



**RETROFIT**  
ACADEMYCIC

# Malpractice & Maladministration Policy

December 2024

## 1. Introduction

The Retrofit Academy CIC (TRA) is committed to ensuring that any form of assessment is conducted in a fair and consistent manner, with sufficient rigour to ensure that no learner has any undue advantage or can undermine the assessment or examination process in any way.

This policy is aimed at any tutors, assessors, IQAs or other persons employed by or on behalf of TRA and any learners registered on such provision, who come across suspected or actual malpractice or maladministration.

It is also for use by TRA staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps that TRA, and learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and TRA's role in dealing with such cases. It also sets out the procedural steps that will be followed when reviewing the cases.

Where a case of malpractice or maladministration is brought against TRA, either internally or externally, this will be referred to the relevant Awarding Organisation to be investigated within their own policies and procedures. TRA will also conduct its own internal investigation into the allegation.

## 2. TRA centre responsibilities

A failure to report suspected or actual malpractice/maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on TRA by the relevant Awarding Organisation, in line with their own sanctions policy.

TRA's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by TRA periodically through the on-going centre monitoring arrangements and in accordance with Awarding Organisation policies and procedures.

### 3. Definition of Malpractice

Malpractice is essentially any deliberate activity or practice which contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates. Malpractice may include a range of issues from completing assessments on behalf of learners to the deliberate falsification of records to claim certificates.

### 4. Definition of 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 within a centre (e.g., failure to maintain appropriate learner records).

### 5. Examples of malpractice and maladministration

The categories listed below are examples of centre and learner malpractice and maladministration. Please note, this list is not exhaustive, and the examples are only intended as indicative guidance on TRA's definition of malpractice or maladministration:

- Failure to carry out internal assessment, internal moderation, or internal verification in accordance with Awarding Organisation requirements.
- Deliberate failure to adhere to TRA learner registration and certification procedures.
- Deliberate or persistent failure to continually adhere to Awarding Organisation centre recognition and/or qualification approval criteria or actions assigned to TRA.
- Deliberate failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence.
- Persistent instances of maladministration within the TRA centre.
- Fraudulent claim for certificates.
- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g., mobile phones).

- Intentional withholding of information from the Awarding Organisation which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- Deliberate misuse of Awarding Organisations' logo and trademarks or misrepresentation of a learner's relationship with TRA and/or its recognition and approval status with TRA.
- Collusion or permitting collusion in exams/assessments.
- Learners still working towards a qualification after certification claims have been made.
- Contravention by Awarding Organisations' centres, and learners, of the assessment arrangements, specified by the Awarding Organisation for their qualifications.
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Plagiarism by learners or staff.
- 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).
- Submission of false information to gain a qualification or unit.
- Deliberate failure to adhere to, or to circumvent, the requirements of TRA's Reasonable Adjustments and Special Considerations Policy.

## 6. Process for making an allegation of malpractice or maladministration

Any person who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify TRA in writing, enclosing appropriate supporting evidence.

All allegations must include (as appropriate):

- TRA centre's name, address, and number (if escalated to the Awarding Organisation).
- Learner's name (where relevant) and Retrofit Academy registration number.
- TRA personnel's details (name, job role) who are involved in the case.
- Details of TRA 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 TRA or anybody else involved in the case, including any mitigating circumstances.

In all cases of suspected malpractice and maladministration reported to TRA, the identity of the complainant will be protected in accordance with its duty of confidentiality and/or any other legal duty.

## 6.1 Confidentiality and whistle blowing

On occasions, a person making an allegation of malpractice or maladministration may wish to remain anonymous. It is always preferable to reveal their identity and contact details and if they are still concerned about possible adverse consequences, they should request TRA not to divulge their identity.

If it helps to reassure anyone on this point, TRA can confirm that it is not obliged (as recommended by the regulatory authorities) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

While TRA staff are prepared to investigate issues, which are reported to us anonymously, TRA shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates. At all times, TRA will investigate such allegations from whistle-blowers in accordance with the relevant legislation relating to whistle blowing. More information can be obtained from this link: Whistleblowing for employees - GOV.UK ([www.gov.uk](http://www.gov.uk))

## 6.2 Responsibility for the investigation

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

All suspected cases of malpractice and maladministration will be passed to the Director of Training who will normally acknowledge receipt, as appropriate, to relevant parties within 5 working days.

