



Malpractice and Maladministration Policy

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Introduction.

This policy is aimed at ECRM Students and Staff who may be involved in suspected or actual malpractice / maladministration. It is to ensure we deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps the college, students, staff 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.

As part of ECRM's Student and Staff induction, it is a requirement of the College that all students and staff will sign a document to confirm that they have read, understand and agree to abide by the policies and procedures of the College and Examination board.

1. Scope and Purpose of Procedure.

a) This procedure is aimed at our students, who are registered on programmes or courses, approved qualifications or units in ECRM and who are involved in suspected or alleged malpractice. It is also aimed at staff who are involved in suspected or alleged malpractice.

b) It outlines the process the college, students and staff must follow when reporting suspected or alleged cases of malpractice and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

2. Review Arrangements.

ECRM will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to student feedback; changes in ITEC's practices; actions from



the 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 ITEC's arrangements for dealing with suspected cases of Malpractice and Maladministration remain effective.

3. ECRM's Responsibility

It is important that all staff involved in the management, assessment and quality assurance of our qualifications are fully aware of the contents of the policy and that the College has arrangements in place to prevent and investigate any instances of suspected or alleged malpractice. This procedure will also be made available to all Students via the College's Website.

4. Definition of Malpractice and Maladministration

a) 'Malpractice', which includes maladministration and non-compliance, 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 and diplomas. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- The assessment process
- The integrity of a regulated qualification
- The validity of a result, certificate or diploma
- The reputation and credibility of the College and ITEC

b) Malpractice and Maladministration 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. It also includes any activity or practice, which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration.

c) Some examples of malpractice and maladministration include:

- Failure to carry out internal assessment, internal moderation or internal quality assurance in accordance with the College's requirements and those of the Awarding Organisation/s



- Deliberate failure to adhere to the College's Student registration and certification procedures.
- Deliberate failure to continually adhere to the College's centre approval and/or qualification 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 or inaccurate claim(s) for certificates
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in exams/assessments
- Students still working towards qualification after certification claims have been made
- Late Student registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from the College
- Withholding of information, by deliberate act or omission, from us which is required to assure the College
- Plagiarism by Students/staff
- Copying from another Student (including using ICT to do so).
- Personation -assuming the identity of another Candidate or having someone assume your identity during an assessment
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to Students by College staff (e.g., unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- False ID used at the registration stage
- Creation of false records
- Impersonation of a Student for assessment
- Inappropriate use of technology during assessments (e.g., mobile phone)
- Cheating
- Cash for certificates (e.g. the selling of certificates for cash)
- Selling papers/assessment details
- Extortion



- Fraud
- Deliberate contravention by Staff and/or its Students of the assessment arrangements as specified for ITEC qualifications
- Deliberate misuse of ECRM and ITEC's logo and trademarks or misrepresentation of a Centre's relationship with ITEC and/or its recognition and approval status with ITEC

5. Process for making an allegation of malpractice/maladministration:

a) Anybody who identifies or is made aware of suspected or alleged cases of malpractice at any time must immediately notify ECRM's Course Director or Coordinator. In doing so they should put the allegation in writing. All allegations must include, where possible:

- The Students name and course registration number.
- The staff members 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 alleged malpractice and associated details.

b) The Director/Coordinator will then appoint an investigating officer to conduct the initial investigation who has no personal interest in the outcome of the investigation.

6. Confidentiality and Whistle Blowers.

Sometimes 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 that may occur should your identity be revealed to another party, then please inform us that you do not wish for us to divulge your identity and ECRM and ITEC will work to ensure your details are not disclosed. ECRM and ITEC will always aim to keep a Whistle BLOWER's identity confidential where asked to do so although it cannot be guaranteed and ITEC may need to disclose your identity should the complaint lead to issues that need to be taken forward by other parties. For example:

- The Garda/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 the relevant Regulatory Authority (e.g., QQL)
- The Investigator(s) assigned to review the allegation will not reveal the Whistle BLOWER's identity unless the Whistle BLOWER agrees or it is absolutely necessary for the purposes of the investigation (as noted above.) The Investigator(s) will advise the Whistle BLOWER if it becomes necessary to reveal their identity against their wishes.

