigation is carried out in a promptly and effectively in line with this policy. British Safety Council will assign an appropriate member of to lead the investigation



and review any supporting evidence to and establish whether or not malpractice or maladministration has occurred.

The individual from the British Safety Council investigating will have no personal or previous involvement in the case and will have received the appropriate level of training.

Notifying relevant parties

The appropriate regulator(s) at any stage during an investigation will be notified as soon as it is suspected that there is cause to believe an adverse effect could occur and will keep them informed of progress.

Where appropriate, in cases of suspected or actual malpractice or maladministration at a centre, the Head of Centre involved in the allegation will be notified. In instance where it is alleged that the Head of Centre is involved, we may notify the most appropriate member of the centre's team.

The British Safety Council may engage directly with current or former members of staff at centres or directly with learners.

Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulator(s) and/or seek to undertake a joint investigation with them if appropriate.

If the British Safety Council suspects or identifies fraud we may notify the police.

Timelines for investigation

We aim to start the investigation within seven working days of receipt of the allegation, wherever possible.

The British Safety Council will conduct investigations, ensuring that all relevant evidence is considered

The following principles will be followed without bias and based around the following broad objectives:

- Fact establishment relating to allegations
- Identify the cause of any malpractice and/or maladministration and those involved
- To establish the scale of any malpractice and/or maladministration
- To evaluate any action already taken by the centre
- To determine whether remedial action is required to reduce the risk to registered learners and to preserve the integrity of the qualification, accreditation, Quality Assured Programme or apprenticeship standard
- 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, and/or any actions relating to members of staff
- To identify any adverse patterns or trends



Investigation Outline

The British Safety Council will ensure the organisation or person who is the subject of the allegation will have the opportunity to raise any issues about the proposed approach and the conduct of the investigation.

As part of the investigation will may request further information from relevant parties interviews with those involved in the investigation and we expect them to co-operate fully with us. In any interviews carried out with the individuals accused of malpractice and/or maladministration, they can choose to be accompanied by another person.

Evidence regarding an investigation that has resulted to sanctions against a centre will be retained for a period of no less than five years.

Wher an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and evidence relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.

At notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, the British Safety Council reserves the right, in line with our sanction policy, to impose sanctions on the centre.

The British Safety Council also reserve the right to withhold any certificates claimed or results at the time of the notification/investigation.

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

During the investigation the Head of Qualifications 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 report

Where the British Safety Council believes there is sufficient evidence to implicate malpractice and/or maladministration we will:

- Provide them with details of the evidence we found to support our judgment
- Identify where the malpractice/maladministration occurred
- Identify who was responsible for the malpractice/maladministration
- Confirm an appropriate level of remedial action, including any sanctions, to be applied
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies
- Confirm the facts of the case and any mitigating factors if relevant with sufficient auditable records
- Provide them with an opportunity to consider and respond to the allegation and our findings
- Inform them of our Appeals Policy should they wish to appeal against our decision

We will make the final report 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 and/or maladministration, we may also inform them of the outcome - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it's an internal investigation against a member of our staff the Head of Qualifications will agree the report with the relevant internal managers and appropriate internal disciplinary procedures will be implemented. Where appropriate, the relevant authorities (e.g. the Regulators) will be notified.

Investigation outcomes

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

Following an investigation, there are a number of actions that we may take to address the cause of, or the issues surrounding, the malpractice and/or maladministration to prevent a recurrence. Although this list is indicative only and is not meant to form an exhaustive list, it shows the type of actions you could expect. We could:

- Impose sanctions on the centre – if so these will be communicated in accordance with our Sanctions Policy along with the rationale for the sanction(s) selected
- Undertake additional/increased visits to the centre to provide them with a greater level of support and/or monitoring depending on their needs and performance
- Require 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 effective delivery of British Safety Council qualifications
- Require specific centre staff to be removed from the delivery or assessment and/or internal



- quality assurance of British Safety Council qualifications
- Alter the way, and the period in which, centres receive assessment materials from the British Safety Council if there are concerns around their ability to maintain the security and confidentiality of such materials
- Insist independent personnel (e.g. invigilators, assessors, internal quality assurers) are used for the future delivery of British Safety Council qualifications.
- Take action against learners in relation to proven instances of cheating, plagiarism, fraud etc. Such action could include some or all of the following (which may be communicated to the learner by the British Safety Council 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 qualification
- Inform relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre
- Carry out additional, related investigations if we suspect the issue may be more widespread at the centre and/or at other centres.

In cases where certificates are deemed to be invalid, we will inform the centre concerned and the regulatory authorities as to why they are invalid. We will specify the action to be taken for reassessment and/or for the withdrawal of the certificates. We will also ask the centre to let the affected learners know the action being taken and that their original certificates are invalid. We will ask the centre to return the invalid certificates to the British Safety Council. We will also amend our database so that duplicates of the invalid certificates cannot be issued and we expect the centre to amend their records to show that the original certificates issued were invalid.

We will also review and, where necessary, amend aspects of our qualification development, delivery and awarding arrangements including assessment and/or monitoring arrangements and associated guidance to prevent the issue from recurring.

In proven cases of malpractice and/or maladministration by a centre, the British Safety Council reserves the right to charge the centre for any centre visits, related additional quality assurance activities and/or increased centre monitoring. The centre will also be charged the reissuing of certificates. The fees charged will be the current British Safety Council prices for such activities at the time of the investigation.

In addition to the above, the Head of Qualifications will record any lessons learned from the investigation to form part of the British Safety Council's quality management review process. In turn, these will be cascaded down to the appropriate British Safety Council staff to help prevent similar instances of malpractice and/or maladministration.



Appeals

Centres and learners have the right to appeal against decisions regarding malpractice or maladministration. Please refer to the Approved Centre Handbook for more information.

Contact details for this policy

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70 Chancellors Road
London W6 9RS

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E-mail: qualifications@britsafe.org
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