**SDSA Malpractice & Maladministration policy**

**Introduction**

This policy provides reference for SDSA candidates, or anyone providing SDSA supervised assessments or training qualifications, within or outside the UK, and who are involved in suspected or actual malpractice/maladministration. It is also for use by SDSA staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner. It sets out the steps staff and candidates must follow when reporting possible cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps the SDSA will follow when reviewing cases.

**Responsibility**

It is important that all staff involved in the management, assessment and quality assurance of SDSA qualifications, as well as candidates, are fully aware of the contents of the policy.

* All staff, assessors and candidates are responsible for preventing and reporting instances of malpractice and maladministration.
* Failure to report suspected or actual malpractice/maladministration cases may result in disciplinary action or withdrawal of trainer or assessor certification.
* If you would like further guidance from the SDSA on how to prevent, investigate, and deal with malpractice and maladministration then please the call centre (details below.
* Compliance with the policy will be reviewed by the SDSA periodically.

**Review arrangements**

* We will review this policy annually and revise it as necessary
* We will consider candidate, trainer and assessor feedback, changes in practices, changes in legislation, and learnings from any previous allegations.
* The policy may also be updated in light of operational feedback

**Definition of Malpractice**

Malpractice any activity or practice that deliberately contravenes regulations and compromises the integrity of internal or external assessment process and/or the validity of certificates. It covers any deliberate actions, neglect, or other practice that compromises:

* the assessment process;
* integrity of a qualification;
* validity of a result or certificate;
* the reputation and credibility of the SDSA
* the reputation and credibility of SDSA associates, clients or operating partners

This may include:

* failure to maintain appropriate records
* deliberate falsification of records
* improper issue of certificates
* discrimination or bias towards particular candidates

**Examples of malpractice**

These examples are not exhaustive and are intended only as illustrations:

* Failing to provide access to training and assessment records when required by an authorised SDSA representative
* Failure to carry out internal assessment, moderation or verification in accordance with SDSA processes
* Failing to adhere to registration and certification procedures.
* Failure to adhere to qualification approval requirements
* Failure to maintain proper records, eg assessment records, certification records
* Forgery of training or assessment records
* Fraudulent claims for certificates
* Use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
* Withholding of information necessary to maintaining the standards of qualifications
* Misuse of SDSA or associate’s logos or trademarks
* Misrepresentation of a relationship with the SDSA or a trainer or assessors approval status with the SDSA
* Collusion or permitting collusion in assessments
* Maladministration
* Deliberate contravention of assessment arrangements
* Loss, theft or breach of confidentiality in assessment materials
* Impersonation - assuming the identity of another candidate or having someone assume your identity during an assessment.
* Unauthorised amendment, copying or distributing of assessment materials
* Inappropriate assistance to candidates by centre staff (eg unfairly helping them to pass a unit or assessment)
* Submitting of false information to gain a certification

**Definition of Maladministration**

Maladministration is activity or that conflicts with good administrative practise and administrative regulations, including persistent mistakes.

**Examples of maladministration**

These examples are not exhaustive and intended only as illustrations:

* Failure to follow registration and certification procedures.
* Late registrations
* Delays in responding to requests and/or communications from SDSA
* Inaccurate claim for certificates
* Failure to maintain appropriate records
* Withholding of information required to assure SDSA of assessors ability
* Misuse of logo’s and trademarks

**Process for making an allegation of malpractice or maladministration**

If a case is suspected or identified you should immediately notify the SDSA. In doing so you should put the details in writing/email and enclose supporting evidence, which should include:

* location of the case
* names of individuals affected
* details of SDSA personnel involved (name, role)
* details of the SDSA qualification or service affected
* nature and times of the suspected or actual malpractice
* details of any initial investigation carried out
* any mitigating circumstances

If carrying out an initial investigation prior to notifying the SDSA, the staff involved in the initial investigation should be competent and have no personal interest in the outcome of the investigation.

It is important to notify the SDSA of any case as soon as reasonably possible, and this should not be delayed pending an initial investigation if this cannot be completed within a short timeframe. The SDSA will protect the identity of anyone providing such information as appropriate.

**Confidentiality**

A person making an allegation of malpractice or maladministration may wish to remain anonymous. In this instance we will investigate the issues reported, but we may require independent verification before taking up the matter formally with those to whom the allegation relates.