7. Responsibility for the investigation.

- a) In accordance with regulatory requirements all suspected or alleged cases of maladministration will be examined promptly by the investigating Officer to establish if malpractice has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence.
- b) The College will acknowledge receipt, as appropriate, to any person reporting an allegation within 3 working days.
- c) The Investigating Officer 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 and will allocate a relevant member of staff to lead the investigation to establish whether or not the malpractice or maladministration has occurred. This will then be reviewed, along with any supporting evidence received or gathered by the College.

8. Notifying relevant parties.

- a) Where applicable, the College will inform the appropriate regulatory authorities if the College believes there has been an incident of malpractice, which could either invalidate the award of a qualification, or if it could affect another Awarding Organisation.
- b) 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 this policy.

9. Investigation timelines and summary process.

- a) The College will aim to action and resolve all stages of the investigation within 20 working days of receipt of the allegation.
- b) 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 objectives:
 - To establish the facts relating to allegations 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 students and to preserve the integrity of the College and ITEC.
 - To identify any adverse patterns or trends.
- c) 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 will be kept secure.
 - If an investigation leads to invalidation of certificates, 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.
 - Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.
- d) Either at notification of a suspected or actual case of malpractice and/or at any time during the investigation, we reserve the right to withhold a Students, and/or cohorts, results/certificates or diplomas.
- e) Where a member of the College's staff or a College Associate is under investigation we may suspend them or move them to other duties until the investigation is complete, in accordance with the HR Policy.
- f) Throughout the investigation our Director/Coordinator will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered, reviewed and for liaising with and keeping informed relevant external parties.

10. Investigation report.

- a) After an investigation, the Director/Coordinator will produce a report for all parties. The College will make the report available to the parties concerned and to the regulatory authorities and other external agencies, as required.
- b) If it was an independent/third party that notified us of the suspected or alleged case of malpractice, the College 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/GDPR or any other legal duty.
- c) If it is an internal investigation against a member of College staff, the report will be shared with the relevant internal managers and HR department. Any decision to begin disciplinary procedures will be made in line with the College's disciplinary procedures.

11. Investigation outcomes

- a) If the investigation confirms that malpractice 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;
 - Ensure there has been no gain from compromising our standards.
- b) The action we take may include:
- Imposing actions in order to address the instance of malpractice and to prevent it from reoccurring
- c) In cases where certificates or diplomas are deemed to be invalid, we will inform (ITEC) 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 students know the action we are taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to the College.
- d) Informing relevant third parties.
- e) In addition to the above the Coordinator will record any recommendations from the investigation and implement them to help prevent the same instance of malpractice from reoccurring.

12. Conflicts of Interest.

ECRM will ensure that assessments are not undertaken by any person who has a personal interest in the result of the assessment (e.g., Internal Verifiers signing off their own assessments; someone assessing the work of a family member; or someone whose pay is influenced by positive assessment results.)

ECRM is not permitted to offer financial reward to any staff member involved in the assessment of Students in respect of the assessment outcomes of those Students (other than normal pay associated with the role of Assessors, etc) that may lead to doubts about the integrity of their decisions. In addition, EVs/Examiners will check this aspect when reviewing assessment arrangements at ECRM and will record details of any such checks/conflicts recorded in the associated Centre engagement reports.



13. Contact us.

If you have any queries about the contents of the policy, please contact ECRM at info@ecrm.ie or phone 0876572683.

Contact ITEC/VTCT Customer Support Team: +44 (0) 2380684500 or email customersupport@vtct.org.uk

Linked Policies:

- Complaints and Compliments Policy
- Plagiarism Policy

Linked Procedures:

- Assessment and Appeals Procedure
- Complaints Procedure

Location and Access to the Policy:

This policy is available from the ECRM Student Induction Handbook, Staff Handbook and college Website.

Date approved: 15 March 2019

Responsible Director: Plamen Somlev

Accessible to Staff: Yes

Review date: 15 April 2020

Accessible to Students: : Yes