

WHAT IS MALADMINISTRATION AND MALPRACTICE?

MALADMINISTRATION

Maladministration covers inefficient and incompetent administration and is essentially any activity or practice which results in noncompliance with administrative regulations and requirements. Persistent or more serious incidents of maladministration could be classed as malpractice.

Examples could include noncompliance with First Aid Awards (FAA) policies and procedures, inaccurate claims for certificates, unreasonable delay in responding to FAA communication and requests, inadequate record-keeping, failure to provide information and not adhering to FAA financial requirements.

MALPRACTICE

Malpractice covers improper, dishonest or negligent professional behaviour. It is any activity or practice which deliberately contravenes regulations and compromises the integrity of qualifications covering any deliberate actions, neglect, default or other practice that compromises, or could compromise the:

- Assessment process
- Integrity of a qualification
- Validity of a result or certificate
- Reputation and credibility of FAA
- Qualification or the wider qualifications community

Examples could include the failure to follow FAA assessment or internal quality assurance requirements, unauthorised use of FAA assessment materials, using an unregistered trainer/assessor, misrepresentation of qualifications and failure to comply with the [FAA Reasonable Adjustment and Special Consideration Policy](#) or the [FAA Conflict of Interest Policy](#).

For this policy, malpractice also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of learners.

Learner malpractice

Examples of learner malpractice include any form of cheating, collusion, plagiarism, forgery of evidence or the impersonation of another learner. Please also refer to the [FAA Plagiarism and Collusion Policy](#).

WHAT IS WHISTLEBLOWING?

A whistleblower is someone who discloses information about wrongdoing in an organisation which is in the public interest to disclose. This is usually but not always, something seen at work.

In certain circumstances there are safeguards to protect a whistleblower under the Public Interest Disclosure Act 1998.

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A disclosure can be made to FAA or the appropriate regulatory body. If a disclosure made to a regulatory body is about an FAA centre, FAA may be asked to initially investigate.

If a disclosure is made to FAA and the whistleblower is dissatisfied with the outcome, it can be referred to the regulatory body.

FAA CENTRES

A centre is required to have a maladministration and malpractice policy stating that they will notify FAA immediately of any actual, alleged or suspected maladministration or malpractice and that the investigation will be led by FAA.

Following the notification from a centre, FAA will risk assess the information supplied and decide if the investigation should be carried out by FAA in liaison with the centre, or by FAA itself. FAA will lead any investigation and a centre must assist as required providing all documentation and access to records, personnel, premises and learners.

If FAA is investigating in liaison with a centre, we will ensure that no centre personnel are involved with the investigation if there is a suspicion that they are connected or responsible for the maladministration or malpractice being investigated.

A centre must have robust procedures for preventing and identifying maladministration and malpractice and should contact FAA if additional guidance is needed. FAA policies, procedures and requirements must be followed to assist with prevention.

Centre personnel must be aware of this policy and the centre's own maladministration and malpractice policy and procedures.

PREVENTION

FAA will take all reasonable steps to prevent maladministration or malpractice in the development, delivery and award of current and proposed FAA qualifications.

To assist with prevention FAA have set policies, working procedures, comprehensive quality assurance, and delivery and assessment requirements that everyone involved in the development, delivery and award of FAA qualifications must follow.

IDENTIFICATION

Maladministration and malpractice could be identified to FAA by:

- A centre trainer/assessor, internal quality assurer or other centre personnel
- An external quality assurer or a member of FAA staff through external quality assurance procedures
- A learner, third party or other interested party
- Notification from another awarding organisation or the regulatory bodies



REPORTING TO FAA

Although initial contact may be by phone, the allegation should be made in writing and include where possible and if relevant:

- The FAA centre name and address
- The learner's name
- Details of personnel involved
- The FAA qualification or service effected
- Full details of the suspected or actual maladministration or malpractice including date/s
- Any conflict of interest/personal interest you may have
- Any supporting evidence
- Your name and contact details

CONFIDENTIALITY AND ANONYMITY

If requested, FAA will protect your identity as far as possible but cannot guarantee confidentiality and could be required by regulation or law to disclose. It should be acknowledged that you could be identified due to the nature or circumstances of the disclosure.

FAA will investigate anonymous disclosures although this may restrict the investigation.

FAA INVESTIGATION

Where there are reasonable grounds for a suspicion or allegation, FAA will establish as far as possible if maladministration or malpractice has occurred.

All parties are expected to cooperate fully allowing FAA access to all records, documentation, premises, personnel and learners if required. Failure to cooperate will lead FAA to decide based on the evidence available.