**Responsibility for the investigation**

Suspected cases of maladministration and malpractice will be investigated promptly. All suspected cases of malpractice and maladministration will be referred to the supervisory board, who will be responsible for ensuring an investigation is carried out in accordance with this policy. SDSA personnel conducting the investigation should have no personal interest in the matter.

**Notifying relevant parties**

The SDSA will notify the parties involved in an allegation that we are investigating the matter. In a case of candidate malpractice, we may ask the staff involved to investigate - we may withhold details of the person making the allegation if appropriate. If it could affect another organisation, the SDSA will notify them accordingly.

**Investigation Process**

We aim to resolve investigations within 20 working days of receipt of the allegation, though in some cases the investigation may take longer.

All investigations should be conducted in a fair, reasonable manner, ensuring the evidence is considered without bias.

Investigations will be based around these objectives:

* establish the facts
* determine whether any irregularities have occurred.
* identify the cause of the irregularities
* identify those involved
* establish the scale of the irregularities.
* evaluate action already taken
* determine whether further remedial action is required to reduce risk to candidates and to preserve integrity of the qualification
* ascertain whether action is required in respect of any certificates already issued.
* obtain clear evidence to support any sanctions to be applied
* to identify any patterns

The investigation may require further information from relevant parties and interviews with personnel involved.

The SDSA will:

* ensure material collected in an investigation is kept secure.
* records and original documentation concerning an investigation that results in sanctions should be retained for a period of at least five years.
* if investigation leads to withdrawal of any certificates, records and original documentation relating to the case will be retained until the investigation is concluded and any appeals have been heard and for five years thereafter.
* expect all parties to co-operate with us.

Either at notification of a suspected or actual case of malpractice or maladministration or during the investigation, the SDSA reserves the right to:

* impose sanctions on those involved to protect the interests of candidates and the integrity of the qualifications.
* withhold a candidate’s results for SDSA qualifications or assessments they are completing at the time of the notification or investigation
* If the SDSA is unable to complete an investigation due to lack of cooperation or other interference, qualifications or assessor qualifications may be withdrawn temporarily or permanently.
* Where an SDSA’s staff member is under investigation we may suspend them until investigation is complete.
* During the investigation the supervisory board will be responsible for ensuring that due process is followed, appropriate evidence is collected and reviewed and for liaising with any relevant external parties.

**Investigation report**

Following an investigation the SDSA will produce a report for those concerned.

The report will:

* Identify any breach that occurred
* Confirm the facts of the case
* Identify who is responsible
* Confirm appropriate remedial action

The SDSA will make the report available to the parties concerned and to any relevant associates or regulatory authorities.

If an independent third party notified us of the suspected or actual case of malpractice, the SDSA will advise them of the outcome of the investigation.

In cases of an internal investigation of a member of staff the report will be agreed with the relevant internal managers and appropriate internal disciplinary procedures implemented.

**Investigation outcomes**

If the investigation identifies malpractice or maladministration the SDSA will determine what action is necessary to:

* Protect the integrity of certification now and in the future
* Preserve or restore confidence in SDSA qualifications
* Discourage further instances of malpractice or maladministration
* Ensure nobody has gained from compromising standards

Action the SDSA may take includes:

* Require actions within a timeframe to address the instance of malpractice or maladministration and to prevent recurrence
* imposing sanctions on those involved
* take action against a candidate in relation to proven instances of cheating or fraud, which could include:
  + Loss of marks/credits for the related work/unit
  + Disqualification from the qualification
  + Withdrawal of certification
  + A ban for a period of time from further SDSA training or assessment
* Informing affected candidates their certificates are invalid and asking them to return the certificates to the SDSA.
* removing certification from the database permanently, or until such a time as any affected candidate can be reassessed successfully.
* amending aspects of SDSA qualification development, delivery and awarding arrangements
* amending assessment and/or monitoring arrangements
* informing relevant third parties

In proven cases of malpractice and/or maladministration the SDSA reserves the right to charge those responsible for any costs for reassessments and reissuing of certificates and/or additional external verifier visits.

SDSA will record lessons learnt from any investigation and these will be reviewed by the supervisory board to consider for further action.

**Contact**

For further information, please contact SDSA on 0844 371 9063

www.SDSA.eu