




Multi Trades Training

Malpractice, Maladministration, Fraud & Anti Bribery Policy

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Approved by	RK Jones	Position	Director & CEO
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Document Control

Date	Review & Revision	By
15/06/23	Added training at the annual CPD event for malpractice and anti-bribery.	Quality Lead

Malpractice, Maladministration, Fraud and Anti-Bribery Policy

Scope

This is a statement on behalf of Multi Trades Training (MTT).

This policy is aimed at our customers, including learners, who are registered on, or are marking, assessing or delivering Apprenticeship standards, regulated or non-regulated RQF qualifications or units either within the UK and who are involved in a case of malpractice or maladministration, whether suspected or actual.

It is also for use by Multi Trades Training (MTT) staff to ensure that they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps to follow when reporting suspected or actual cases of malpractice or maladministration, our responsibilities in dealing with such cases and the procedural steps we will follow when reviewing the cases.

Associated Policies

This policy should be used in conjunction with the following policies:

- Conflict of Interest
- Whistleblowing
- Equality & Diversity
- Appeals
- Complaints

Centre's responsibility

It is vital that all staff involved in the assessment and quality assurance of qualifications, the management of that information and learners, are fully aware of the contents of the policy and have arrangements in place to prevent and investigate instances of malpractice and maladministration. Ultimately this will be handled at the Multi Trades Training head office in Aldermaston.

A failure to report suspected or actual malpractice/maladministration cases, or to have in place effective arrangements to prevent such cases, may lead to restrictions being imposed on MTT or the assessor involved by the awarding organisations that award our certifications.

Compliance with this policy and how to take reasonable steps to prevent, mitigate and/or investigate instances of malpractice and maladministration will be reviewed by MTT regularly as part of the on-going quality monitoring arrangements.

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 award of the registered qualification or Apprenticeship Standard whether a RQF qualification or not.

Malpractice could involve learners, tutors, assessors, internal and external verifiers as well as subcontracted staff and consultants.

Any conflict of interest, e.g., external relationships between assessors and internal or external quality assurers, should be disclosed for the avoidance of possible malpractice with the assessment process. (See Conflict of Interest Policy)

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards any particular learner(s). (See Equality & Diversity Policy)

The categories listed below are examples of learner and centre malpractice.

(Please note that these examples are not exhaustive and are only intended as a guide regarding the definition of malpractice)

- Deliberate failure to adhere to learner registration and certification procedures.
- Forgery of submitted evidence – unreliable and not authentic by the learner.
- Plagiarism of any nature by learners.
- Failure to carry out delivery, internal assessment, internal moderation or internal verification in accordance with the requirement.
- Collusion or permitting collusion in exams and assessments.
- The use of inappropriate materials / equipment during assessments (e.g. mobile phones).
- Learners still working towards a qualification after certification claims have been made.
- Deviation of the centre away from the Awarding Organisation assessment strategy and guidelines whether practical or written.
- Inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass a unit or qualification).
- Insecure storage of assessment materials and exam papers.
- Deliberate failure to adhere to the 'reasonable adjustment' requirements by the awarding body or organisation.
- Unauthorised amendment, copying or distributing of exam papers.
- Submission of false information to gain a qualification or unit.
- Fraudulent claim for certificates.
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims.
- Denial of access to resources (records, assessments, learners and assessors) by External awarding body representatives.
- Intentional withholding of feedback and information from awarding organisation as which is critical to maintaining the rigour of quality assurance and standards of qualifications.
- Persistent instances of maladministration within the centre.
- Bribery

Definition of Maladministration

Maladministration is an activity or broad practice which results in non-compliance with administrative regulations and requirements set by the awarding organisation and includes the application of persistent mistakes or poor administration within a centre (e.g., inappropriate learner records, insecure access to protected information, inaccurate claims for certification etc.).

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 directors at the Multi Trades Training' head office in Aldermaston UK**. They should put their concerns in writing via letter or email and send them to MTT (see contact details at the end of this policy) enclosing appropriate supporting evidence.

All allegations must include (where possible):

- Employer or assessor name, address and number
- Learner's name and registration number
- Any other personnel's details (name, job role) if they are involved in the case
- Title and number of the course/qualification affected, or nature of the service affected
- Date(s) suspected or actual malpractice occurred
- Full nature of the suspected or actual malpractice
- Written statements from those involved in the case, e.g., witness statements, if appropriate
- Date of the report and the informant's name, position, and signature.

