



## The Swim Surgery malpractice and Maladministration Policy

### **Introduction**

The Swim Surgery is used to train teachers and swimming teachers on behalf of Safety Training Awards. It uses self-employed freelance tutors and assessors to conduct its work. The Swim Surgery was established in 2018 and owned by Lynn Goring-Crook.

### **Purpose**

It is the intention of The Swim Surgery to work closely with our learners, tutors, assessors and quality assurers to ensure that:

- Any potential malpractice or maladministration is identified promptly
- All allegations of malpractice are investigated methodically and equitably in line with Safety Training Awards requirements
- If malpractice or maladministration is proven, it is promptly corrected or the effects on users of qualifications mitigated in order to uphold the validity of qualifications issued by the awarding organisation
- Procedures are kept under review to ensure cases of malpractice are prevented wherever possible

### **Definition of Malpractice**

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal or external assessment process and/or validity of achievement and certification of a qualification awarded by Safety Training Awards. It covers the deliberate actions, neglect, default or other practice that may compromise the following:

- The assessment processes
- Integrity of a regulated qualification
- The validity of results or a certificate
- The reputation and credibility of regulated qualifications or of the wider

qualifications community

**Examples of malpractice could include, but are not limited to:**

Listed below are examples of centre and learner malpractice. Please note that this list is not exhaustive and is only intended as guidance on our definition of malpractice:

- Plagiarism: taking or copying someone else's work or ideas and passing them off as one's own
- Collusion, or permitting collusion: co-operation with another learner, tutor, assessor or quality assurer for a dishonest purpose, for example when completing assessment tasks
- Impersonating another learner or providing forged identification documentation
- Submission of false information, including authenticity statements
- Deliberate failure to carry out delivery, assessment and quality assurance in accordance with the awarding organisations requirements
- Deliberate failure to adhere to learner registration and certification procedures
- Deliberate failure to adhere to the conditions of appointment document
- Deliberate failure to adhere to record keeping requirements
- Fraudulent certificate claims
- Persistent instances of maladministration
- Unauthorised use of equipment and materials in assessments
- Intentionally withholding information from the awarding organisation
- A loss, theft of, or breach of confidential assessment materials
- Defacing, amending or falsifying assessment records
- Deliberate failure to adhere to reasonable adjustment, or inappropriately assisting a learner.

**Definition of Maladministration**

Maladministration is defined as any activity, neglect, default or other practice that results in the centre, tutor, assessor, learner or quality assurer not complying with Safety Training Awards requirements, Safety Training Awards tutor agreement, the general conditions of recognition, or regulatory principles.

Maladministration is in effect any activity or practice which results to non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within the centre including inappropriate learner records.

**Examples of maladministration could include, but are not limited to:**

Listed below are examples of centre and learner maladministration. Please note that this list is not exhaustive and is only intended as guidance on our definition of maladministration:

- Persistent failure to adhere to our certification procedures
- Inaccurate certificate claims
- Persistent failure to adhere to our approved training centre recognition and/or qualification requirements and/or associated actions assigned to that centre
- Failure to keep auditable records in accordance to Safety Training Awards requirements
- Failure to adhere to delivery, assessment and certification requirements
- Failure to adhere to register learners in accordance with Safety Training Awards

- procedures
- Unreasonable delays in responding to requests and/or communications from Safety Training Awards
  - A deliberate act or omission of withholding or delaying information which is required to assure Safety Training Awards of the centres ability to deliver and assess qualifications appropriately
  - Misuse of Safety Training Awards logo or misrepresentation of a centre relationship with Safety Training Awards qualifications and/or its recognition and approval status with us

## **Policy**

### **The Swim Surgery – Centre’s responsibilities and policy**

Southern Swim Schools and The Swim Surgery will ensure that the risk of maladministration and malpractice is kept to a minimum by ensuring the following is in place:

