**Malpractice and Maladministration Policy**

Last updated: 14 August 2025

**Introduction**

This policy is aimed at both direct delivery staff and learners as well as commissioned partners who deliver Skills and Employment programmes for Cheshire West and Chester Council (CW&C): tailored learning, non-regulated provision or accredited courses. It will be used as reference for any learner or staff member involved in suspected or actual malpractice and maladministration. It is also for use to ensure that all malpractice and maladministration investigations are carried out in a fair and consistent manner.

It sets out the steps our staff, partners and learners 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 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 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 regulated qualification
* the validity of a result or certificate
* the reputation and credibility of CW&C Skills and Employment 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 or groups of learners.

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 registration and certification procedures
* Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to your centre
* 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 registration and certification procedures
* Persistent failure to adhere to our centre recognition and/or qualification requirements and/or associated actions assigned to the centre
* Late learner registrations (both infrequent and persistent)
* Unreasonable delays in responding to requests and/or communications with Skills and Employment
* 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’s name
* Tutor name and 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 and to preserve the integrity of CW&C and the qualification
* To identify any adverse patterns or trends

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, 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 all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

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, Commissioning and Performance 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.

**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.

If it was an independent or third party that notified 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, Commissioning and Performance Manager, along with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

**Investigation Outcomes**

If the investigation confirms that 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 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 onto 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.