

- Leadership
- Skills
- Foundation

Malpractice and Maladministration Policy



Malpractice and Maladministration Policy

The scope of this policy

This policy relates to centres that are delivering Leadership Skills Foundation qualifications, awards and other programmes and are involved in suspected or actual malpractice/maladministration.

The policy sets out the steps the Leadership Skills Foundation will take and procedures it will follow when investigating and responding to suspected or actual cases of malpractice/maladministration.

The steps in this policy will be initiated if one or more the following scenarios occur:

- Our quality assurance processes find significant or repeat non-compliance with or breach of the Leadership Skills Foundation terms and conditions and/or associated policies.
- The Leadership Skills Foundation receive information of potential malpractice/maladministration at a centre from an individual or organisation (e.g. a whistle blower raises a concern about a centre).
- Any other action notification that the Leadership Skills Foundation receives that raises a concern with a particular centre (e.g. another awarding organisation informing us of actual malpractice/maladministration at a centre).

Definitions of malpractice and maladministration

Malpractice

Malpractice is any activity or practice which deliberately contravenes regulations or is an intentional breach of terms and conditions. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the validity of qualification courses and associated registrations;
- assessment process;
- the integrity of a regulated qualification;
- the validity of a result or certificate;
- the reputation and credibility of the Leadership Skills Foundation;
- the qualification or the wider qualifications community;
- the authority, reputation or credibility of any awarding organisation, centre or any of its officers, employees or agents.

For the purpose of this policy malpractice also covers misconduct and forms of discrimination or bias towards certain groups of learners/delegates.

Malpractice can include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records to claim certificates. See appendix 1 for examples of malpractice.

Maladministration

Maladministration is activity or practice, typically unintentional, which results in non-compliance with administrative, assessment and/or quality assurance requirements.

Maladministration can include a range of issues from persistent mistakes or poor administration within a centre. See appendix 2 for examples of maladministration.

The responsibility of the centre

The centre should take all reasonable steps to ensure all

Centres must have arrangements in place to prevent and investigate instances of malpractice and maladministration. This includes having an internal malpractice and maladministration policy to set out the steps the centre must take when managing investigations into suspected malpractice/maladministration.

Centre staff and learners/delegates must be made aware of any internal malpractice and maladministration policy that the centre has in place. They must know how to access it should there be an investigation into suspected malpractice/maladministration at the centre.

Raising a concern about suspected malpractice/maladministration

Suspected malpractice/maladministration at a centre must be reported through the Leadership Skills Foundation whistleblowing policy. A failure to report suspected or actual malpractice/maladministration or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the centre (see our Sanctions policy for details of the sanctions that may be imposed).

Failure by a centre to investigate allegations of suspected malpractice/maladministration in accordance with the requirements in this document also constitutes malpractice.

A centre's compliance with this policy and how they take reasonable steps to prevent and/or investigate instances of malpractice/maladministration is reviewed periodically by the Leadership Skills Foundation through our quality assurance engagements with centres.

If you wish to receive guidance/advice on how to prevent, investigate, and deal with malpractice/maladministration then please email the Leadership Skills Foundation contact@leadershipskillsfoundation.org.

Reducing learner/delegate malpractice

Learner/delegate malpractice means malpractice by a learner/delegate in relation to the generation of evidence for assessment or in the assessment itself. This could include but is not limited to:

- plagiarism;
- copying and collusion;
- the use of AI in complete assessments.

Many centres take positive steps to prevent or reduce the occurrence of learner/delegate malpractice. These steps often include:

- Using the course induction period to inform learners/delegates of the centre's policy on malpractice and the penalties for attempted and actual incidents of malpractice.
- Showing learners/delegates the appropriate formats to record cited texts and other materials or information sources including websites. Learners/delegates should not be discouraged from conducting research but work should ensure that appropriate information has acknowledged any sources used.
- Introducing procedures for assessing work in a way that reduces or identifies malpractice (e.g. plagiarism, collusion, cheating, etc.). These procedures may include:
 - i. periods of supervised sessions during which evidence for assignments/tasks/coursework is produced by the learner;
 - ii. the assessor assessing work for a single assignment/task in a single session for the complete cohort of learners;
 - iii. using oral questions with learners to ascertain their understanding of the concepts and application within their work;
 - iv. assessors getting to know their learners'/delegates' styles and abilities.
 - v. Ensuring controls are in place to prevent learners from accessing and using other people's work.

Procedure for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice/maladministration at any time must immediately notify the Leadership Skills Foundation through the procedure outlined in the Whistleblowing Policy.

In all cases of suspected malpractice/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 as outlined in the Whistleblowing Policy.

Investigating suspected malpractice/maladministration

In accordance with regulatory requirements all suspected cases of malpractice/maladministration will be investigated promptly by the Leadership Skills Foundation to establish if malpractice/maladministration has occurred. If it has, we will take all reasonable steps to prevent any further or future adverse effect on learners/delegates and/or effects on the validity of qualifications from occurring.

The Leadership Skills Foundation will communicate to the centre and other interested external parties the initiation of an investigation within five working days of being notified of the suspected malpractice/maladministration.

