

Malpractice and Maladministration Policy and Procedures

Policy Statement

Laser Learning Awards (LASER)¹ is committed to taking all reasonable steps to preventing malpractice and maladministration of any kind, and to dealing with any cases which arise in a timely, fair and proportionate way in order to protect the integrity of the award of its qualifications.

This policy sets out what to do if someone suspects that malpractice or maladministration may have taken place in relation to LASER provision/examinations/assessments which directly affects or potentially affects them, and LASER's procedures for dealing with such allegations. It also sets out the responsibilities of centres in cases where they identify or suspect malpractice/maladministration themselves, and in cases where a malpractice/maladministration allegation is made against them, either as an individual or as a centre.

Policy Relevance

This policy applies if someone genuinely suspects or has evidence that malpractice or maladministration has taken place in relation to LASER provision/examinations/assessments which directly affects or potentially affects them. This could be a learner, or someone who works for or at a LASER approved centre where the incident happened, for example whilst they were training or invigilating.

Malpractice includes any act of dishonesty, misconduct or negligence, or any practice which brings or could bring the reputation of LASER and/or the integrity of the award of its qualifications into disrepute. See below for some examples.

Maladministration includes any failure to comply with LASER administrative policies and procedures. Repeated maladministration particularly after being advised of initial occurrences, may be considered malpractice. See below for some examples.

Malpractice/maladministration allegations are different from whistleblowing, which is a term used when someone discloses information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing which is in the public interest but does not usually affect the person directly. The LASER Whistleblowing Policy and Procedures can be found on the LASER web site: www.laser-awards.org.uk.

This policy does not apply if you have a complaint about LASER/its staff/approved centre(s). The LASER Complaints Policy and Procedures can be found on the LASER web site: www.laser-awards.org.uk.

If a centre discovers learner malpractice in course work before the learner signs the authentication declaration, this should not be reported to LASER but should be dealt with in accordance with the centre's own internal procedures.

Policy Responsibility and Review

This policy is the responsibility of the Quality Manager, and will be reviewed by December 2022 at the latest.

Centre Malpractice/Maladministration

This is malpractice/maladministration committed by any member of staff or contractor employed by or working for a centre. The malpractice/maladministration may be carried out by just one individual within a centre, or may be endemic across the centre's practices and/or staff.

Some examples of centre malpractice are given below. This list is not exhaustive.

- Falsifying, or making any changes to, candidate examinations or assessed/examined work.
- Giving unapproved assistance to candidates in assessments/examinations.
- Falsifying learner records, assessment/examination records, internal quality assurance records and/or authentication statements.
- Failing to comply with requirements for qualification delivery.
- Poor/incomplete/inaccurate assessment of learners.
- Failing to invigilate examinations correctly.
- Failing to keep examination papers secure before and/or after examination.

¹ All references to LASER in this document also refer equally to Trident Awards, which is the brand name for LASER's work in the security industry.

- Failing to conduct a proper investigation into suspected/alleged malpractice.
- Making fraudulent claims for qualifications.
- Discrimination against or bias towards any learner/s.
- Persistent maladministration.

Some examples of centre maladministration are given below. This list is not exhaustive.

- Failing to keep complete records.
- Failing to follow administrative procedures.
- Making mistakes in administration.
- Failing to register courses/learners within the required timeframe.
- Failing to complete paperwork correctly.

Learner Malpractice

This is malpractice committed by a learner.

Some examples of learner malpractice are given below. This list is not exhaustive.

- Bringing unauthorised material into the assessment/examination room eg calculators, mobile phones.
- Cheating in assessments/examinations.
- Plagiarism.
- Collusion.
- Deliberate destruction of another's work.
- Acting in a disruptive manner during assessments/examinations.
- Inclusion of inappropriate, offensive or obscene material in assessment/examination tasks.

Centre Responsibilities

Centres must:

- Have a policy in place for dealing with malpractice/maladministration, with a named person, normally the head of centre, having responsibility for reporting all suspicions or actual incidents of malpractice/maladministration to LASER.
- Report any suspicion of malpractice/maladministration to LASER, whether this relates to a learner or a member of centre staff.
- Ensure that the head of centre normally supervises personally all investigations resulting from an allegation of malpractice/maladministration. However, if it is necessary to delegate an investigation to a member of staff, they must ensure that the member of staff is independent, and not connected to any individual involved in the allegations.
- Co-operate fully by responding quickly, honestly and openly to all requests for an investigation into, and/or information relating to, alleged malpractice/maladministration.
- Inform staff members and/or learners of their individual rights.
- Pass on to the individuals concerned any requests for information, warnings or notification of sanctions as a result of malpractice, if LASER is unable to contact the individuals directly.
- Accept any sanctions imposed as a result of an investigation into alleged malpractice/maladministration, in order to continue with LASER centre approval.

