

SwimBag's Malpractice and Maladministration Policy

Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates and associated achievement. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- The assessment processes
- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of SwimBag and the Awarding Organisations

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.

Examples of malpractice

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

- Collusion within the assessment process
- Falsely recording Learner achievements e.g. timed swims
- Incorrect judgement of skills
- Ignoring omissions and mistakes
- Plagiarism

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 SwimBag (e.g. inappropriate learner records).

Examples of maladministration

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

- Security issues regarding examinations
- Falsifying documentation
- Claiming qualifications which have not been earned

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 the appropriate personnel at SwimBag and the appropriate AO. In doing so they should put them in writing/email and enclose appropriate supporting evidence. If the area of malpractice or maladministration involves SwimBag then the informant may bypass us as a centre and report straight to the AO.

All allegations must include (where possible):

- Centre's name, address and number
- Learner's name
- Centre / AOs 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 and associated dates
- Details and outcome of any initial investigation carried out by the Centre or anybody else involved in the case, including any mitigating circumstances

If SwimBag has conducted an initial investigation prior to formally notifying AOs, SwimBag should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances SwimBag must immediately notify AOs if they suspect malpractice or maladministration has occurred as AOs have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice and maladministration reported to AOs they will protect the identity of the 'informant' in accordance with their duty of confidentiality and/or any other legal duty.

Confidentiality and whistle blowing

Sometimes the 'informant' will wish to remain anonymous. However, it is always preferable to reveal your identity and contact details to SwimBag or AOs, and if you are concerned about possible adverse consequences, please inform SwimBag or AOs that you do not wish for us to divulge your identity. If it helps to reassure you on this point, SwimBag or AOs can confirm that we are not obliged (as recommended by the regulators) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

Whilst SwimBag and AOs are prepared to investigate issues which are reported anonymously, SwimBag or AOs shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those that the complaint/allegation relates. At all times we will investigate such complaints from whistleblowers in accordance with relevant whistle blowing legislation.

SwimBag's responsibility for preventing malpractice and/or maladministration

To eradicate cases of malpractice/maladministration SwimBag will ensure:

- All staff are aware of policies and procedures and receive appropriate training / briefings on these
- Staff have clear roles and responsibilities
- There is a documented internal quality assurance procedure/methodology that is clearly in place and is subject to regular internal reviews
- There are documented internal standardisation arrangements in place and evidence that these take place at least once a year
- Learners are informed of their roles and responsibilities in terms of not doing anything that may be deemed a malpractice and jeopardies their potential achievements
- All assessment and internal verification activities are accurately recorded and carried out in accordance with the SwimBag internal quality assurance arrangements and in line with the SwimBag expectations as outlined in its qualification guides etc
- All registration and certification records are subject to appropriate internal review before submission
- All registration, assessment and certification records will be kept in a locked filing cabinet, in a locked cupboard for up to 3 years after the student has completed their course. Only authorised and appropriate members of staff will have access to them

SwimBag's procedure to conduct a malpractice / maladministration investigation

To embed effective arrangements to investigate instances of malpractice/maladministration the following should process will ensue. It is intended that the stages involve generic key activities; however, not all these would be implemented in every case.

Stage 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 officer 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. There may be occasions when a joint investigation occurs with AOs, with the roles of the two teams being clarified by the AO. It is SwimBag responsibility to ensure their investigators are fully aware of the agreed roles and processes to follow during the investigation.

Stage 2: Establishing the facts

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

Issues to be determined are:

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

Stage 3: Interviews

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

- Interviews should include prepared questions and responses to questions which 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 the 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 questions. These arrangements aim to protect the rights of all individuals. Both parties should sign the account as a true record/reflection of what was covered/stated/agreed.

Stage 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 or email.

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. Again accounts should be signed for agreement with written records to be formatted as non-editable PDF.

Stage 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 SwimBag

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.

Stage 6: Conclusions

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

Stage 7: Reporting

A draft report is prepared and factual accuracy agreement obtained. The final report is submitted to the relevant staff member within SwimBag for review and sign-off and shared with AOs and relevant parties within your organisation.

Stage 8: Actions

Any resultant action plan is implemented and monitored appropriately and the AO notified.

Review Policy

We shall review this policy statement:

- Bi-annually
- Following any reports of malpractice or maladministration

Contact details

All queries concerning this policy statement should be addressed to: The Training Director, SwimBag Limited, 29 Redbridge, Peterborough, PE4 5DP
Tel: 01733 321399, Email: trainingdirector@swimbag.com

Review

This document was last reviewed on 20/10/22

A P Longland, Training Director, SwimBag Limited