



Malpractice and Maladministration Policy

Last updated: 8 September 2025

Introduction

This policy covers both direct delivery and sub-contracted partners delivering Skills and Employment (S&E) adult education for Cheshire West and Chester Council (CW&C). The policy encompasses adult learning - accredited courses, non-regulated provision and tailored learning – and employment support projects. A significant element of the policy deals with assessments, examinations and certification of adult learners. However the policy also applies to the registration and administration of all programme participants. It will be used as reference for any staff member, learner or programme participant involved in suspected or actual malpractice and maladministration. The policy also ensures that all malpractice and maladministration investigations are carried out in a fair and consistent manner.

It sets out the steps our staff, sub-contracted partners, learners and programme participants must follow when reporting suspected or actual cases of malpractice and maladministration, and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

Centres' responsibility

It is important that all staff involved in the management, assessment and quality assurance of learners, programme participants and qualifications are fully aware of the contents of the policy. All staff should be aware we have arrangements in place to prevent and investigate instances of malpractice and maladministration.

Definitions

Malpractice is any activity or practice which deliberately contravenes regulations and compromises the integrity of internal or external assessment processes 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 S&E provision
- 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 discrimination or bias towards certain learners, programme participants or groups.

Examples of malpractice:





- Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our learner or programme participant registration and certification procedures
- Deliberate failure to continually adhere to assigned centre recognition and/or qualification approval requirements or actions
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim(s) for certificates
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so)
- Passing off content generated by Artificial Intelligence (AI) as learner work without necessary disclaimers in place

Maladministration is any activity or practice which results in non-compliance with administrative regulations and requirements and includes persistent mistakes or poor administration.

Examples of maladministration:

- Persistent failure to adhere to our learner or programme participant registration and certification procedures
- Persistent failure to adhere to assigned centre recognition and/or qualification approval requirements or actions
- Late learner or programme participant registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications with S&E
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information from us - by deliberate act or omission - which is required to assure quality

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 Ben Watts (Senior Officer for Quality, Commissioning and Performance) in writing or by email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Learner or programme participant's name
- Name of tutor or employment mentor and full job role - if they are involved in the case
- Details of the 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

The Quality team will conduct an initial investigation to ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

Confidentiality and Whistle-blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. It is always preferable to reveal your identity and contact details to us; however if you are concerned about possible adverse consequences you may request that your identity is not divulged.

While we are prepared to investigate issues which are reported to us anonymously we will always try to confirm an allegation by means of a separate investigation before taking up the matter with those the allegation relates to.

Responsibility for the Investigation

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be examined promptly to establish if malpractice or maladministration has occurred. We will take all reasonable steps to prevent any adverse effect from the occurrence.

We will acknowledge receipt, as appropriate, to external parties within 48 hours. Our Head of Service 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. The Head of Service will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred and review any supporting evidence received or gathered.

Notifying Relevant Parties

Where applicable we will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a certificate or qualification.

Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed by the regulator Ofqual. If we do not know the details of organisations that might be affected we will ask Ofqual to help us identify relevant parties that should be informed.

Investigation Timelines and Summary Process

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.



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 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
- To evaluate any action already taken
- To determine whether remedial action is required to reduce the risk to current registered learners or programme participants, and to preserve the integrity of CW&C and any qualification
- To identify 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 ensure all material collected as part of an investigation is kept secure.

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.

We will expect full co-operation from all parties who are either directly or indirectly involved in the investigation.

We reserve the right to withhold a learner's and/or cohort's results, either at notification of a suspected or actual case of malpractice or maladministration or at any time during the investigation.

Where a member of staff is under investigation we may move them to other duties until the investigation is complete.

Throughout the investigation our Quality, Performance and Commissioning 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 relevant external parties.

Investigation Report

After an investigation, we will produce a draft report for the parties concerned to check factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves.

The report 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 to be applied



We will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

In the case of an independent or third party notifying us of the suspected or actual case of malpractice, we will also inform them of the outcome – normally within 10 working days of making our decision. 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 the investigation is internal - against a member of our staff - the report will be agreed by the Quality, Performance and Commissioning Manager, along with the relevant internal managers. We will then implement appropriate internal disciplinary procedures.

Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take in order to:

- discourage others from carrying out similar instances of malpractice or maladministration
- ensure there has been no gain from compromising our standards
- minimise the risk to the integrity of certification now and in the future
- maintain public confidence in the delivery and awarding of qualifications

The action we take may include:

- Imposing actions in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid we will inform the awarding organisation concerned and the regulatory authorities, including the reason why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also advise the affected learners of the action we are taking and that their original certificates are invalid. We will – where possible – ask learners to return the invalid certificates. We will then inform relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre.

In addition to the above, the Director will record any lessons learnt from the investigation and pass these on to relevant internal colleagues to help prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant party or parties wish to appeal against our decision to impose sanctions, please refer to our Complaints Procedure.

Further information can be found on [our website](#) in the following related documents:

- Comments, Compliments and Complaints Policy