

Maladministration and Malpractice Policy and Procedure

1. Summary statement

1.1 Nuco Training is committed to protecting the interests of its Learners and ensuring the prescribed standards are applied consistently and fairly to all courses registered with Nuco Training. Trainer/Assessors must ensure that internal administration, course delivery and assessments are conducted in line with policies, protocols and procedures outlined by Nuco Training. Nuco Training is committed to preventing maladministration or malpractice from occurring and will take all reasonable steps to achieve through the implementation of rigorous policies and procedures to cover course & Learner registration, the delivery and assessment of qualifications and quality assurance.

1.2 Nuco takes very seriously actions by Trainer/Assessors that fail to meet the standards required. Should a situation arise where Nuco are required to take disciplinary action, it will be dealt with in-line with the sanctions outlined in the Nuco Training Internal Quality Assurance Policy.

2. Introduction

2.1 This policy is aimed primarily, but not exclusively, at Nuco registered Trainer/Assessors who are delivering regulated qualifications or units and Learners who are working towards these. It sets out the steps Trainer/Assessors and Learners should follow when reporting alleged maladministration or malpractice and Nuco's responsibilities and processes in dealing with such cases.

3. Trainer/Assessor responsibility

3.1 It is important that Trainer/Assessors involved in the delivery, assessment and quality assurance of regulated qualifications, and their Learners, are aware of this policy – particularly if a potential complaint arises.

3.2 On monitoring visits, the person conducting the visit may check that colleagues and Learners are aware of the policies contents and purpose.

4. Definition of maladministration

4.1 Maladministration is a non-deliberate activity or practice indicating a lack of care or judgement, non-compliance, or error in managing or administering activities relating to Nuco registered courses.

4.2 We will investigate all cases of maladministration in liaison with the parties concerned. If an investigation confirms maladministration, we will impose an appropriate sanction and take the necessary steps to ensure that Learners' interests are protected as far as is reasonably possible. This may include making arrangements for re-assessment or certification, as appropriate.

4.3 The items listed below are examples of Trainer/Assessor maladministration. Please note that these examples are not exhaustive and are guidance on our definition of maladministration:

- **Non-compliance with Nuco's policies and procedures**
- **Failure to adhere to Nuco's course registration and certification process**
- **Failure to meet Nuco's credit control policy, such as late payment for invoices**
- **Inaccurate claims for certification**
- **Unreasonable delays in responding to quality assurance requests or any other reasonable request**

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5. Definition of malpractice

- 5.1 Malpractice is essentially any deliberate activity or practice which contravenes required standards or regulations and ultimately compromises the integrity of the assessment process and/or the validity of qualifications.
- 5.2 The items listed below are examples of Trainer/Assessor and Learner malpractice. Please note that these examples are not exhaustive and are guidance on our definition of malpractice:
- **Contravention of Nuco's policies and procedures or any other Trainer/Assessor requirements stated by Nuco**
 - **Denial of access to resources (premises, records, information, Learners and staff) to any authorised Nuco representative and/or the regulatory authorities**
 - **Failure to carry out the delivery, assessment and quality assurance of qualifications in accordance with Nuco requirements**
 - **Failure to maintain auditable records, e.g. certification claims**
 - **Fraudulent claim for certificates**
 - **Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance**
 - **Deliberate misuse of the Nuco brand, Awarding Organisation brand or Regulatory Body brand including logo, trademarks and copyrighted materials**
 - **Forgery of evidence**
 - **Contravention of the assessment arrangements for each qualification**
 - **Insecure storage of assessment materials and exam papers**
 - **Unauthorised amendment, copying or distributing of assessment materials**
 - **Failure to adhere to the requirements of the Reasonable Adjustments and Special Considerations Policies**
- 5.3 Examples of Learner malpractice can include:
- **Cheating or plagiarism of any nature**
 - **Forgery of evidence**
 - **Collusion**
 - **Impersonation of another Learner**

6. Process for making an allegation of malpractice or maladministration

- 6.1 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 Nuco Training. In doing so they should put the claim in writing/email and enclose supporting evidence.
- 6.2 All allegations should include (where possible and relevant):
- **Trainer/Assessors name, business name and contact details**
 - **Learner's name**
 - **Title and number of the Nuco course/qualification affected or nature of the service affected**
 - **Date(s) of the alleged maladministration or malpractice**
 - **Full nature of the suspected or actual maladministration or malpractice**
 - **Contents and outcome of any investigation carried out by the Trainer/Assessor or anybody else involved in the case, including any mitigating circumstances**
 - **Written statements from those involved in the case, e.g. witness statements**
 - **Date of the report and the informant's name, position and signature**
 - **Declaration of any conflicts of Interest**
 - **Indication if the informant wishes to remain anonymous**

7. Nuco action on receipt of an allegation

- 7.1 Upon receiving an allegation, it will be passed to the Centre Manager and Nuco will acknowledge receipt within 5 working days. In all cases, Nuco will endeavour to protect the identity of the informant but dependant on the nature of the claim this may not always be possible. Informants must be aware that they may be identifiable due to the circumstances of the disclosure.
- 7.2 In all cases where Nuco Training suspect maladministration or malpractice the appropriate Awarding Organisation will be immediately informed.



