

Malpractice Policy (First Aid Qualifications)

Version	Date	Author	Update Information
1	4/2/22	CB	Written in line with STA guidance for first aid qualifications
2	13/9/22	LJ	Reviewed and updated management staff contact details only
3	01/09/23	LJ	Reviewed and updated in line with STA guidance

This policy applies to all first aid qualifications and is written in line with Safety Training Awards (STA) guidance.

Purpose

It is the intention of Training for Care to work closely with Learners, Tutors, Assessors and Internal Quality Assurers (IQA) to ensure that:

- Any potential malpractice and/or maladministration is identified promptly
- All allegations of malpractice are investigated methodically and equitably in line with STA requirements
- If malpractice and/or maladministration is proven, it is promptly corrected or the effects on users of qualifications mitigated in order to uphold the validity of qualifications issued by the awarding body
- Procedures are kept under review to ensure cases of malpractice and/or maladministration are prevented wherever possible

Definition of Malpractice

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal or external assessment process and/or validity of achievement and certification of a qualification awarded by STA. It covers the deliberate actions, neglect, default or other practice that may compromise the following:

- The assessment processes
- Integrity of a regulated qualification
- The validity of results or a certificate
- The reputation and credibility of regulated qualifications or of the wider qualifications community

Examples of malpractice could include, but are not limited to:

- Plagiarism: taking or copying someone else's work or ideas and passing them off as one's own
- Cheating or facilitating cheating in an assessment
- Attempting intentionally to manipulate a result so it does not reflect the learners' actual performance in an assessment
- Collusion, or permitting collusion: co-operation with another learner, tutor, assessor or IQA for a dishonest purpose, for example when completing assessment tasks
- Impersonating another learner or providing forged identification documentation
- Fraudulent claim for certificates and/or deliberate submission of false information to gain a qualification or unit
- False Records
- Learners' still working towards qualification after certification claims have been made
- A loss, theft of, or breach of confidentiality of assessment materials
- Insecure storage of assessment materials
- Inappropriate circulation/distribution of assessment materials
- Unauthorised amendment, copying or distribution of assessment papers/materials
- Inappropriate assistance/support to learners' by centre personnel, e.g. unfairly helping them to pass a unit or qualification

- Deliberate failure to continually adhere to STA's centre recognition and/or qualification approval requirements or actions assigned to the centre
- Deliberate failure to adhere to learner registration and certification procedures
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and / or forgery of evidence
- Denial of access to premises, records, information, learners' and ATC personnel to any authorised Safety Training Awards representative and/or the regulatory authorities
- Intentional withholding of information, which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate failure to carry out delivery, assessment and internal quality assurance in accordance with STA requirements
- Deliberate failure to adhere to the Approved Training Centre (ATC) agreement, including Tutor and IQA agreements
- Misuse of STA logo or misrepresentation of a centre relationship with STA qualifications and/or its recognition and approval status with us
- Unauthorised use of equipment and materials in assessments, e.g. mobile phones
- Selling certificates for cash
- Selling papers / assessment details
- Extortion
- Threatening or abusive behaviour that threatens the safety of ATC personnel and / or staff and / or is intended to put undue influence on the outcomes of an assessment / award.

Definition of Maladministration

Maladministration is defined as any activity, neglect, default or other practice that results in the centre, tutor, assessor, learner or IQA not complying with STA requirements, STA tutor and/or IQA agreement and the general conditions of recognition, or regulatory principles.

Maladministration is in effect any activity or practice which results to non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within the centre including inappropriate learner records.

Examples of maladministration could include, but are not limited to:

- Late learner registrations
- Unreasonable delays in responding to requests and/or communications from STA
- Inaccurate certificate claims
- Persistent failure to adhere to learner registration and certification procedures
- Persistent failure to adhere to our Approved Training Centre recognition and/or qualification requirements and/or associated actions assigned to that centre
- Failure to maintain appropriate auditable records in accordance to STA requirements
- Poor administration arrangements and / or records
- Persistent mistakes in relation to delivery arrangements
- Failure to adhere to, or circumnavigate the requirements of STA's Reasonable Adjustments and Special Considerations Policy

Reporting and Investigation

The ATC Co-ordinator must be notified of any suspicion of malpractice and / or maladministration, so they can apply their own procedures where appropriate.

Reporting

Reports can be made by centre staff, tutors, assessors, learners or IQAs but, where any form of malpractice is suspected, this should be reported verbally or in writing to Training for Care's Short Course Manager, Deborah Hughes.

Any suspected cases of centre malpractice should also be reported to STA immediately using the 'Malpractice and Maladministration' report form (available on TfC's Synergy account), along with all relevant evidence to support the case. Any malpractice involving a criminal act will be reported to the police.

Investigation

On receiving notification of suspected Malpractice, a Malpractice case file will be created and held securely by the Short Course Manager.

Investigation of the case will be carried out by the Manager and will commence within **7 days** of the Malpractice case file being created. The method of investigation will depend on each particular case but will usually involve a second opinion from the First Aid Course Director. Where either party has a personal interest in the outcome of the investigation, they will be excluded from carrying out the investigation.

The file will contain: full details of the investigation recorded; written statements from centre staff and candidates involved; any work of the candidate and assessment or verification records relevant to the investigation; details of any remedial action being taken to ensure the integrity of certification at that point and in the future.

The aim will be to complete the investigation within **14 days** of the start of the investigation, but depending on the circumstance this may take longer; the candidate will be informed if a longer timescale is required.

Decision

The outcome of the investigation will be notified in writing to the person or persons being investigated and to other interested parties within **7 days** of the decision.

Where a candidate malpractice decision has been made, depending on the severity of the malpractice, the candidate will either

- i) be informed that they will be withdrawn from completing the qualification, and STA notified of the reason for this; they will also be advised of their right to appeal or
- ii) be issued with a warning and asked to take remedial action

Where a malpractice decision has been made involving any member of staff or Professional Associate they will be subject to Training for Care's Disciplinary Procedures.

Learners and workers have the right to appeal a Malpractice decision. Please see our Appeals Procedure for more information on how to do this.

Where an investigation of suspected malpractice is carried out, we will retain related records and documentation six years for regulated qualifications. Records will include anything relevant to the investigation.

In an investigation involving a potential criminal prosecution or civil claim, records and documentation will be retained for six years after the case and any appeal has been heard. If there is any doubt about whether criminal or civil proceedings will take place, we will keep records for the full six-year period.

Distribution, Monitoring and Review

All relevant staff, tutors, assessors, learners and IQAs will be made aware of this policy. This policy will be reviewed annually in line with STA requirements. Any comments or concerns relating to this policy should be directed to Training for Care's Short Course Manager, Deborah.Hughes@tfcscotland.org.uk.