The Director of Training 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., Quality Manager, Assessors, or a combination thereof) to lead the investigation and establish whether the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by TRA.

Where the investigation cannot be resolved, the matter should be escalated to the relevant Awarding Organisation and become part of their internal procedures for dealing with malpractice or maladministration.

At all times, Awarding Organisations will require that TRA staff members 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.

### 6.3 Notifying relevant parties.

Once in receipt of an allegation the Head of Learn will notify the person nominated to carry out the investigation on behalf of TRA. All parties involved with the allegation will be notified:

- When the investigation has commenced.
- When they are required to provide evidence.
- When they are required to attend a meeting.
- The outcome of the investigation.
- The consequences of the outcome if allegations are proven.
- The right of appeal.

## 7. Internal Retrofit Academy guidance for conducting an investigation

The following process is recommended for carrying out investigations. It is intended that the stages involve generic key activities; however, not all these would be implemented in every case.

### 7.1 Briefing and record-keeping

Anyone involved in the conduct of an investigation should have a clear brief and understanding of their role. All investigators must maintain an auditable record of every action during an investigation to demonstrate that they have acted appropriately. The TRA representative assigning the investigating officer(s) will stipulate and/or provide secure storage arrangements for all material associated with an investigation in case of subsequent legal challenge.

## 7.2 Establishing the facts.

Investigators should review the evidence and associated documentation, including relevant RTA guidance on the delivery of the qualifications and related quality assurance arrangements.

Issues to be determined includes:

- What occurred (nature of malpractice or maladministration/substance of the allegations)?
- Why the incident occurred?
- Who was involved in the incident?
- When has it occurred?
- Where it occurred – there may be more than one location.
- What action, if any, the centre has taken?

## 7.3 Interviews

Interviews should be thoroughly prepared, conducted appropriately, and underpinned by clear records of the interviews. For example:

Interviews should include prepared questions; responses should be recorded.

Interviewers may find it helpful to use the 'PEACE' technique:

- Plan and prepare.
- Engage and explain.
- Account.
- Closure.
- Evaluation.

Face-to-face interviews should normally be conducted by two people with one person primarily acting as interviewer and the other as note-taker.

Those being interviewed should be informed that they may have another individual of their choosing present and that they do not have to answer the questions. These arrangements aim to protect the rights of all individuals.

## 7.4 Other contacts

In some cases, learners or employers may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post, email or Zoom (or similar).

Whichever method is used, the investigator will have a set of prepared questions. The responses will be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual.

## 7.5 Documentary evidence

Wherever possible documentary evidence should be authenticated by reference to the author; this may include asking learners and others to confirm handwriting, dates, and signatures. Receipts should be given for any documentation removed from RTA's premises. Independent expert opinion may be obtained from subject specialists about a learner's evidence and/or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

## 7.6 Conclusions

Once the investigators have gathered and reviewed all relevant evidence, a decision is made on the outcome.

## 7.7 Reporting

A draft report is prepared, and factual accuracy agreement obtained. The final report is submitted to the Head of Learn for review and sign-off and shared with relevant parties in accordance with the arrangements outlined in TRA's Malpractice and Maladministration Policy.

## 7.8 Investigation timelines and summary process

- TRA aims to action and resolve all stages of the investigation within 10 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if additional evidence or interviews are required.



- 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 broad objectives to:
- Establish the facts relating to allegations/complaints to determine whether any irregularities have occurred.
- Identify the cause of the irregularities and those involved.
- Establish the scale of the irregularities.
- Evaluate any action already taken by TRA.
- Determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification.
- Ascertain whether any action is required in respect of certificates already issued.
- Obtain clear evidence to support any disciplinary actions to be applied to members of staff, in accordance with TRA's terms and conditions of employment.
- Identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, TRA will:

- Ensure all material collected as part of an investigation must be kept secure. All records and original documentation concerning a completed investigation that ultimately leads to action taken against any person will be retained for a period of not less than five years.
- If an investigation leads to invalidation of certificates, or 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 TRA.

