

Malpractice Policy



Review arrangements

IWFM will review the policy annually as part of the self-evaluation arrangements and will revise it as and when necessary in response to customer and learner feedback, changes in the IWFM practices, actions from the Regulatory Authorities or external agencies, changes in legislation, or trends identified from previous investigations.

'Regulatory Authorities' refer to, either individually or jointly; IWFM Awarding Organisation, Ofqual, SQA Accreditation, Qualifications Wales and CCEA Regulation in Northern Ireland.

In addition, this policy may be updated in light of operational feedback to ensure the IWFM arrangements for dealing with suspected cases of malpractice remain effective.

Definition of malpractice

Malpractice is essentially any activity or practice which deliberately contravenes any stated regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates.

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 IWFM
- the qualification or the wider qualifications community

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.

For the purpose of this policy the term also covers misconduct and forms of unnecessary discrimination or bias towards certain learners or groups of learners.

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

- Falsification of ID used at the registration stage.
- Cash for certificates (e.g. the selling of certificates).
- Unauthorised amendment, copying or distribution of assessment papers/materials.
- Collusion or permitting collusion in assessment.
- Plagiarism of any nature.
- Forgery of evidence.
- Submission of false information to gain a qualification or unit.
- Impersonation - assuming the identity of another person, or allowing someone to assume your identity, during assessment.

Malpractice Policy

- Copying from other learner(s).
- Selling papers/assessment details.
- Fraudulent claim for certificates and/or forgery of evidence
- Learners still working towards qualification after certification claims have been made.
- Intentional withholding of information from the IWFM which is critical to maintaining the rigor of quality assurance and standards of qualifications.

Process for making an allegation of malpractice

Anyone who identifies or is made aware of a suspected or actual case of malpractice **must immediately notify IWFM**. The notification should be made in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- learner's name and IWFM membership number (if known)
- date(s) suspected or actual malpractice occurred
- full nature of the suspected or actual malpractice

In all cases of suspected malpractice reported to IWFM, it will protect the identity of the 'informant' in accordance with IWFM's duty of confidentiality and/or any other legal duty.

IWFM Direct has a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

Confidentiality and whistle blowing

If a person making an allegation of malpractice or maladministration wishes to remain anonymous, although it is always preferable to reveal identity and contact details, a request not to divulge the identity can be made. To reassure a potential claimant in this point, IWFM can confirm that it is not obliged to disclose information if to do so would be a breach of confidentiality and/or any other legal duty.

Whilst IWFM is prepared to investigate issues which are reported anonymously, IWFM 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. At all times IWFM will investigate allegations from whistleblowers in accordance with the IWFM Whistleblowing policy and relevant whistle blowing legislation.

IWFM will aim to keep a whistleblower's identity confidential where asked to do so although it cannot guarantee this and may need to disclose the whistleblower's identity to:

- the IWFM Awarding Organisation
- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)

Malpractice Policy

- the courts (in connection with court proceedings) another person to whom we are required by law to disclose your identity
- other third parties where IWFM consider it necessary to do so (e.g. the regulatory authorities)

A whistleblower should recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure, e.g. the party which the allegation is made against may manage to identify possible sources of disclosure without such details being disclosed to them.

In most cases, IWFM will keep the whistleblower updated as to how the allegation is being progressed, e.g. an investigation is being undertaken, but will not disclose details of the investigation. In addition, it may not be appropriate for IWFM to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons, e.g. disclose full details on the action that may be taken against the parties concerned.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of malpractice will be examined promptly by IWFM to establish if malpractice has occurred and will take all reasonable steps to prevent any adverse effect from occurring as defined by the regulatory authorities.

All suspected cases of malpractice will be passed to the IWFM Head of Professional Development. The IWFM Head of Professional Development will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures stated in Awarding Organisation policies and will allocate a relevant member of staff (e.g. an External Quality Assurer) to lead the investigation and establish whether malpractice or maladministration has occurred, and review any supporting evidence received or gathered by IWFM.

At all times IWFM will ensure that all personnel assigned to the investigation have the appropriate level of training and competence and have had no previous involvement or personal interest in the matter.

Notifying relevant parties

IWFM Awarding Organisation (AO) will report cases of malpractice to its AO Committee.

Where applicable, the IWFM Head of Professional Development will inform the appropriate regulatory authorities of any investigation into suspected or actual cases of malpractice and where there is evidence that results or certificates may be invalid, will agree the appropriate course of remedial action with them. Please note that in exceptional cases, the regulatory authorities may lead the investigation.

Where the allegation may affect another awarding organisation and its provision, IWFM AO will inform the organisation in accordance with the regulatory authorities' requirements and obligations. If IWFM AO does not know the details of organisations that might be affected it will ask the regulatory authorities to help identify the relevant parties that should be informed.

If fraud is suspected and/or identified IWFM may also notify the police.

Commented [SA1]: Changed throughout

Malpractice Policy

Investigation timelines and process

IWFM aims to action and resolve all stages of the investigation within twenty-five working days of receipt of the allegation. Please note that in some cases the investigation may take longer.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and valid manner, ensuring that all relevant evidence is considered without bias. In doing so, investigations will be based around the following broad objectives:

- Establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred.
- Determine whether remedial 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.

The investigation may involve:

- requesting further information from the learner or others involved e.g. learner's employer
- interviewing (face to face or by telephone) those involved in the investigation

IWFM will:

- ensure that all material collected as part of an investigation is kept secure.
- 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 co-operate with it.

At notification of a suspected case, or actual case, of malpractice and/or at any time during the investigation, IWFM reserves the right to freeze or cancel learner qualification registrations and/or any IWFM membership in order to protect the interests of learners and the integrity of the qualifications and IWFM.

IWFM reserves the right to withhold a learner's at the time of the notification or investigation of suspected or actual malpractice until the outcome of the investigation is known. Throughout the investigation the IWFM Head of Professional Development 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 all relevant external parties.

If appropriate, IWFM may find that the complexity of a case or a lack of cooperation means that they are unable to complete an investigation. In such circumstances IWFM will consult the relevant regulatory authority in order to determine how best to progress the matter.

Malpractice Policy

Investigation report

If IWFM believes there is sufficient evidence to implicate an individual(s) in malpractice IWFM will:

- inform them (in writing) of the allegation
- provide them with details of the evidence found to support IWFM's judgment
- inform them of the possible consequences
- inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
- provide them with an opportunity to consider and respond to the allegation and the IWFM's findings
- inform them about the IWFM Appeals policy

Investigation outcomes

If the investigation confirms that malpractice has taken place IWFM 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 IWFM standards

The IWFM may impose one or more of the following actions (this list is indicative and is not meant to form an exhaustive list):

- Take action against the learner(s) in relation to proven instances of malpractice. Some or all of the following:
 - issue a written warning that if the offence is repeated further action may be taken
 - loss of all marks/credits for the related work/unit
 - disqualification from the unit(s)/qualification
 - place a ban for a set period of time from taking any further qualifications with IWFM

In addition to the above, the Head of Professional Development will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help IWFM prevent the same instance of malpractice from reoccurring.

Malpractice Policy

How will IWFM use the data

For information on how IWFM uses data and the learner's rights in relation to this, please see our privacy policy <https://www.IWFM.org.uk/privacy>

Contact us

Any queries about the contents of this document please contact:

IWFM
1st Floor South
Charringtons House
The Causeway
Bishop's Stortford
Hertfordshire CM23 2ER

academy@iwfm.org.uk
+44 (0) 1279 712 631