Failure to co-operate with investigations into alleged malpractice/maladministration, or failure to report suspicions or knowledge of malpractice/maladministration, may lead to LASER applying sanctions as set out in the LASER Sanctions Policy and Procedures which can be found on the LASER web site: www.laser-awards.org.uk.

Allegations/Suspensions of Malpractice/Maladministration

Allegations of malpractice/maladministration must be sent in writing (which can be by email) to the LASER Quality Manager. Details can be found on the LASER web site: www.laser-awards.org.uk.

Allegations/information must be sent as soon as possible after becoming aware of the issue, as delays can make it much more difficult both to investigate the allegations and also to deal with the findings.

All allegations should include:

- Your full name (see Confidentiality and Anonymity section below).
- Your contact details.
- A clear and full explanation of your allegation including names of staff and/or learners involved.
- Copies of any relevant documents and/or supporting evidence.

LASER will acknowledge the allegation within five working days² of receipt. If the Quality Manager will not be available to pick up emails within five working days, you will receive an out of office message giving an alternative email address to which you should forward your original email, otherwise you will receive a response within five working days of the Quality Manager's return. LASER will determine whether the matter falls within the scope of the LASER Malpractice and Maladministration Policy and Procedures as outlined above in Policy Relevance. If the allegation is made anonymously, or its sender's identity cannot be verified, LASER will evaluate the situation in the light of other available information to decide whether there is a case to investigate further.

Where the allegation is not within scope, LASER will explain why it cannot be acted upon and, if appropriate, will identify if there is a relevant alternative procedure.

Investigation

LASER may ask the centre involved to carry out an internal investigation, and/or may carry out an investigation itself.

LASER may be required to advise the relevant regulatory authorities of the allegation even before any facts have been established or allegations proven or not.

LASER may temporarily suspend the centre and/or individuals against whom the allegation has been made, pending the outcome of the investigation, and/or may withhold the issuing of results/certificates pending the outcome of the investigation.

Throughout the investigation LASER will normally communicate with the head of centre except where the head of centre is under investigation.

LASER will contact in writing (which can be by email) the centre and/or any individuals specifically accused of malpractice/maladministration, and explain to them:

- The allegation made against them.
- The possible consequences should malpractice/maladministration be proven.
- How and by when they can submit a written response to the allegation.

LASER may interview learner(s) and/or centre staff during an investigation. This may be by telephone and/or in person, may be recorded, and interviewees may be asked to make a written statement. Any interviewee may be accompanied during their interview if they wish. If a learner is under 18, the interview will only take place in the presence of a responsible adult.

If the investigation requires additional visits to a centre, the centre will be charged £250 plus expenses for each visit. Other fees which LASER incurs as a result of the investigation and/or actions which need to be taken, may be charged to the centre (eg payment to an assessor for re-assessment of learner work, etc). These fees are all non-refundable.

When centres are asked to carry out an internal investigation, a full report must be provided to LASER by the deadline given. This should include the following, as relevant and appropriate in each case:

- Details of the investigation carried out (what has been done, how, and by whom).
- Written statements from relevant staff and/or learners involved.
- Evidence of any mitigating circumstances.
- Any other evidence relevant to the investigation.
- Findings and conclusions.
- Actions taken and/or planned by the centre as a result of the investigation and findings.

² Throughout this document, number of working days does not include weekends, English public holidays, or LASER's Christmas office closure dates.

LASER will use all the information available in order to establish to the best of its ability and on the balance of probabilities whether malpractice/maladministration reasonably appears to have taken place, and if so, who is responsible, and what action needs to be taken to protect the integrity of its awards and to prevent a repetition. Actions taken will be in line with LASER's obligations to comply with the Ofqual General Conditions of Recognition, and any other relevant legal and regulatory obligations. Actions may include the imposition of appropriate sanctions, according to the LASER Sanctions Policy and Procedures on the LASER web site: www.laser-awards.org.uk.

Where LASER believes it is necessary to withdraw a previously issued certificate, a malpractice committee will be formed, comprising at least two individuals neither of whom have any personal interest in the outcome of the investigation, and at least one of whom is a member of the LASER Board of Trustees or the LASER Quality Committee, or another suitably experienced individual not directly employed by LASER. The malpractice committee may meet virtually rather than in person. The malpractice committee will receive a report and recommendations from LASER, will establish that correct procedures have been followed in the investigation of the case, and will make the final decision about whether previously issued certificates should be withdrawn. This decision will be taken based on information which the malpractice committee has been able to establish to the best of its ability and on the balance of probabilities, and will be taken in line with LASER's obligations to comply with the Ofqual General Conditions of Recognition, and any other relevant legal and regulatory obligations. Accused individuals, learners, centre staff, and their representatives are not entitled to be present at meetings of the malpractice committee.