Responsibility for the investigation

All suspected or alleged cases of maladministration or malpractice will be examined promptly by MTT to establish if there are reasonable grounds for the suspicion or allegation. If it is possible that malpractice or maladministration has occurred or may occur, we will try to establish the facts and take all reasonable steps to prevent any adverse effect. If an adverse effect has already occurred, we shall mitigate it as far as possible and correct it.

The Director's 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. In particular, will acknowledge receipt of an allegation **within 5 working days**.

A full report, including actions and timescales, will then be released by the directors as soon as the investigation is complete.

MTT may need to appoint a third party outside of the company. This will ensure that investigation is independent and impartial. Appeals will be conducted as specified in the Assessment Appeals Procedure.

At all times we will ensure that MTT personnel assigned to the investigation have the appropriate level of occupational competence and quality assurance qualification and have had no previous involvement or personal interest in the matter.

Notifying relevant parties

In the case of learner malpractice, we may ask the assessor to investigate the issue in liaison with our own personnel. MTT Director's may need to inform the appropriate awarding body as required.

In the case of centre malpractice MTT will inform NOCN in accordance with the regulatory requirement as set by the awarding organisation and monitor improvement

Investigation timelines and process

MTT aim to action and resolve all stages of the investigation **within 30 working days** of receipt of the allegation. *(Please note that in some cases the investigation may take longer)*

The investigation may involve:

- A request for further information from the centre
- Interviews (face to face or by telephone) with personnel involved in the investigation arrangements for MTT authorised personnel to carry out a visit to the assessor.

MTT expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate in an open and fair way. In order to protect the interests of learners and the integrity of the qualifications, we reserve the right to withhold learner results for any qualification(s)/unit(s) they may be studying at the time of the investigation.

Where a member of MTT staff, or contracted assessor, is under investigation we may suspend or move them to other duties until the investigation is complete.

Throughout the investigation our Director will be responsible for overseeing the work of the investigation to ensure that due process is being followed and appropriate evidence has been gathered and reviewed. They will also be responsible for liaising with relevant external parties and keeping them informed.

Investigation report

After an investigation, a draft report for the parties concerned will be produced to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned. MTT will make the final report available to the parties concerned and to the awarding organisation and other external agencies as required.

If it is an internal investigation against a member of our staff the report will be agreed by the managing director. If appropriate, internal disciplinary procedures will be implemented.

Investigation outcomes

In this instance, when referring to the 'centre' we are referring to the location of the assessment or suspected incident. If the investigation confirms that centre or learner malpractice or maladministration has taken place, we may:

- Impose actions and restrictions on the centre with specified deadlines in order to address the instance of malpractice/maladministration to prevent it from recurring.
- Inform the assessor or centre and the awarding organisation about any certificates deemed to be invalid giving reasons and any action to be taken for reassessment and/or certification.
- Inform the affected learners so that they know the action MTT are taking and that their original certificates are invalid. The centre must take all possible steps to retrieve and return the invalid certificates to the awarding body.
- MTT shall also amend the data so that duplicates of the invalid certificates cannot be issued and must amend their records to show that the original awards are invalid.
- Amend aspects of the qualification assessment and/or monitoring arrangements and guidance to prevent the issue from recurring.
- Update this Malpractice and Maladministration policy
- Inform relevant third parties of our findings in case they need to take relevant action in relation to the assessor or centre.

Should a centre or any learner wish to appeal against any action to be taken following an investigation, please refer to the MTT Appeals Policy.

Confidentiality and whistleblowing

MTT is committed to developing a culture where it is safe and acceptable for all employees and stakeholders to raise concerns about poor or unacceptable practice and misconduct.

Whistleblowing is the usual term used to refer to an individual who discloses information in relation to actual malpractice or maladministration and/or the covering up of such practices. If concern was raised in good faith, the person raising the concern will not be at risk of losing his or her job or suffering any form of reprisal for doing so. Employees can raise a concern with his or her Line manager or Director.

Whistle-blowers have protection in law under the Public Interest Disclosure Act 1998 in certain circumstances. Ofqual has published guidance on this which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370748/2014-05-02-whistleblowing-policy-raising-concerns-about-a-regulated-qualification-or-a-recognised-awarding-organisation.pdf.

In this guidance, Ofqual states that centre staff who wish to make a whistleblowing disclosure to someone outside their organisation should normally do so to the relevant awarding organisation. If the issue is about the awarding organisation itself, the disclosure should be directly to Ofqual.

