



# MALPRACTICE POLICY



## **INTRODUCTION**

This policy applies to TRI Instructors who are suspected of being involved in suspected or actual cases of malpractice and / or maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps TRI staff, delegates and customers must follow when reporting suspected or actual cases of malpractice and / or maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps to be followed when reviewing any cases of malpractice and / or maladministration.

## **RESPONSIBILITY**

It is important that all TRI personnel involved in the management, delivery and assessment of all courses, and learners', are fully aware of the contents of the policy and that TRI have arrangements in place to prevent and investigate instances of malpractice and / or maladministration.

Should an investigation be undertaken into TRI, the TRI Management Team must:

- Ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcomes
- Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator(s) look beyond the immediate reported issues
- Respond speedily and openly to all requests relating to the allegation and / or investigation
- Co-operate and ensure their staff co-operate fully with any investigation and / or request for information.

## **DEFINITION OF MALPRACTICE**

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal qualification awarded by TRI. By contrast malpractice will generally involve some form of intent, it covers the deliberate actions, neglect, default or other practice that compromises, or could compromise the following:

- The assessment process
- Integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of TRI qualifications
- The qualification of the wider qualification's community.

Malpractice 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.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain delegates.

## EXAMPLES OF MALPRACTICE

The categories listed below are examples of TRI and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- Plagiarism by learners' or TRI staff / TRI personnel
- Cheating by learners' or TRI staff / TRI personnel 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 in assessments
- Personation, assuming the identity of another delegate or having someone assume their identity during an assessment
- Deliberate contravention by delegates of the assessment arrangements we specify for our qualifications
- Fraudulent claim for certificates and / or deliberate submission of false information to gain a qualification
- False records
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Insecure storage of assessment materials
- Inappropriate circulation / distribution of assessment materials
- Unauthorised amendment, copying or distributing of assessment papers / materials
- Inappropriate assistance / support to delegates by TRI personnel, e.g., unfairly helping them to pass a unit or qualification
- Deliberate failure to maintain appropriate auditable records
- Denial of access to premises, records, information, delegates and TRI personnel to any authorised regulatory authorities
- Intentional withholding of information, which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of our logo, brand, name and trademarks or misrepresentation of TRI
- The unauthorised use of inappropriate materials / equipment in assessment settings, e.g. mobile phones
- Selling certificates for cash
- Selling papers / assessment details
- Extortion
- Fraud
- Threatening or abusive behaviour that threatens the safety of TRI personnel and / or staff and / or is intended to put undue influence on the outcomes of an assessment / award.

## DEFINITION OF MALADMINISTRATION

Maladministration generally covers mistakes and poor processes and is in effect an activity or practice which results to non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within TRI.

## PROCESS FOR 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 TRI Management Team**. In doing so they should put this in writing and email to [info@technicalrescueinternational.co.uk](mailto:info@technicalrescueinternational.co.uk) and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Learner's name
- Name of Instructor/ Assessor/personnel's details (name, 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 actual malpractice or maladministration and associated dates
- Details and outcome of any initial investigation carried out by TRI or anybody else involved in the case, including any mitigating circumstances.

In addition, we ask that the person making the allegation declares any personal interest they may have in the matter to us at the outset.

## CONFIDENTIALITY

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 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 we will work to ensure your details are not disclosed.

Once a concern has been raised, we have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing their concern as we are obliged to follow-up and investigate allegations of malpractice or maladministration.

In all cases, we will keep you updated as to how we have progressed the allegation (e.g. we have undertaken an investigation). However, we won't disclose details of all of the investigation activities, and it may not be appropriate for us to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons (e.g. disclose full details on the action that may be taken against the parties concerned). While we cannot guarantee that we will disclose all matters in the way that you might wish, we will strive to handle the matter fairly and properly.

## **RESPONSIBILITY FOR THE INVESTIGATION**

In accordance with regulatory requirements all suspected cases of malpractice and / or maladministration will be examined promptly by TRI to establish if malpractice or maladministration has occurred, and we will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulators.

All suspected cases of malpractice and maladministration will be passed to the Director who will acknowledge receipt, as appropriate, to external parties within five working days.

The Director 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 (e.g., a member of the management team to lead the investigation and establish, whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by TRI.

At all times we will ensure that TRI personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

## **NOTIFYING RELEVANT PARTIES**

In all cases we will tell the person who made the allegation who will be handling the matter, how they can contact them, what further assistance we may need from them and agree a timetable for feedback (see the above section on “Confidentiality” for possible limitations in relation to the feedback.

In cases of suspected or actual malpractice and / or maladministration at TRI, we will notify the individual involved in the allegation that we will be investigating the matter.