LASER will advise centres and individuals affected, of the conclusions of the investigation and any action to be taken against them, within three days of making its final conclusions (or the malpractice committee making its final conclusions), and will advise them of the LASER Appeals Policy and Procedures which can be found on the LASER web site: www.laser-awards.org.uk. Appeals must be made within ten working days of receiving notification of the conclusion and actions. If an appeal is made which falls within the scope of the LASER Appeals Policy and Procedures, it will be investigated by a member of LASER staff who did not deal with the original investigation.

LASER will share information about malpractice/maladministration with others as required and relevant (see 'Sharing Information' below).

Confidentiality and Anonymity

It is always best to give your name and contact details if you make an allegation of malpractice/ maladministration, so that LASER can discuss your allegation with you and investigate it fully.

LASER understands that there may be occasions when you prefer not to do so, and if this is the case, you can consider making a confidential allegation. This means that you give your name on condition that it is not revealed outside LASER without your consent. In this case LASER will always endeavour to keep your identity confidential although there may be a requirement to reveal your identity to:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud).
- The courts (in connection with court proceedings).
- Another person to whom we are required by law to disclose your identity.

Furthermore, sometimes requesting confidentiality may make it impossible to take action on the allegation, and you should also recognise that you may be identifiable by others due to the nature or circumstances of your allegation.

Only in the most extreme cases does LASER advise making an anonymous allegation. This means that you do not give your name at all. LASER will look into anonymous allegations, or pass them onto the relevant organisation (where appropriate), although it may not always be possible to investigate or substantiate anonymous allegations.

If you are concerned about being identified, please discuss your concerns when you make your allegation.

Sharing Information

In cases where LASER reasonably believes, based on the information it has, that malpractice/maladministration has taken place, LASER is required to share this information with other Awarding Organisations and relevant regulators (including the SIA for security qualifications). This may impact upon the individual's/centre's ability to deliver qualifications with other Awarding Organisations.

LASER will share information about centre staff involved in malpractice/maladministration, with all LASER centres for which that individual is listed or approved to work, with other Awarding Organisations, and with the relevant regulators, as appropriate.

LASER will share information about centres involved in malpractice/maladministration, with other Awarding Organisations and with the relevant regulators, as appropriate.

LASER will share information about learners involved in malpractice/maladministration, with all LASER centres at which that learner is registered, with other Awarding Organisations, and with the relevant regulators, as appropriate.

Where criminal activity is involved, LASER will inform the police.

In cases where LASER is informed by a regulator and/or another Awarding Organisation or stakeholder, of malpractice/maladministration involving an approved LASER centre and/or individual approved to, or known to, work at a LASER centre, LASER will take appropriate action to attempt to establish the facts, check the individual's/centre's current activity and quality assurance performance to date, and/or undertake a risk assessment based on the information provided. Where appropriate, LASER may increase its monitoring of the individual/centre to ensure that the award of LASER provision is sound and safeguarded, and/or may impose sanctions of its own, which may include withdrawing its approval.

Monitoring and Evaluation of Malpractice/Maladministration

LASER will report all allegations of malpractice/maladministration to the LASER Quality Committee, and in turn to its Board of Trustees, for monitoring and evaluation. These reports will cover the number and nature of allegations submitted, the details of the investigations carried out, the outcomes, and any actions identified.

Vexatious Correspondence or Behaviour

LASER staff have the right to work without fear of abuse, intimidation, or harassment. Threatening or abusive correspondence or behaviour will not be tolerated under any circumstances, and LASER staff will not engage with persistent or harassing contact from those making allegations of malpractice or maladministration. If this kind of behaviour occurs, LASER will treat it as vexatious.

Vexatious behaviour includes, but is not limited to:

- Abusive, intimidating or threatening written or telephone correspondence or physical behaviour in a face to face meeting.
- Persistent repeated contact without providing any new information or evidence, or harassment of any kind.
- Making unreasonable demands on LASER staff, eg outside the remit of the allegation.
- Making accusatory or malicious remarks about or against LASER, LASER staff or representatives, or LASER centres.
- Making allegations known to be false/inaccurate.

Vexatious behaviour will be reported to the Deputy Chief Executive Officer or Chief Executive Officer to be dealt with appropriately, which may include reporting to the police where an offence has been committed. All vexatious behaviour will be reported to the LASER Quality Committee and to the Board of Trustees.

Policy Approval

Approved internally by Deputy CEO 17.10.2018

Approved externally by Quality Committee 02.11.2018