MTT will always endeavour to keep a whistle-blower's identity confidential where asked to do so, although this cannot be guaranteed and we may need to disclose identity to the police or other law enforcement agencies, the courts or another person to whom we are required by law to disclose your identity. A whistle-blower should also recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure.

While MTT, will consider investigating issues which are reported anonymously, we will always try to confirm an allegation by means of a separate investigation before taking up the matter with those to

whom the allegation relates. It is not always possible to investigate or substantiate anonymous disclosures.

The Bribery Act

We are committed to ensuring that all staff associated with MTT are conforming to the Bribery Act 2010, and it came into force on 1 July 2011. Under our Malpractice policy it is an offence for anyone working in the organisation or person associated with it (including employees, agents, suppliers, partners in joint ventures) to be offered a bribe for its benefit without its knowledge.

At MTT, we adhere to carrying out periodic risk assessment and due diligence checks on business partners, which are monitored and reviewed to ensure on going compliance, and that it is supported by appropriate top-level commitment and implemented through effective communication and training.

- Corporate hospitality will be caught by the Act if it is intended by the provider or the recipient to bring about “improper performance”.
- Bribery, to secure advantage, can be committed by individuals, by corporations, and by “associated persons” (anyone performing services for or on behalf of an organisation).
- Directors, and the senior management team can be personally liable if bribery involving their organisation is committed with their “consent or connivance”.

Risk assessment:

Informed consideration of the nature and extent of our organisation’s potential exposure to risk of bribery posed by persons associated with it, including aspects of due diligence, will be undertaken periodically and documented. The assessment will be proportionate to the organisation’s size and structure, and the scale, nature and location of its activities which may change over time.

Due diligence:

We will adopt a proportionate and risk based approach to mitigate identified bribery risks associated with persons who perform or will perform services for or on behalf of the organisation.

Communication (including training):

Proportionate to the risks it faces, our organisation’s actions to communicate its anti-bribery policies and procedures internally and externally, and to embed awareness and understanding of these within the organisation, including training at the annual CPD event.

Monitoring and review:

The embedded process of regularly evaluating, improving and adapting an organisation’s anti-bribery policies and procedures over time.

Anti-Fraud

Policy Statement

MTT is committed to the prevention of fraud and the promotion of an anti-fraud culture.

MTT operate a zero-tolerance attitude to fraud and requires all staff, governors and volunteers to act honestly and with integrity at all times, and to report all reasonable suspicions of fraud.

MTT will investigate all instances of actual, attempted or suspected fraud and will seek to recover any losses and pursue appropriate sanctions against the perpetrators. This may include criminal prosecution, disciplinary action, legal proceedings and professional sanctions.

This policy applies to all staff (full time, part time, temporary and casual), consultants and volunteers.

Definition of Fraud

The term 'fraud' is often used to describe complex financial offences such as false accounting. However, in its simplest form, fraud is lying. Some people will lie, or withhold information, or generally abuse their position to try to trick someone else into believing something that isn't true.

Individuals caught committing fraud can be prosecuted under the [Fraud Act 2006](#) if they make a false representation, fail to disclose information or abuse their position.

Key Responsibilities

Directors will be responsible for

- Overseeing the financial performance of MTT, including its assets, making sure the college's money is well spent and measures are in place to prevent losses or misuse, including arrangements for preventing and detecting fraud.
- Developing, implementing and maintaining adequate systems of internal control that prevent and detect fraud in their environment.
- Testing the system of internal control and seeking independent assurance when appropriate.
- Regularly reviewing MTT anti-fraud policy and compliance with it to ensure it remains effective and relevant.
- Ensuring all allegations of fraud are investigated appropriately, in compliance with relevant policies, procedures and legislation and commencing disciplinary and/or legal action where appropriate.

Staff are responsible for:

- Familiarising themselves with the types of fraud that might affect MTT.
- Ensuring they adhere to the agreed policies and procedures, thereby protecting MTT reputation and assets from fraud.
- Reporting allegations of actual, attempted or suspected fraud to the Head of School or Director.
- Assisting in the investigation of suspected fraud when requested to do so, for example by providing witness statements.

Reporting Suspicions

Staff should immediately report any concerns about actual, attempted or suspected fraud to the Directors. ***Under no circumstances should staff investigate the matter themselves.***

The Public Interest Disclosure Act 1998 protects employees who raise concerns about certain matters of public interest in good faith. Staff can obtain free independent advice from the charity Public Concern at Work on **020 7404 6609** and find other helpful information at <http://www.pcaaw.org.uk/>.

