



# Malpractice and Maladministration Policy

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Document Revision History		
Version	Date	Description of Change
2.0	03/04/2024	2024 Rebranding
1.0	29/12/2021	Initial version of revised Malpractice and Maladministration Policy

## 1 Introduction

This policy applies to PeopleCert's customers, including our accredited organisations (AOs) and candidates, who are delivering/registered in/on PeopleCert approved certifications who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with malpractice and maladministration investigations in a consistent manner. It sets out the steps AOs and candidates or other stakeholders must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the steps we will follow when reviewing the cases.

## 2 The AO's responsibility

It is important that staff involved in the management, assessment and internal quality assurance of our certifications have arrangements in place to prevent and investigate instances of malpractice and maladministration.

Failure to report suspected or actual malpractice/maladministration cases, or to have effective arrangements in place to prevent such cases, may lead to sanctions being imposed on an AO.

If you wish to receive guidance/advice from us on how to prevent, investigate and deal with malpractice and maladministration, please contact us and we will happily provide you with such advice and/or guidance.

An AO's compliance with this policy and its arrangements to prevent and/or investigate instances of malpractice and maladministration will be reviewed by PeopleCert periodically through our ongoing AO monitoring arrangements.

Should we require an AO to carry out an internal investigation, the head of the AO must cooperate with us to:

- Ensure those involved in the investigation are competent investigators who have no personal involvement in the incident or interest in the outcomes.
- Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the reported issues to assure your AO arrangements are appropriate for all PeopleCert certifications your AO is accredited to offer.
- Respond speedily and openly to all requests relating to the allegation and/or investigation.
- Ensure staff cooperate fully with any investigation and/or request for information.

## 3 Review arrangements

We will review this policy annually and revise it as and when necessary in response to customer feedback, changes in our practices, actions from regulatory authorities or external agencies, changes in legislation or trends identified from previous allegations.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected/actual cases of malpractice and maladministration remain effective.

If you would like to feed back any views, please contact us at [quality@peoplecert.org](mailto:quality@peoplecert.org).

## 4 Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the 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 PeopleCert certification.
- The validity of a result or certificate.
- The reputation and credibility of PeopleCert.

Malpractice may include a range of issues, for example, from failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates.

## 5 Definition of Maladministration

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

## 6 Examples of Maladministration

The categories listed below are examples of AO and candidate maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of maladministration:

- Persistent and/or deliberate failure to adhere to our candidate registration and certification procedures.
- Persistent failure to adhere to our AO accreditation and/or certification requirements and/or associated actions assigned to the AO.
- Late candidate registrations (both infrequent and persistent).
- Unreasonable delays in responding to requests and/or communications from PeopleCert.
- Failure to maintain appropriate and authentic auditable records.
- Withholding or delaying information, by deliberate act or omission, which is required to assure PeopleCert of an AO's ability to deliver certifications appropriately.
- Misuse of our logos and trademarks or misrepresentation of an AO's relationship with PeopleCert and/or its accreditation status with PeopleCert.
- Poor administrative arrangements.
- Persistent mistakes in relation to our delivery arrangements.

## 7 Examples of Malpractice

The categories listed below are examples of AO and candidate malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Denial of access to premises, records, information, candidates and staff to any authorised PeopleCert representative.
- Deliberate misuse of our logos, brand, name and trademarks or misrepresentation of an AO's relationship with PeopleCert and/or its accreditation status with PeopleCert.
- Deliberate failure to consistently adhere to our AO accreditation and/or certification approval requirements or actions assigned to your AO.
- Intentional withholding of information from us, which is critical to maintaining the quality standards of our certifications.
- Deliberate failure to carry out internal audits in accordance with our requirements.
- The unauthorised use of inappropriate materials/equipment in assessment/examination settings (e.g., unauthorised notes).
- A loss or theft of, or a breach of confidentiality in any exam materials.
- Inappropriate circulation/distribution of exam materials.
- Unauthorised amendment, copying or distributing of exam papers/materials.
- Inappropriate assistance/support to candidates by AO staff (e.g., unfairly helping them to pass a certification).
- Plagiarism by candidates/staff.
- Copying from another candidate.
- Cheating by candidates/staff.
- Personation - assuming the identity of another candidate or having someone assume their identity during an exam.
- Collusion or permitting collusion in exams.
- Deliberate contravention by candidates/staff of the exam arrangements we specify for our certifications.
- Deliberate submission of false information to gain a certification.
- False records.
- Deliberate failure to maintain appropriate auditable and authentic records.
- Selling certificates for cash.
- Selling exam details.
- Extortion.
- Fraud.
- Threatening or abusive behaviour that threatens the safety of candidates/staff and/or is intended to put undue influence on the outcomes of an exam.

## 8 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 should notify PeopleCert. In doing so, they should put the allegation in writing/e-mail and enclose appropriate supporting evidence.

Where possible, allegations should include:

- The AO's name, address and telephone number.
- Candidate's name and PeopleCert candidate registration number (if known).
- AO/PeopleCert staff member details if involved in the case.
- Details of the PeopleCert certification 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 AO or anyone else involved in the case, including any mitigating circumstances.

In addition, we ask that the person making the allegation declares any personal interest they may have in the matter to us at the outset.

If an AO has conducted an initial investigation prior to formally notifying us, the AO should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances, the AO must immediately notify us if it suspects malpractice or maladministration has occurred, as we have a responsibility to ensure that all investigations are carried out rigorously and effectively.

