

Malpractice and Maladministration Policy

Introduction

This policy is aimed at our stakeholders, including but not limited to customers, trainees/learners receiving Swagelok and ECITB approved training and within or outside the UK and who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations consistently.

It sets out the steps that Swagelok London, and learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

Swagelok London's Responsibility

It is important that our staff involved in the management, assessment and quality assurance of our training, and our learners, are fully aware of the contents of the policy and that the organisation has arrangements in place to prevent and investigate instances of malpractice and maladministration. 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 our organisation.

Review Arrangements

We will review this procedure as part of our continuous improvement arrangements and revise it, as and when necessary, in response to a customer, learner or regulatory feedback (e.g. to align with any enquiries process established by the regulators) and to identify any trends that may emerge in the subject matter of enquiries received.

Also, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

If you would like to feedback any views please contact us via the details provided at the end of this policy.

Definition of Malpractice

Malpractice is any activity or practice which deliberately, or by reprehensible ignorance or neglect, default or other practice contravenes regulations, including the applicable qualification regulator's Conditions of Recognition, Regulatory Principles, and/or contravenes established codes of practice. Malpractice may include a range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records to claim certificates.

For the purpose of this policy, this term also covers misconduct and forms of unlawful discrimination, harassment or bias towards individuals or groups of learners.

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 the organisation (e.g. inadequate learner records).

Examples of Malpractice

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

- Contravention of our organisation and qualification approval conditions
- Denial of access to resources (premises, records, information, learners and staff) by any authorised Training representative and/or the regulatory authorities
- Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our learner registration and certification procedures
- Deliberate or persistent failure to continually adhere to our organisation recognition and/or qualification approval criteria or actions assigned to our organisation
- Deliberate failure to maintain appropriate auditable records eg learner files
- Persistent instances of maladministration within our organisation
- Fraudulent claims for certificates
- The unauthorised use of materials/equipment in assessment/exam settings (eg mobile phones/cameras)
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards
- Deliberate misuse of our logo and trademarks
- Forgery of evidence
- Collusion or permitting collusion in exams
- Learners still working towards qualifications after certification claims have been made
- Contravention by our organisation and learners of the assessment arrangements we specify for our training services
- Insecure storage of assessment materials and exam papers
- Plagiarism - Submission of another's evidence or work by learners/staff
- Personification – Assuming another person's identity or allowing someone to assume the learner's identity during an assessment.
- An unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by our staff (e.g. unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit
- A loss, theft of, or a breach of confidentiality in, any assessment materials or candidate personal information

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 report their findings to the Compliance Manager. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible) the:

- Organisation name, address and number
- Learners name

- Training personnel's details (name, job role) if they are involved in the case
- Title and number of the Training course/qualification affected or nature of the service affected
- Date(s) suspected or actual malpractice occurred
- Full nature of the suspected or actual malpractice
- Contents and outcome of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- Written statements from those informant's name, position and signature

Investigation timeliness and process

Swagelok London aims to action and resolve all stages of the investigation within 30 days of receipt of the allegation. Please note that in some cases and for reasons beyond our control, the investigation may take longer; for example, where witnesses are unavailable. In such instances, we will advise all parties concerned of the likely revised timescale.

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 in order to determine whether any irregularities have occurred;
- identify the cause of any irregularities and those involved;
- establish the scale of the irregularities;
- evaluate any action already taken or being undertaken;
- determine whether immediate 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;
- identify any adverse patterns or trends;
- identify and implement any corrective actions required.

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

- ensure all material collected as part of an investigation is kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against Swagelok London 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 cooperate with us.

Where a member of Swagelok London Training's staff is under investigation they may be suspended or they may be moved to other duties until the investigation is complete.

Throughout the investigation our Compliance Manager 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 for liaising with and keeping informed relevant external parties.

Rights of individuals

All individuals involved, or alleged to be involved, in cases of malpractice/maladministration will be informed of the allegation and given access to any supporting evidence (wherever possible, the

identity of a whistleblower will be protected where this has been requested). They will be given an opportunity to respond. They will be informed of the potential consequences if the allegation is proven and of the possibility other parties might have to be informed.

Individuals can exercise the right to be accompanied by a person of their choice if interviews are held.

Investigation Report

Following an investigation, we will produce, where relevant, a written response for affected parties to check the factual accuracy where appropriate. Any subsequent amendments will be agreed upon between the parties concerned and ourselves. All parties have the right to appeal any decisions or conclusions reached during the investigation and reporting process. Should you decide to appeal, you must inform the Managing Director in writing, stating your full grounds of appeal, within one week from receipt of written response. Where possible the appeal will be dealt with impartially by a manager who has not previously been involved in the case. The final decision will be issued in writing. There is no further right to appeal.

The report will:

- Identify where the breach, if any, occurred;
- Confirm the facts of the case;
- Identify who is responsible for the breach (if any);
- Confirm the appropriate level of corrective action to be applied.

We will make the final report available to the parties concerned and to the regulator and other external agencies as required.

Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take 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 malpractice or maladministration;
- Ensure there has been no gain from compromising our standards.

Signature



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