FAA will:

- Acknowledge receipt of the allegation within 2 working days
- Review the claims made to determine if there are reasonable grounds for the suspicion or allegation and that they are not vexatious or frivolous
- Inform the centre or individual about the allegation, giving them the opportunity to submit a written response to the claims being made
- Examine and verify all information received by desktop research, contacting other parties and cross referencing with other information received
- Arrange for FAA personnel with appropriate competence and no personal interest in the outcome to investigate the allegations rigorously and effectively with the investigation being led by the responsible/accountable officer
- Aim to complete the investigation within 20 working days unless for example, further information or a centre visit is required. Parties will be informed of any revised timescale as far as possible
- Inform all relevant parties of the outcome in writing within working 5 days of the decision being made

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All information including emails, will be collated and stored on password protected computers with only relevant FAA personnel having access. FAA hold and process personal data in accordance with GDPR. Please refer to the [FAA Data Protection Policy](#).

During the investigation FAA could:

- Request further information
- Conduct documented interviews either face to face or by phone. The interviewee can be accompanied by a representative or colleague
- Arrange a centre visit. The centre will be informed and charged as stated in the [FAA Pricing Policy](#). FAA also reserves the right to conduct unannounced visits if there are reasonable grounds for doing so and in this situation the centre will not be informed beforehand. The centre will be invoiced for an ad hoc EQA centre visit as per the FAA Pricing Policy after the visit if appropriate
- Apply sanctions at any stage of the investigation to protect the interests of other learners and the integrity of the qualification. For example, a centre could be suspended during the investigation

INVESTIGATION OBJECTIVES

FAA will aim to:

- Establish the facts to determine if any irregularities have occurred
- Identify the cause and scale of any irregularities and who is involved
- Evaluate any action taken by the centre, if relevant
- Determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification
- Determine if any action is required in respect of certificates already issued
- Obtain clear, verified and auditable evidence to support any sanctions to be imposed
- Identify any adverse effects that may have been caused

OUTCOME OF THE INVESTIGATION

If the investigation proves maladministration or malpractice FAA will take action that is proportionate to the gravity and scope of the incident following the [FAA Sanctions Policy](#).

FAA will promptly take all reasonable steps to prevent an adverse effect from occurring.

An act, omission, event, incident or circumstance has an adverse effect if it:

- Gives rise to prejudice to learners or potential learners **or**
- Adversely affects:
 - The ability of FAA to undertake the development, delivery, or award of qualifications in a way that complies with our conditions/principles
 - The standards of qualifications which FAA makes available or proposes to make available **or**
 - Public confidence in qualifications



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If an adverse effect is identified, FAA will as far as possible take appropriate mitigating and corrective action. FAA will consider what actions need to be taken to protect the integrity of the qualification and prevent reoccurrence.

FAA CENTRES

A sanction will be placed on the centre.

If the investigation leads to invalidating certificates, FAA will inform the centre of all action required. FAA will reflect invalidated certificates on FAA internal systems and the centre is expected to do the same. The centre is responsible for informing all learners of the outcome and the return of invalidated certificates to FAA. In proven cases of maladministration or malpractice, FAA reserves the right to charge the centre for any resits and reissue of certificates.

FAA CENTRE PERSONNEL

A sanction will be placed on the person affecting their future involvement in the administration, delivery, assessment or internal quality assurance of FAA qualifications.

Any attempt by the centre to disregard this sanction could lead to an escalation in sanctions.

LEARNER MALPRACTICE

FAA could:

- Disallow all or part of the learner's assessment evidence
- Not issue the learner's certificate/s
- Not accept any further registrations from the learner
- Disqualify them from the qualification

REPORTING THE OUTCOME

FAA will contact relevant parties in writing to:

- Confirm the facts of the case
- Identify where the breach occurred and who is responsible (if relevant)
- Confirm any remedial action
- Detail any sanctions to be imposed

If an independent person/third party made the allegation, FAA will inform them of the outcome as far as possible but cannot guarantee to disclose all information if this would breach a duty of confidentiality or any other legal duty.



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INFORMING THE REGULATORY BODIES, OTHER AWARDING ORGANISATIONS AND FAA CENTRES

FAA will promptly notify Ofqual when it has cause to believe that any maladministration or malpractice has occurred or is likely to occur which could have an adverse effect. FAA must inform SQA Accreditation when any actual or suspected cases of malpractice and/or maladministration are identified.

FAA will notify other awarding organisations if we feel that an FAA centre or trainer/assessor pose a potential risk to their operations.

FAA will inform the regulatory bodies, other awarding organisations and/or FAA centres of the outcome as required.

APPEALS

For appeals against an FAA decision, please refer to the [FAA Appeals Policy](#).

MONITORING AND REVIEW

FAA will use the information and knowledge gained during the investigation to review policies and procedures to update the way we work helping to prevent future instances of maladministration and malpractice.

Information about the incident will be given to relevant FAA staff and external quality assurers to help identify and prevent future occurrences.

FAA policies are kept under constant review and updated as and when required.

