

## Maladministration Policy

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2	December 2023	December 2024	Learner Services Branch	December 2023

	CAFRE Quality Manual Index	CAFRE Website (Tick as appropriate)
Document available	√	√

**This document can also be produced in alternative formats upon request.**

## Maladministration Policy

### Version History

Version	Description of Changes	Date
2	Update to new policy layout and content reviewed and updated	December 2023

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## Introduction

It is important that all staff involved in the management, assessment, and quality assurance of qualifications, are fully aware of malpractice/maladministration and that CAFRE has arrangements in place to prevent and investigate instances of these.

Learners must also be made aware of this policy and the associated procedures for investigating malpractice/maladministration.

This policy sets out the steps CAFRE as a centre, its learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration, and the responsibilities in dealing with such cases. It also sets out the procedural steps to follow when reviewing the cases.

## Scope

This policy is aimed at customers of CAFRE, including learners, who are enrolled on registered programmes or courses, approved qualifications, or units and who are involved in suspected or actual maladministration. It is also for use by staff to ensure they deal with all maladministration investigations in a consistent manner.

## 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.

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 CAFRE; or
- the qualification or the wider qualifications community.

It may also 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 or groups of learners.

## Examples of maladministration

- Persistent or deliberate failure to adhere to learner registration and certification procedures.

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- Persistent failure to adhere to recognition and/or qualification requirements.
  - Late learner registrations (both infrequent and persistent).
  - Unreasonable delays in responding to requests and/or communications from awarding organisations.
  - Inaccurate claim for certificates.
  - Failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence.
  - Withholding of information, by deliberate act or omission, from awarding organisations.
  - Failure to carry out internal assessment, internal moderation, or internal verification in accordance with requirements.
  - Deliberate failure to continually adhere to recognition and/or qualification approval requirements or actions assigned to CAFRE.
  - Fraudulent claim(s) for certificates.
  - Intentional withholding of information 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.
  - Plagiarism by learners/staff.

### **Process for making an allegation of maladministration.**

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify by email ([CAFRE.CorporateAdmin@daera-ni.gov.uk](mailto:CAFRE.CorporateAdmin@daera-ni.gov.uk)) and enclose appropriate supporting evidence to the Head of College Services Branch who will inform the Director of CAFRE as to the nature of the case.

All allegations must include (where possible/applicable):

- Learner's name and registration number;
- Staff member's name and 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 practice and associated dates and details including the outcome of any initial investigation which may include any mitigating circumstances.

The Director will then investigate to ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

In all cases of suspected maladministration, the identity of the 'informant' will be protected in accordance with the duty of confidentiality and/or any other legal duty.

### **Confidentiality and whistle blowing**

Sometimes a person making an allegation of maladministration may wish to remain anonymous and if concerned about possible adverse consequences, it may be requested that their identity is not revealed. Further details can be found within the whistle blowing procedure.

Whilst issues which are reported anonymously will be investigated, the confirmation of the allegation by means of a separate investigation will normally take place before taking up the matter with those to which the allegation relates.

### **Responsibility for the investigation**

In accordance with regulatory requirements, all suspected cases of maladministration will be examined promptly to establish if maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence.

Acknowledge of receipt of the allegation will be relayed to the relevant parties (external/internal) within 48 hours.

The Head of College Services Branch, in conjunction with 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. They will allocate a relevant member of staff to lead the investigation and establish whether the maladministration has occurred, and review any supporting evidence received or gathered.

### **Notifying relevant parties**

Where applicable, the Head of College Service Branch/Director will inform the appropriate regulatory authorities if it is believed that there has been an incident of maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation.

Where the allegation may affect another awarding organisation and their provision, we will also inform them in accordance with the regulatory requirements and obligations imposed.

### **Investigation timelines and summary process**

The aim is to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

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.
- to identify the cause of the irregularities and those involved.
- to establish the scale of the irregularities.

- to evaluate any action already taken.
- to determine whether remedial action is required to reduce the risk to current registered learners and the qualification(s) undertaken.
- to 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. It will also ensure that:

- all material collected as part of an investigation is kept secure and confidential.
- 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.
- all parties, who are either directly or indirectly involved in the investigation, are expected to fully co-operate with the investigation.

Either at notification of a suspected or actual case of maladministration and/or at any time during the investigation, the learners, and/or cohort's, results may be withheld.

Where a member staff or associate member of staff is under investigation they may be suspended or moved to other duties until the investigation is complete.

Throughout the investigation the Head of College Service Branch/Director 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.

### **Investigation report**

After an investigation, a draft report will be prepared for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties and will:

- identify where the breach, if any, occurred.
- confirm the facts of the case.
- identify who is responsible for the breach (if any).
- confirm an appropriate level of remedial action to be applied.

The final report will be made available to the parties concerned and to the regulatory authorities and other external agencies as required.

### **Investigation outcomes**

If the investigation confirms that maladministration has taken place action will be taken in order to:

- minimise the risk to the integrity of certification now and in the future.
- maintain public confidence in the delivery and awarding of qualifications.

- discourage others from carrying out similar instances of maladministration.
- ensure there has been no gain from compromising of standards.

The action(s) taken may include:

- imposing measures to address the instance of maladministration and to prevent it from reoccurring.
- in cases where certificates are deemed to be invalid, inform the Awarding Organisation concerned and the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates.
- Inform learners of the action being taken and that their original certificates are invalid and ask – where possible – to return the invalid certificates.
- informing relevant third parties (e.g., funding bodies) of the findings of the case.
- in addition to the above, the Director will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help prevent the same instance of maladministration from reoccurring.

If any of the relevant party(ies) wishes to appeal against the decision to impose sanctions, please refer to the Higher Education Academic Appeals Policy or the Further Education Academic Appeals Policy.