## 9 Confidentiality and Whistleblowing

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. However, if you are concerned about possible adverse consequences, 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. We will always aim to keep a whistleblower's identity confidential where asked to do so, although we cannot guarantee this. We may need to disclose your identity should the complaint lead to issues that need to be taken forward by other parties. For example:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
- The courts (in connection with any court proceedings).
- Other third parties such as a regulatory authority.

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

## 10 Responsibility for the investigation

Suspected cases of maladministration and malpractice will be examined by PeopleCert to establish if malpractice or maladministration has occurred and we will take all reasonable steps to prevent any adverse effect from occurring.

Suspected cases of malpractice and maladministration will be passed to our Quality Department and we will acknowledge receipt as appropriate.

Our Quality Department is responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. We 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 by PeopleCert.

We will ensure that PeopleCert personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

## 11 Notifying relevant parties

We will inform the person who has made the allegation of who will be handling the matter.

In cases of suspected or actual malpractice or maladministration at an AO, we will notify the head of the AO involved in the allegation (except when the head of AO or its management is under investigation, in which case communication may be with other relevant and appropriate stakeholders) that we will be investigating the matter.

In the case of candidate malpractice, we may ask your AO to investigate the issue in liaison with our personnel. We will only ask the AO to investigate the matter where we have confidence that the investigation will be prompt, thorough, independent and effective.

In all cases, we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

We may engage and communicate directly with members of AO staff who have been accused of malpractice if appropriate (e.g., the staff member is no longer employed by the centre) and/or communicate directly with a candidate or their representative (e.g., if there is a contradiction in the evidence provided during an investigation or where the AO is suspected of being involved in malpractice).

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

## 12 Investigation timelines and summary process

Where possible, we aim to complete the investigation within 10 business days of receipt of the allegation. Please note that in some cases, the investigation may take longer; for example, if the investigation is complex or an AO visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and lawful manner, ensuring that all relevant evidence is considered without bias. In doing so, investigations will be underpinned by 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 and whether other certifications/candidates may be affected.
- To evaluate any action already taken by an AO.
- To determine whether remedial action is required to reduce the risk to current registered candidates and to preserve the integrity of the certification.
- 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 an AO, and/or to members of staff.
- To identify any adverse patterns or trends.

In carrying out any investigation, PeopleCert will be sensitive to the effect on, and reputation of, an AO and/or those members of staff who may be the subject of an investigation. We will strive to ensure that the investigation is carried out as confidentially as possible and the organisation/person who is the subject of the allegation will have the opportunity to raise any issues about the conduct of the investigation with the investigator(s) during the process.

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.

In addition, we request all parties who are either directly or indirectly involved in the investigation to fully cooperate with us.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to impose sanctions on an AO to protect the interests of candidates and the integrity of the certifications. The Quality Director will be responsible for regularly reviewing the application and maintenance of sanctions to ensure they continue to be appropriate and proportionate to the incident(s) and risk of future incidents occurring.

We also reserve the right to withhold a candidate's results for all the PeopleCert certifications they are studying at the time of the notification/investigation.

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

Throughout the investigation, our Quality Director 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 relevant external parties informed.

## 13 Investigation report

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

- Inform them in writing of the allegation.
- Inform them of the evidence we found to support our judgment.
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with other relevant bodies (e.g., police).
- 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 our decision.

After an investigation, we will produce a report for the parties concerned. The report will cover the following areas:

- Identify where the breach, if any, occurred.
- Confirm the facts of the case (and any mitigating factors if relevant).
- Identify who is responsible for the breach (if applicable).
- Contain supporting evidence where appropriate (e.g., written statements).
- Confirm an appropriate level of remedial action to be taken.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we may also inform them of the outcome – normally within 10 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.

## 14 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 our certifications.
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no gain from compromising our standards.

The actions we may take include, indicatively:

- Imposing actions in relation to an AO with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring such as:
  - Undertaking additional/increased visits/audits to an AO to provide them with a greater level of support and/or monitoring depending on their needs and performance.
  - Requiring specific centre staff to undergo additional training and/or scrutiny by the AO if there are concerns about their ability to undertake their role in the delivery of PeopleCert's certifications effectively.
  - Not permitting specific AO staff to be involved in the delivery of PeopleCert's certifications.

- Imposing proportionate sanctions on the AO – if so these will be communicated to the AO along with the rationale for the sanction(s) selected.
- Taking action against a candidate in relation to proven instances of maladministration or malpractice, such as some or all of the following (which may be communicated to the candidate by PeopleCert and/or the candidate's AO):
  - Issuing a written warning that if the offence is repeated further action may be taken.
  - Loss of partial or all marks for the related exam.
  - Disqualification from the certification.
  - Placing a ban from taking any further certifications with us (e.g., for a set period of time).
- In cases where certificates are deemed to be invalid, informing AO and/or candidates(s) concerned why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. Where relevant, we will also ask the AO(s) to let the affected candidates know the action we are taking and that their original certificates are invalid. We will amend our database so that duplicates of the invalid certificates cannot be issued.
- Amending aspects of our certification development, delivery and awarding arrangements and if required assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- Informing relevant third parties (e.g., funding bodies) of our findings in case they need to take relevant action in relation to the AO.
- Carrying out additional, related investigations if we suspect the issue may be more widespread at the AO and/or at other AOs.

The Quality Director will record any lessons learnt from the investigation and pass these on to relevant internal colleagues to help PeopleCert prevent the same instance of maladministration or malpractice from reoccurring.

Involved parties who wish to appeal our decision to impose sanctions should refer to our Appeals Policy.



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