This communication will provide information about the designated individual who will be leading the investigation, as well as an initial timeline for conducting the investigation. The responsible officer for the Leadership Skills Foundation will be informed of the investigation at this stage.

An investigation team will be established (consisting of a quorate of two). This team 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 team will review all evidence received and gathered by the Leadership Skills Foundation as part of the investigation. Through this we will establish whether malpractice/maladministration has occurred.

For all cases of suspected malpractice/maladministration, the Leadership Skills Foundation will ensure that the person performing the investigation will be suitably trained and will not have a conflict of interest in centre and/or involvement in the reason for the investigation. If there is a conflict of interest that cannot be mitigated against an independent review of the investigation will be initiated.

Notifying relevant parties

In all cases of suspected or actual malpractice/maladministration, we will notify the centre manager, the head of centre (e.g. the head teacher, chief executive officer, etc.) and, if appropriate, the governing body or the employer. This notification will include:

- the initiation of the investigation;
- who will be performing the investigation;
- the timescales and itinerary of the investigation;

- the possible sanctions that could be placed on the centre (if appropriate);
- the details of any other organisations that may be informed of the investigation.

In the case of learner malpractice, we may ask the centre to investigate the issue in liaison with the investigation team. In this scenario, we may withhold details of the person/organisation notifying us of the suspected or actual malpractice/maladministration if to do so would breach a duty of confidentiality or any other legal duty.

Where applicable, the Leadership Skills Foundation will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice/maladministration which could have adverse effects on learners/delegates, on the validity of a qualification and/or a potential effect on other awarding organisations.

Where the suspected or actual malpractice/maladministration may affect another awarding organisation we will also inform them in accordance with the regulatory requirements and obligations required by the regulator. If we do not know the details of organisations that might be affected, we will ask the regulator to help us identify relevant parties that should be informed.

In some cases of malpractice the Leadership Skills Foundation may have to notify the police. For example, for allegations of malpractice which involve fraud or a serious breach of regulations and implicate the head of centre or senior management.

The responsible officer will as required inform the Audit, Risk and Compliance Committee.

Investigation timescales

We aim to action and resolve all stages of the investigation within 20 working days of receipt of the notification of suspected malpractice/maladministration. If an investigation is complex or involves people who are not available at the time, we may extend this.

Further information or clarification may be requested during this period to ensure we have full details perform the investigation effectively. In some instances we may request a meeting or a visit with the centre to inform the investigation.

In such instances, the Leadership Skills Foundation will contact all parties concerned to inform them of what steps are going to be taken and provide a revised investigation timescale.

Performing the investigation

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 to determine whether any irregularities have occurred;

- identify the cause of the irregularities and those involved.
- establish the scale of the irregularities;
- evaluate any action already taken by the centre;
- determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification;
- ascertain whether any action is required in respect of certificates already issued;
- obtain clear evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with our sanctions policy;
- identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with individuals involved in the investigation. Therefore, we will:

- expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with us;
- ensure all material collected as part of an investigation is kept secure;
- retain all records and original documentation concerning an investigation for a minimum period of five years. This will be true whether an investigation outcome leads to sanctions being placed on the centre or not. If an investigation leads to invalidation of certificates and/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.

Applying sanctions during an investigation

The Leadership Skills Foundation reserve the right to impose sanctions on a centre in accordance with our Sanctions policy at any point during an investigation into suspected malpractice/maladministration. This includes from the receipt of a notification of a suspected or actual case of malpractice/maladministration to the closing of the investigation. This will be done to protect the interests of learners/delegates and/or the integrity of our qualifications.

We also reserve the right to withhold awarding certificates to a learner's/delegate's and/or group of learners'/delegates' for all the Leadership Skills Foundation's qualifications undertaken at the time of the notification or investigation into suspected or actual malpractice/maladministration.

If appropriate, we may find that the complexity of a case or a lack of cooperation from a centre means that we are unable to complete the investigation. In such circumstances, we will consult the relevant regulatory authority to determine how best to progress the matter.

Where a member of Leadership Skills Foundation staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Our designated responsible officer will be tasked with overseeing the activities and progress of the investigation team throughout the investigation process. They will ensure that due process is being followed, appropriate evidence has been gathered and reviewed and is responsible for liaising with and keeping informed relevant external parties (as detailed above).

Investigation report

After an investigation, we will produce a draft report for relevant parties concerned to check the factual accuracy where appropriate. Any subsequent amendments will be agreed between the parties and the Leadership Skills Foundation. The report will:

- identify where the breach, if any, occurred;
- confirm the facts of the case;
- identify who is responsible for the breach (if possible);
- 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. The final report will typically be provided within 10 working days of making our decision.

For cases where an independent/third party notifies us of the suspected or actual case of malpractice/maladministration, we will inform them of the outcome through a report. In doing so we may withhold some details of the information if to disclose such information would breach a duty of confidentiality or any other legal duty.

Investigation outcomes

If the investigation confirms that malpractice/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 qualifications;
- uphold the standards of the Leadership Skills Foundation;
- discourage others from carrying out similar instances of malpractice/maladministration;
- ensure there has been no gain from compromising our standards.

