

Malpractice and Maladministration Policy

1 Definition of Malpractice

1.1 Malpractice is essentially any activity or practice which deliberately contravenes regulations and/or procedures 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:

- 1.1.1 The assessment process;
- 1.1.2 The integrity of a regulated qualification;
- 1.1.3 The validity of a result or certificate;
- 1.1.4 The reputation and credibility of Growtrain Ltd; or
- 1.1.5 The qualification or the wider qualifications community

1.2 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.

1.3 For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

2 Examples of malpractice

2.1. The categories listed below are examples of Growtrain Ltd's learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- 2.1.1 Denial of access to premises, records, information, learners and staff to any authorised representative and/or the regulatory authorities;
- 2.1.2 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;
- 2.1.3 Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements;
- 2.1.4 Deliberate failure to adhere to our learner registration and certification procedures;
- 2.1.5 Deliberate failure to continually adhere to recognition and/or qualification approval requirements or actions assigned to Growtrain Ltd;
- 2.1.6 Deliberate failure to maintain appropriate auditable records, for example certification claims and/or forgery of evidence;
- 2.1.7 Fraudulent claim for certificates;
- 2.1.8 The unauthorised use of inappropriate materials / equipment in assessment settings (for example mobile phones);
- 2.1.9 Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications;

- 2.1.10 Deliberate misuse of logo's and trademarks or misrepresentation of a Growtrain's relationship with accredited bodies, and/or its recognition and approval status with such accredited bodies;
- 2.1.11 Collusion or permitting collusion in exams/assessments;
- 2.1.12 Learners still working towards qualification after certification claims have been made;
- 2.1.13 Persistent instances of maladministration within Growtrain Ltd;
- 2.1.14 Deliberate contravention by Growtrain Ltd and/or its learners of the assessment arrangements specified for qualifications;
- 2.1.15 A loss, theft of, or a breach of confidentiality in, any assessment materials;
- 2.1.16 Plagiarism by learners/staff;
- 2.1.17 Copying from another candidate (including using ICT to do so);
- 2.1.18 Impersonation - assuming the identity of another candidate or having someone assume your identity during an assessment;
- 2.1.19 Unauthorised amendment, copying or distributing of exam/assessment papers/materials;
- 2.1.20 Inappropriate assistance to learners by Growtrain Ltd (for example unfairly helping them to pass a unit or qualification);
- 2.1.21 Deliberate submission of false information to gain a qualification or unit;
- 2.1.22 Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy;
- 2.1.23 False ID used at the registration stage;
- 2.1.24 Creation of false records;
- 2.1.25 Inappropriate use of technology during assessments (for example mobile phone);
- 2.1.26 Cheating;
- 2.1.27 Cash for certificates (for example the selling of certificates for cash);
- 2.1.28 Selling papers/assessment details;
- 2.1.29 Extortion;
- 2.1.30 Fraud;
- 2.1.31 Deliberate breach of regulatory policies, procedures or practices; and
- 2.1.32 Deliberately using an unapproved tutor to undertake training.



3 Definition of Maladministration

3.1 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 within Growtrain Ltd (for example inappropriate learner records).

4 Examples of maladministration

4.1 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 our definition of malpractice:

4.1.1 Persistent failure to adhere to learner registration and certification procedures;

4.1.2 Failure to adhere to regulated policies, procedures and practices;

4.1.3 Persistent failure to adhere to Growtrain Ltd recognition and/or qualification requirements and/or associated actions assigned to the Growtrain Ltd;

4.1.4 Failure to adhere to financial payment terms and/or plans (both infrequent and persistent);

4.1.5 Late learner registrations (both infrequent and persistent);

4.1.6 Unreasonable delays in responding to requests and/or communications from awarding bodies;

4.1.7 Inaccurate claim for certificates;

4.1.8 Failure to maintain appropriate auditable records, for example, certification claims and/or forgery of evidence;

4.1.9 Withholding of information, by deliberate act or omission, which is required to assure awarding bodies of Growtrain Ltd's ability to deliver qualifications appropriately;

4.1.10 Misuse of the logos and trademarks or misrepresentation of a Growtrain Ltd's relationship with awarding bodies and/or its recognition and approval status with awarding bodies.

4.1.11 Failure to adhere to, or to circumvent, the requirements of Reasonable Adjustments and Special Considerations Policy.



5 Process for making an allegation of malpractice or maladministration

5.1 Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify Growtrain Ltd. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

5.2 All allegations must include (where possible):

5.2.1 Individuals Name, address and telephone number;

5.2.2 Learner's name;

5.2.3 Growtrain Ltd contact (name, job role) if they are involved in the case;

5.2.4 Details of the course/qualification affected or nature of the service affected;

5.2.5 Nature of the suspected or actual malpractice and associated dates; and

5.2.6 Details and outcome of any initial investigation carried out by Growtrain Ltd or anybody else involved in the case, including any mitigating circumstances.

5.3 In addition Growtrain Ltd asks that the person making the allegation declares any personal interest they may have in the matter to us at the outset.

6 Confidentiality and whistle blowing

6.1 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, 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 we will work to ensure your details are not disclosed.

