



Mental Health & Wellbeing Academy (MHWA) Malpractice & Maladministration Policy

Introduction

This policy sets out the MHWA's arrangements for addressing suspected or actual malpractice or maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

What is 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 process
- the integrity of a regulated qualification
- the validity of a result or certificate
- the reputation and credibility of MHWA; 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 to claim certificates.

What is 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 or payments within a centre (e.g. inappropriate learner records). See Appendix A for examples of Malpractice and Maladministration

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 awarding organisation**. In doing so they should put the details in writing/email and enclose appropriate supporting evidence.

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All allegations must include (where possible):

- centre's name, address and number
- learner's name and unique registration number
- centre/personnel's details (name, job role) if they are involved in the case
- details of the 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 the MHWA or anybody else involved in the case, including any mitigating circumstances

MHWA, must note that in all instances the relevant awarding organisation must be immediately notified if they suspect malpractice, or maladministration has occurred as we have a responsibility to the awarding organisation and relevant regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

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

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Appendix A Examples of Malpractice and Maladministration

The categories listed below are examples of centre and learner malpractice and maladministration. Please note that these examples are not exhaustive:

- Denial of access to premises, records, information, learners and staff to any authorised MHWA representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal quality assurance in accordance with our requirements
- Deliberate or persistent failure to continually adhere to awarding organisation centre recognition and/or qualification approval criteria or actions assigned
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Persistent instances of maladministration within the centre
- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones)
- 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
- Learners still working towards qualification after certification claims have been made
- A loss, theft of, or a breach of confidentiality in any assessment materials
- Plagiarism by learners/staff
- Copying from another candidate (including using ICT to do so)
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass a unit or qualification)
- Deliberate failure to adhere to, or to circumnavigate, the requirements of Reasonable Adjustments and Special Considerations Policy

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