

United Fitness Academy 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. 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 United Fitness Academy and the Awarding Organisation, or 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 to claim certificates.

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

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:

- failure to carry out internal assessment, internal moderation, or internal verification in accordance with our requirements
- deliberate failure to adhere to our learner registration and certification procedures
- deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to our centre
- deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- fraudulent claim(s) for certificates
- the unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
- intentional withholding of information from Awarding Organisations which is critical to maintaining the rigour of quality assurance and standards of qualifications
- deliberate misuse of logo and trademarks or misrepresentation of a centre's relationship with Awarding Organisations
- collusion or permitting collusion in exams/assessments
- learners still working towards qualification after certification claims have been made
- persistent instances of maladministration within the centre
- a loss, theft of, or a breach of confidentiality in, any assessment materials
- plagiarism by learners/staff
- copying from another learner (including using ICT to do so)

- personation - assuming the identity of another learner or having someone assume your identity during an assessment
- unauthorised amendment, copying or distributing of exam/assessment papers/materials
- inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass a unit or qualification)
- deliberate submission of false information to gain a qualification or unit

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 United Fitness Academy (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:

- persistent failure to adhere to our learner registration and certification procedures
- persistent failure to adhere to our centre recognition and/or qualification requirements and/or associated actions assigned to the centre
- late learner registrations (both infrequent and persistent)
- unreasonable delays in responding to requests and/or communications from Awarding Organisations
- inaccurate claim for certificates
- failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- withholding of information, by deliberate act or omission, from us which is required to assure Awarding Organisations of the centre's ability to deliver qualifications appropriately
- misuse of logo and trademarks or misrepresentation of a centre's relationship with Awarding Organisations and/or its recognition and approval status with the bodies
- failure to adhere to, or to circumnavigate, the requirements of Reasonable Adjustments and Special Considerations Policy

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

All allegations must include (where possible):

- centre's name, address and number
- learner's name and registration number
- centre 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 United Fitness Academy has conducted an initial investigation prior to formally notifying the Awarding Organisation, United Fitness Academy 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 United Fitness Academy must immediately notify the Awarding Organisation if they suspect malpractice or maladministration has occurred as the Awarding Organisation 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 the Awarding Organisation 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 United Fitness Academy and if you are concerned about possible adverse consequences please inform United Fitness Academy or the Awarding Organisation that you do not wish for us to divulge your identity. If it helps to reassure you on this point, Icon Fitness Agents, or the Awarding Organisation 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 United Fitness Academy or the Awarding Organisation are prepared to investigate issues which are reported anonymously United Fitness Academy or the Awarding Organisation 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.

United Fitness Academy responsibility for preventing malpractice and/or maladministration

To irradiate cases of malpractice/maladministration United Fitness Academy 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 jeopardise their potential achievements
- all assessment and internal verification activities are accurately recorded and carried out in accordance with the United Fitness Academy internal quality assurance arrangements and in line with the United Fitness Academy 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 3 years after the student has completed their course. Only authorised and appropriate members of staff will have access to them

United Fitness Academy procedure to conduct a malpractice / maladministration investigation

To embed effective arrangements to investigate instances of malpractice/ maladministration the following. 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 the Awarding Organisation, with the roles of the two teams being clarified by the Awarding Organisation. It is United Fitness Academy responsibility to ensure their investigators are fully aware of the agreed roles and processes to follow in the investigation.

Stage 2: Establishing the facts

Investigators should review the evidence and associated documentation, including relevant 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, United Fitness Academy 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.

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.

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 Icon Fitness Agents. 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 United Fitness Academy for review and sign-off and shared with the Awarding Organisation and relevant parties within your organisation.

Stage 8: Actions

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

Thank you for your contribution and commitment to making our policy work.