Fraud Response Plan

It is important that allegations of actual, attempted and suspected fraud aren't ignored. Even seemingly insignificant concerns may later reveal a larger, previously unknown problem.

Securing Evidence

Ensure that any concerns are recorded fully. Whenever possible keep written notes that cover:

- Names, addresses and dates of birth.
- Descriptions (height, build, hair colour, ethnicity, clothing, distinctive features)
- Dates and times of key events.
- Vehicle registration numbers and descriptions.
- Details of any conversations had or overheard.
- Details of any actions or incidents that were observed.
- Telephone numbers
- Company and/or business details

Secure any physical evidence such as original invoices, receipts, letters, cheques and application forms. Try to minimise how many people and how often evidence is handled. Fingerprint evidence can very quickly be destroyed.

If any of the evidence is on a computer, immediately unplug the computer from its power source. Don't attempt to shut the computer down through its operating system as this can alter or destroy key files and documents.

Whilst initially securing the evidence it is important not to be tempted to begin a more substantial investigation, or accuse individuals directly, without seeking professional advice (see 'Seeking Advice' below)

If an investigation is undertaken without following the appropriate policies, procedures and legislation, or if individuals are accused without sufficient evidence, it may lead to the perpetrators avoiding a disciplinary, criminal or civil sanction.

Preventing Further Losses

It is important to minimise any additional losses. For example, if the allegations concern the theft or loss or banking passwords, PIN's or similar credentials notify the bank immediately. Equally, if the losses relate to a weak process, for example cash is routinely kept unsecured in a drawer, ensure that the process is changed, at least temporarily, until more permanent and improved processes can be implemented.

Seeking Advice

Reassure witnesses that they have acted appropriately by raising their concerns. Members of staff should be provided with a copy of the **Whistleblowing Policy** and reminded that MTT does not tolerate reprisals, victimisation or harassment and will take all reasonable action to protect them.

In addition, MTT will take steps to minimise any difficulties members of staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, MTT will advise or arrange for them to receive advice and support about the process being followed.

Sanctions

The awarding organisation, NOCN, will normally impose sanctions and penalties to individuals found guilty of malpractice.

- These will usually be the learners, candidates or the responsible members of staff. However, when the malpractice is judged to be the result of a serious management failure, NOCN may apply sanctions against the whole curriculum area or Provider. In these cases, NOCN may make special arrangements to safeguard the interests of candidates who might otherwise be adversely affected.
- NOCN will determine the application of a sanction according to the evidence presented, the nature and circumstances of the malpractice, and the type of qualification involved. Not all possible sanctions are applicable to every type of qualification or circumstance. Sanctions could include withdrawal of certification or loss of direct claim status for the curriculum area or disqualification from qualification for a candidate.
- Actions required to lift sanctions as directed by The NOCN or regulatory bodies will be complied with fully by the Centre.
- Sanctions applied by The NOCN following malpractice by an individual member of staff may also lead to the implementation of the Centre Disciplinary Procedures for Staff.
- In cases of significant malpractice, the police may also be informed.

Review arrangements

MTT will review the policy annually as part of our annual self-evaluation and assessment reporting (SAR) arrangements and revise as and when necessary, in response to actions from the qualifications regulators, legislation or MTT practices, operational feedback from overseas centres and customer and learner feedback as identified.

Contact Information

Multi Trades Training Ltd (MTT) Shalford Dairy Wasing Estate Aldermaston Berkshire RG7 4NB Tel: +44 (0) 2034 883801 E: info@mttraining.co.uk	Director: Rob Jones rob.jones@mttraining.co.uk Mobile: 07733 171 338
	Director: Craig Barwick craig.barwick@mttraining.co.uk Mobile : 07437 114 514

Fraud Reporting Form

If you have any concerns about fraud please contact the Directors or print and complete this form and send it to the address shown below.

You do not need to give your name. All the information provided will be treated in confidence.

Name of the person(s) or organisation you suspect:

Address: (if known)

Place of work / department / job title: (If known)

Please provide details of your suspicions. You should include as much information as possible. For example, what was said in telephone or other conversations, dates, times and places, vehicles used, as well as the names of any other parties involved: (Continue on a separate page if necessary and attach any additional evidence you may have)

Your details: **(please leave blank if you wish to remain anonymous)**

Name:

Telephone number or contact address:

Please return this form in an envelope marked Private & Confidential to:

Multi Trades Training

Shalford Dairy
Wasing Estate
Aldermaston
Berkshire
RG7 4NB