6.2 We will always aim to keep a whistle-blower's identity confidential where asked to do so, although we cannot guarantee this and we may need to disclose your identity should the complaint lead to issues that need to be taken forward by other parties. For example:

6.3 The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud);

6.4 The courts (in connection with any court proceedings); and

6.5 Other third parties such as the relevant regulatory authority (for example. Ofqual in England, Welsh Government in Wales or SQA Accreditation in Scotland).

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

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

6.8 Once a concern has been raised we have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing their concern as we are obliged by the regulators to follow-up and investigate allegations of malpractice or maladministration.

6.9 In all cases, Growtrain Ltd will keep you updated as to how we have progressed the allegation (for example we have undertaken an investigation) and the whistle-blower will have the opportunity to raise any concerns about the way the investigation is being conducted with the investigator(s). However, we won't 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 (for example disclose full details on the action that may be taken against the parties concerned). While we cannot guarantee that we will disclose all matters in the way that you might wish, we will strive to handle the matter fairly and properly.

7 Responsibility for the investigation

7.1 All suspected cases of maladministration and malpractice will be examined promptly by Growtrain Ltd to establish if malpractice or maladministration has occurred, and Growtrain Ltd will take all reasonable steps to safeguard the interests of our learners;

7.2 All suspected cases of malpractice and maladministration will be acknowledged/receipted, as appropriate, to external parties within 2 working days;

7.3 Growtrain Ltd will ensure the investigation is carried out in a prompt and effective manner, and in accordance with the procedures in this policy, and will allocate a relevant member of staff (for example a member of our quality assurance team) to lead the investigation and establish whether or not the malpractice or maladministration has occurred, as well as review any supporting evidence received or gathered by Growtrain Ltd;

7.4 At all times we will ensure that Growtrain Ltd personnel assigned to the investigation have the appropriate level of training and competence, and that they have had no previous involvement or personal interest in the matter.

8. Notifying relevant parties

8.1 In all cases we will tell the person who made the allegation who will be handling the matter, how they can contact them, what further assistance we may need from them and agree a timetable for;

8.2 In cases of suspected or actual malpractice or maladministration at a Growtrain Ltd, we will notify those involved in the allegation that we will be investigating the matter;

8.3 In the case of learner malpractice, we may will investigate the issue in liaison with our own personnel;

8.4 We may engage and communicate directly with members of Growtrain staff who have been accused of malpractice if appropriate (for example the staff member is no longer employed by Growtrain Ltd) and/or communicate directly with a learner or their representative (for example if there is a contradiction in the evidence provided

during an investigation or where Growtrain Ltd is suspected of being involved in malpractice);

8.5 Where applicable and in accordance with regulatory requirements, a member of our Growtrain Ltd will inform the appropriate awarding body if we 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 we will keep them informed of progress in large and/or complex cases;

8.6 Where the allegation may affect another awarding organisation and their provision, we will also inform them in accordance with the regulatory requirements and/or seek to undertake a joint investigation with them if appropriate. If we do not know the details of organisations that might be affected we will ask the relevant regulator to help us identify relevant parties that should be informed;

8.7 If fraud is suspected and/or identified we may also notify the police.

9 Investigation timelines and summary process

9.1 Where possible, Growtrain Ltd aims to complete the investigation within 10 working days of 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;

9.2 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;

9.2.1 To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred;

9.2.2 To identify the cause of the irregularities and those involved;

9.2.3 To establish the scale of the irregularities and whether other qualifications may be affected;

9.2.4 To evaluate any action already taken by the Growtrain Ltd;

9.2.5 To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification;

9.2.6 To ascertain whether any action is required in respect of certificates already issued;

9.2.7 To obtain clear evidence to support any sanctions to be applied to the Centre, and/or to members of staff, and

9.2.8 To identify any adverse patterns or trends.

9.3 In carrying out any investigation Growtrain Ltd will be sensitive to the effect upon, and reputation of, those who may be the subject of investigation. We will strive to ensure that the investigation is carried out as confidentially as possible and the organisation/person that is the subject of the allegation will have the opportunity to raise any issues about both the proposed approach and the conduct of the investigation with the investigator(s) during the investigation.

9.4 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 the person(s) accused of malpractice/maladministration they can choose to be accompanied by a work colleague, trade union representative or other party.

9.5 In addition we 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 in accordance with legal requirements. 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 thereafter in accordance with legal requirements.

9.6 Where a member of Growtrain Ltd's staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

9.7 Throughout the investigation our Senior Manager 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.

10. Investigation report

10.1 If we believe there is sufficient evidence to implicate an individual in malpractice/ and/or maladministration we will:

- 10.1.1 Inform them (preferably in writing) of the allegation;
- 10.1.2 Provide them with details of the evidence we found to support our judgment;
- 10.1.3 Inform them of the possible consequences;

10.1.4 Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (for example the police);

10.1.5 Provided them with an opportunity to consider and respond to the allegation and our findings; and

10.1.6 Inform them of our Appeals policy should they wish to appeal against our decision.

10.1.7 Where an external body is involved, they will be notified and reference should and to be made to their own Malpractice and Maladministration policy and matters dealt with in accordance with such policy.

11. Contact us

11.1 If you have any queries about the contents of the policy, please contact us on :

01243 216 278

course@growtrain.co.uk

To be reviewed: 10 January 2027