TRA also reserve the right to withhold a learner's, and/or cohorts' results for all the courses/qualifications and/or units they are studying at the time of the notification or investigation of suspected or actual malpractice / maladministration.

Where a member of TRA staff is under investigation TRA may suspend them or move them to other duties until the investigation is complete.

## 7.9 Investigation report

After an investigation, a draft report will be produced for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and the final report will be made available to the parties concerned, Awarding Organisations, and to the regulatory authorities and other external agencies as required.

Where there is an internal investigation against a member of TRA staff, after an internal investigation and depending on the severity of the investigation and outcome, the report will be agreed by the Head of Learn with the relevant internal line manager(s) and TRA HR support and appropriate internal disciplinary procedures will be implemented.

Where such an allegation is escalated to the Awarding Organisation, it will form part of its own internal malpractice or maladministration policy and procedures. TRA disciplinary procedure may also still be instigated.

## 7.10 Review arrangements

TRA will review the policy regularly as part of its annual self-evaluation arrangements and revise it as and when necessary, in response to customer and learner feedback, changes in our 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 considering operational feedback to ensure TRA's arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

## 8.0 Awarding Organisation protocols

### 8.1 Allegations against TRA or its employees, and external contractors

Where the allegation of malpractice and maladministration is escalated to the Awarding Organisation or where TRA or a member of its staff have been accused of malpractice and maladministration, by a third party, then the process will be driven by the Awarding Organisations own policy. Typical protocol includes:

In all cases of suspected or actual malpractice relating to centre allegations, the Awarding Organisation will notify the Head of the nominated member of TRA staff

involved in the allegation of the investigation and or in the case of learner malpractice, the Awarding Organisation may ask TRA to investigate the issue in liaison with the Awarding Organisation's own personnel. In doing so the Awarding Organisation may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

Where applicable, the Awarding Organisation's nominated representative will inform the appropriate regulatory authorities if it is believed there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or which could affect another awarding organisation.

Throughout the investigation the Awarding Organisations nominated representative will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, where applicable, the Awarding Organisation reserve the right to impose sanctions on TRA in accordance with their Sanctions Policy to protect the interests of learners and the integrity of the qualifications.

If appropriate, Awarding Organisations may find that the complexity of a case or a lack of cooperation from a centre means that they are unable to complete an investigation. In such circumstances they will consult the relevant regulatory authority to determine how best to progress the matter.

## 8,2 Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place, the Awarding Organisation may:

- Impose actions in relation to TRA's centre with specified deadlines to address the instance of malpractice/maladministration and to prevent it from reoccurring.
- Impose sanctions on TRA's centre, if so, these will be communicated to TRA in accordance with the Awarding Organisation's sanctions policy along with the rationale for the sanction(s) selected.
- In cases where certificates are deemed to be invalid, inform the TRA centre and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates.

- The Awarding Organisation will also ask TRA to let the affected learners know the action the Awarding Organisation is taking and that their original certificates are invalid which – where possible – should be returned to the relevant Awarding Organisation.
- The Awarding Organisation will also amend its database so that duplicates of the invalid certificates cannot be issued, and it will expect TRA to amend its records to show that the original awards are invalid.
- Amend aspects of Awarding Organisation qualification assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring.
- Inform relevant third parties (e.g., funding bodies) of their findings in case they need to take relevant action in relation to the TRA centre where appropriate.

If the relevant party (ies) wishes to appeal against the decision to impose sanctions, they will need to refer to the Awarding Organisation's Appeals and Enquiries Policy.

## Contact details

Anyone who would like to feedback on this strategy, or have any queries about its content, please contact us on:

T: 0330 055 7629

E: [training@retrofitacademy.org](mailto:training@retrofitacademy.org)

## Related Policies (or documentation)

- Plagiarism policy
- Appeals policy and procedures.
- Fair assessment policy.
- Awarding Organisation's Sanctions Policy.
- Any other policy that may constitute malpractice or maladministration.