On completing an investigation, the Leadership Skills Foundation may take the following actions to address the impact of the malpractice/maladministration. We may:

- impose actions, with specified deadlines, for the centre to address the instance of malpractice/maladministration and to prevent it from reoccurring;

- impose sanctions on the centre. Any sanctions will be communicated to the centre in accordance with our Sanctions policy along with the rationale for the sanction(s) selected;
- inform the centre concerned and the regulatory authorities in cases where certificates are deemed to be invalid, why they are invalid and any 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 we are taking and that their original certificates are invalid and ask the centre to return the invalid certificates to the Leadership Skills Foundation where possible. Centre records will be updated so that duplicates of the invalid certificates cannot be reissued. We expect the centre to update their records to show that the original awards are invalid;
- review our qualification development, delivery, assessment and/or awarding arrangements and associated guidance to mitigate against the issue reoccurring;
- inform relevant third parties (e.g. other awarding organisations, funding bodies, etc.) of our findings in case they need to take relevant action in relation to the centre.

Further information on the application of sanctions can be found in the Sanctions policy.

In addition, to the above any lessons learnt will be recorded from the investigation and pass these onto relevant internal colleagues to help the Leadership Skills Foundation prevent the same instance of maladministration or malpractice from reoccurring. This may involve contingency plans being created to mitigate risk of malpractice/maladministration occurring across all centres. These will be communicated appropriately through an update to all centres.

A centre or any relevant party can appeal against our decisions made from our investigation findings and/or any sanctions imposed. Please refer to our Appeals policy for details of how to raise and appeal and the associated procedures.

Fees in relation to investigating and addressing suspected or actual malpractice/maladministration

An investigation fee will be invoiced for all investigations into suspected or actual malpractice/maladministration. Please see the fees list on our website for details.

If an investigation requires a visit to a centre, the expenses incurred in relation to the visit may also be invoiced.

In addition to this, the Leadership Skills Foundation reserve the right to invoice additional fees relating to the costs incurred by the Leadership Skills Foundation when correcting and/or addressing any adverse effect of a centre's proven malpractice/maladministration (e.g. the cost of reissuing certificates). These fees will be based on the costs incurred by the Leadership Skills Foundation.

Policy review arrangements

The Leadership Skills Foundation will review the policy as part of our self-evaluation arrangements and revise it as and when necessary in response to centre, learner/delegate and third party feedback or requests from, or good practice guidance issued by, the regulatory authorities.

Contact us

If you would like to feedback any views, please contact the Leadership Skills Foundation via policies@leadershipskillsfoundation.org or in writing to Leadership Skills Foundation, Loughton Lodge, Bradwell Road, Milton Keynes, MK8 9LA.

Appendix 1

Examples of malpractice

Listed below are examples of centre and learner 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, learners and staff to any authorised Leadership Skills Foundation representative and/or the regulatory authority.
- Failure to carry out assessment, internal verification in accordance with our requirements.
- Deliberate failure to adhere to our learner/delegate registration and certification procedures.
- Deliberate failure to continually adhere to our centre approval requirements or actions assigned to the centre.
- Deliberate failure to maintain appropriate auditable records (e.g. certification claims and/or forgery of evidence).
- Fraudulent claim for certificates.
- The unauthorised use of inappropriate materials/equipment when delivering assessment.
- Intentional withholding of information from us which is critical to maintaining the rigor of quality assurance standards and the validity of qualifications.
- Deliberate misuse of our logo and trademarks or misrepresentation of a centre's relationship with the Leadership Skills Foundation and/or its recognition and approval status with the Leadership Skills Foundation.
- Learners/delegates still working towards qualification after certification claims have been made.
- Persistent instances of maladministration within the centre.
- Deliberate contravention by a centre and/or its learners/delegates of the assessment arrangements we specify for our qualifications.
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Plagiarism by learners/delegates and/or staff.
- Copying from another learner/delegate.
- Collusion between learners/delegates.
- The use of AI by learners/delegates in generating evidence for assessment.
- Unauthorised amendment, copying or distributing of assessment materials.
- Inappropriate assistance to a learner or a group of learners by centre staff (e.g. unfairly helping them to pass a qualification).
- 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 policies.
- Not addressing instances of maladministration at a centre when they have been identified.

Appendix 2

Examples of maladministration

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 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/delegate registrations (both infrequent and persistent).
- Unreasonable delays in responding to requests and/or communications from the Leadership Skills Foundation.
- Inaccurate claim for certificates.
- Failure to maintain appropriate auditable records (e.g. certification claims and/or forgery of evidence).
- Withholding from the Leadership Skills Foundation, either by deliberate act or omission, any information which is required to perform quality assurance engagements of the centre's ability to deliver and assess qualifications appropriately.
- Misuse of our logo and trademarks or misrepresentation of a centre's relationship with the Leadership Skills Foundation and/or its recognition and approval status with the Leadership Skills Foundation.
- Failure to adhere to, or to circumnavigate, the requirements of our reasonable adjustments and special considerations policies.



■ Leadership
■ Skills
■ Foundation
Believe. Lead. Succeed.