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7.3 Upon receipt of an allegation the Awarding Organisation will risk assess the claim and may lead the investigation itself or may require Nuco Training to lead the investigation.

8. The Awarding Organisation leading the investigation

- 8.1 Should the Awarding Organisation decide to lead the investigation Nuco Training will co-operate fully and provide the Awarding Organisation with all facts of the situation and also any reasonable additional information that may be requested during the course of the investigation.
- 8.2 Nuco Training will require all Trainer/Assessors to also co-operate with all aspects of an investigation and provide any requested information or evidence in a reasonable time frame.
- 8.3 The Awarding Organisation will have a regulatory responsibility to the qualification Regulators, such as Ofqual, SQA Accreditation, and both Nuco Training and approved Trainer/Assessors will be required to co-operate with the qualification Regulators as required.

9. Nuco Training leading the investigation

- 9.1 Should the Awarding Organisation require Nuco Training to conduct the investigation Nuco will keep the Awarding Organisation informed on the status of the investigation at all times and will produce a detailed report for the Awarding Organisation with the findings of the investigation and proposed action plan and proposed sanctions. The Awarding Organisation will then review the report, proposed action plan and proposed sanctions to determine if it is suitable.
- 9.2 Nuco Training will make preliminary checks to try to determine whether the claim is vexatious or frivolous. The Centre Manager may appoint a suitably competent person/s to lead the investigation including Nuco personnel and, where appropriate, external appropriately qualified personnel to examine the report and supporting evidence. All persons will be independent, i.e. no direct involvement in the alleged issues and free of any conflict of interests.
- 9.3 Nuco aim to complete any investigation within 30 working days of the instruction to investigate from the Awarding Organisation. Please note that in some cases, the investigation may take longer; for example, if a visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.
- 9.4 The investigator/s review may involve:
- **A request for further information from the Trainer/Assessor, Learner or NUCO personnel**
 - **Interviews (face to face or by telephone) with personnel involved in the investigation**
 - **Nuco authorised personnel conducting a local visit. In this case, a fee may be chargeable for the visit**
- 9.5 Nuco Training expect all parties involved in the investigation, to co-operate fully. Failure to cooperate may lead to a decision based on the evidence available. At any stage in this process Nuco reserves the right to suspend Trainer/Assessor status and any claims for Learner certification submitted by the Trainer/Assessor. Nuco may also reserve the right to withhold a Learner's results and/or certificate for all the Nuco course/qualifications they are studying if the case is deemed to be of a serious nature.
- 9.6 If the investigation confirms that there has been maladministration or malpractice Nuco may have no alternative but to propose to the Awarding Organisation one or more of the following sanctions (note this list is not exhaustive). In determining the sanction Nuco will consider all factors put forward by all parties:
- **A Suspension of the Trainer/Assessor status for all Nuco programmes**
 - **Termination of the Trainer/Assessor approved status with Nuco**
 - **Suspension of the Trainer/Assessor status to run a specific Nuco course/qualification**
 - **Suspension of the Learner's registration and/or certification for one or more courses/qualifications**
 - **Increased level of quality assurance**
 - **Specify any additional training/mentoring that may be required**
 - **Disallowing all or part of the Learner's assessment evidence**
 - **Not issuing the Learner's certificate(s)**
 - **Not accepting any further registrations for the Learner**
 - **Disqualification of the Learner from the course/qualification**
- 9.7 Upon completion of the investigation Nuco Training will create a detailed report covering all aspects of the allegation/s and the investigation along with a proposed action plan and proposed sanctions. This report will be sent to the Awarding Organisation for approval.

Nuco Training's policies are kept under constant review and updated as and when required

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nuco training
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9.8 Upon receipt of the decision from the Awarding Organisation Nuco Training will implement its proposed action plan and sanctions or any revised action plan and sanctions as required. Nuco Training will inform all relevant parties within 5 working days of the decision being made.

10. Appeals

10.1 If a Trainer/Assessor or Learner wishes to appeal against any decision to impose sanctions, please refer to the Nuco Enquiries, Complaints and Appeals Policy.

11. Review arrangements

11.1 We will review the policy periodically and revise it as and when necessary in response to customer and learner feedback, changes in our practices, actions from the regulatory authorities or external agencies, or changes in legislation. If you would like to feedback any views please contact us via the details provided at the end of this policy.

12. Contact us

Post: Nuco Training Ltd, Barton House, Central Treviscoe, St Austell, Cornwall PL26 7QP

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