

# Norfolk County Council, Adult Learning Maladministration and Malpractice

Document creation	Carl Fiander
Document approval	Denise Saadvandi
Document endorsement	Senior Leadership Team
Version	1
Date of first issue	01 February 2021
Date document updated	13 December 2023
Document review date	12 December 2025

How to contact us: Telephone: 0344 800 8020, option 5 email:  
[adultlearning@norfolk.gov.uk](mailto:adultlearning@norfolk.gov.uk)

If you require this information in large print, audio, Braille, alternative format or in a different language, please contact us and we will do our best to help

# Contents

Introduction .....	3
The responsibility of the service .....	3
Definition of malpractice .....	3
Definition of maladministration.....	3
Examples of maladministration .....	3
Examples of malpractice .....	4
How candidates will be advised .....	4
Process for making an allegation of malpractice or maladministration.....	5
Confidentiality and whistle blowing .....	5
Responsibility for the investigation.....	6
Notifying relevant parties .....	6
Investigation timelines and summary process .....	6
Investigation report.....	7
Investigation outcomes.....	8
Maladministration .....	8
Malpractice .....	8

## Introduction

This operating procedure is aimed at our learners, who are registered on Adult Learning programmes or courses, approved qualifications or units within qualifications who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps our staff and learners, or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

## The responsibility of the service

It is important that all staff involved in the management, assessment and quality assurance of our qualifications, and learners, are fully aware of the contents of the operating procedure and we have arrangements in place to prevent and investigate instances of malpractice and maladministration.

## Definition of malpractice

Malpractice is essentially 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 processes
- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of Adult Learning or,
- 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 operating procedure, this term also covers misconduct and forms of unnecessary discrimination or bias towards certain or groups of learners.

## Definition of maladministration

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.

## Examples of maladministration

- Persistent failure to adhere to learner registration and certification procedures
- Persistent failure to adhere to centre recognition and/or qualification requirements and/or associated actions assigned
- Late learner registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission

## Examples of malpractice

- Failure to carry out internal assessment, internal moderation, or internal verification in accordance with requirements
- Deliberate failure to adhere to learner registration and certification procedures
- Deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned
- 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 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)

## How candidates will be advised

Our learners who participate in examinations and assessments (candidates), will be advised on the avoidance of committing malpractice through the following means:

- Through their course handbooks issued at the start of their learning.
- The tutor will confirm the advice from the handbook prior to the issuing of assignments for completion by the candidate.
- The tutor will advise candidates of the avoidance of malpractice in the taught session preceding any examination.
- Candidates will be advised through either email or text messaging on the avoidance of malpractice (examination rules) prior to the examination taking place.
- At the beginning of any examination, the invigilator will advise the candidates present on the avoidance of malpractice (examination rules) prior to the commencement of

## 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 the Assistant Head of Service – Planning and Service Quality. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Learner's name, programme of study and Adult Learning registration number
- Adult Learning staff member's 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 Adult Learning Staff or anybody else involved in the case, including any mitigating circumstances

The Assistant Head of Service – Planning and Service Quality will ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation and will also ensure that the Adult Learning Disciplinary Procedure is followed.

In all cases of suspected malpractice and maladministration reported Adult Learning will protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

## Confidentiality and whistle blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable for this person to reveal their identity and contact details to us, if they are concerned about possible adverse consequences, they may request that the Assistant Head of Service – Planning and Service Quality does not divulge their identity.

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

## Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by Adult Learning to establish if malpractice or maladministration has occurred, and we will take all reasonable steps to prevent any adverse effect from the occurrence as defined by the Joint Council for Qualifications (JCQ). We will acknowledge receipt, as appropriate, to external parties within 48 hours.

The Assistant Head of Service – Academic Planning and Service Quality will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the Adult Learning Disciplinary Procedures and 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 Adult Learning.

## Notifying relevant parties

Where applicable, the Assistant Head of Service – Academic Planning and Service Quality 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 qualification or if it could affect another awarding organisation.

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 JCQ. If we do not know the details of organisations that might be affected, we will ask JCQ 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 Adult Learning 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.

Adult Learning will expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate 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 withhold a learner's, and/or cohort's, results.

Where a member of Adult Learning staff or an Adult Learning associate is under investigation, we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation the Assistant Head of Service – Planning and Service Quality 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.

## Investigation report

After an investigation, we will produce a draft report for the parties concerned to check the 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/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 it is an internal investigation against a member of our staff the report will be agreed by the Head of Service, 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, Adult Learning will inform the Awarding Organisation concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also let the affected learners know the action we are taking and that their original certificates are invalid and ask, where possible, to return the invalid certificates to Adult Learning.

Adult Learning will, where appropriate, inform relevant third parties (e.g., funding bodies) of our findings in case they need to take relevant action in relation to the centre.

## Maladministration

Should it be found that Adult Learning has made an error in enrolling a learner or administering a learner's progress, we will work with that learner to agree the best solution. If the learner wishes to continue the course, an extension of time will be granted. If they wish to withdraw from the course, a full refund will be made.

## Malpractice

Should incompetence or negligence occur, Adult Learning will again work at its own cost, to rectify the situation with the student should they wish to continue with the course, or a full refund will be given.

In addition to the above, the Assistant Head of Service – Planning and Service Quality 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 wishes to appeal against our decision to impose sanctions, please refer to our Complaints Procedure.