



## **Personal Trainer 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 and associated achievement. 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 PT Academy and the Awarding Body, 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 in order to claim certificates.

For the purpose of 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:

- Fraudulent claim(s) for certificates.
- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones).
- Collusion or permitting collusion in exams/assessments.
- Learners still working towards qualification after certification claims have been made.
- Deliberate contravention by PT Academy and/or its learners of the assessment arrangements we specified by the awarding body.
- 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).
- Impersonation - 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.



### **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 Feedback Department at PT Academy on [info@ptacademy.com](mailto:info@ptacademy.com) in writing. Please ensure you include appropriate supporting evidence. If the area of malpractice or maladministration involves PT Academy, then the informant may report straight to Awarding Organisation.

All allegations must include (where possible):

- The Training Providers name, address and number.
- Learner's name and Awarding Organisation registration number (If known).
- PT Academy /Awarding Body's 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 PT Academy has conducted an initial investigation prior to formally notifying the awarding body, PT Academy will 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 PT Academy will immediately notify the awarding body if they suspect malpractice or maladministration has occurred as the awarding body has 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 PT Academy, the identity of the 'informant' will be protected 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 PT Academy or the awarding body, and if you are concerned about possible adverse consequences please inform PT Academy or the awarding body that you do not wish for us to divulge your identity. If it helps to reassure you on this point, PT Academy 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 PT Academy are prepared to investigate 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 that the complaint/allegation relates. At all times we will investigate such complaints from whistleblowers in accordance with relevant whistle blowing legislation.



### **PT Academy responsibility for preventing malpractice and/or maladministration:**

To eradicate cases of malpractice/maladministration PT 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 internal quality assurance arrangements and in line with the expectations as outlined in PT Academy's 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 up to 3 years after the student has completed their course. Only authorised and appropriate members of staff will have access to them.

PT Academy procedure to conduct a malpractice / maladministration investigation:

To embed effective arrangements to investigate instances of malpractice/maladministration the following process will ensue. 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 will have a clear brief and understanding of their role. All investigators will maintain a written record of every action during an investigation to demonstrate that they have acted appropriately.

**Stage 2: Establishing the facts:** Investigators will review the evidence and associated documentation, including relevant awarding bodies 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



**Stage 3: Interviews:** Interviews will be thoroughly prepared, conducted appropriately and underpinned by clear records of the interviews. Face-to-face interviews would normally be conducted by two people with one person primarily acting as the interviewer and the other as note-taker. Those being interviewed would 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. Both parties should sign the account as a true record/reflection of what was covered/stated/agreed.

**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 will log the number of attempts made to contact an individual. Again accounts will be signed for agreement with written records to be formatted as non-editable PDF.

**Stage 5: Documentary evidence:** Wherever possible documentary evidence will be authenticated by reference to the author; this may include asking learners and others to confirm handwriting, dates and signatures.

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 will be 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 PT Academy for review and sign-off and shared with the awarding body and relevant parties within the organisation.

**Stage 8: Actions:** Any resultant action plan is implemented and monitored appropriately and the awarding body notified.

Directors signature:

Dated:

Review date: 1<sup>st</sup> October 2019