- Robust policies and procedures which all staff are aware of and are kept regularly up to date—at least annually
  - Take all reasonable steps to ensure that incidents of malpractice and maladministration do not occur
  - Investigate all suspected incidents of malpractice and maladministration and rectify the negative impact of these incidents
  - Develop an action plan for managing and rectifying the negative impact of any incidents of malpractice or maladministration and make it available to Awarding Organisations as required. The plan will also include any areas of further improvement needed to ensure that the malpractice or maladministration does not recur in the future
  - The appropriate and proportionate action against those responsible for the maladministration and malpractice and to ensure it does not recur in the future
  - Deliver in full the actions required as per the Action Plan
  - Notify the relevant Awarding Organisation of any incidents of malpractice or maladministration in line with the appropriate policy and procedures
    - Provide access to documents, records, staff, data, third parties, sub-contractors, learners and any other resources as required by any Awarding Organisations during any further investigations
    - Fully co-operate with any internal investigations. This includes, but is not limited to, attending meetings and providing prompt responses as directed towards us
  - Inform all learners of this policy as the need arises and in any event that the policy is in place.

### **Risk Reduction**

It is impossible to completely remove the risk of malpractice and maladministration, however The Swim Surgery believes the following help to mitigate the risk as much as possible:

- Ensuring all staff are aware of all relevant policies and procedures
- Ensuring staff have clear roles and responsibilities
- Ensuring there are documented internal QA procedures and methodologies in place which is subject to regular review

- Ensuring that there are documented internal standardisation sessions which take place at least annually
- Ensuring that learners are informed of their responsibilities and roles, and in terms of not doing anything which may be deemed malpractice and jeopardise their potential achievements
- Ensure all assessment and internal verification activities are accurately recorded and carried out in accordance with our quality assurance arrangements and in line with the expectations of qualification guides
- Ensuring that all courses are subject to the appropriate internal reviews before being submitted to Safety Training Awards.

While delivering courses staff should be aware of the following to help reduce risk:

- Inspecting the examination room to ensure that the accommodation is suitable and the seating is arranged in such a way to avoid malpractice
- Ensuring that all learning aids (such as wall posters) that may assist learners with the examination are covered or removed
- Ensuring learners turn off and put away mobile phones, smart devices, laptops and/or any other form of device that could be classed as a learning aid
- Ensuring absolute silence is maintained throughout the examination
  - In the event that an Invigilator/Assessor observes or suspects a learner of cheating, that learner should be asked to stop. Should the action be considered serious enough, a learner's examination paper and answer sheet should be collected and the learner asked to leave the examination room. In the latter scenario the Invigilator / Assessor must submit a written report to Lynn Goring-Crook Centre Co-ordinator, who will notify the appropriate Awarding Organisation of the incident.

#### Reporting Malpractice and Maladministration

- Candidates, Trainers or Assessors who feel they have witnessed malpractice or maladministration should contact Lynn Goring-Crook, Centre Co-ordinator in writing within 5 working days of the occurrence. This can be done via the contact details show below.
- All correspondence should include an account of the suspected malpractice or maladministration, including the date and time of anybody involved
- The Centre Co-ordinator will send a confirmation of receipt of the suspected malpractice/ maladministration within 5 working days of receiving it
- The suspected malpractice/maladministration will be investigated by Lynn Goring-Crook, or another Company Partner if it involves her, and will come to a decision within 15 working days and respond directly to the person witnessing the concern
- Candidates who are not satisfied of the decision reached will have the opportunity to follow our complaints procedure before appealing to Safety Training Awards directly.
- All cases of malpractice/maladministration within the company which require further support or guidance will be immediately escalated to Safety Training Awards by the investigating Centre Co-ordinator or Company Partner.

#### **Reporting suspected instances of malpractice or maladministration procedures to Safety Training Awards**

If malpractice or maladministration is suspected or there has been an actual case, Safety Training Awards must be informed immediately, utilising the form that is available from Safety Training Awards website and submitting all relevant evidence to support the case.

If a centre has conducted an initial investigation prior to notifying Safety Training Awards they must ensure that all personnel involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

Reports can be made by centre personnel, tutors, assessors, learners or quality assurers. The approved training centre must also be notified of any suspicion of malpractice and maladministration, so they can apply their own procedures where appropriate.

Safety Training Awards will investigate all cases of malpractice and maladministration on a case by case basis relating to all the information and evidence we receive. Any suspected or actual cases of malpractice will be reported to the relevant regulatory authorities in line with the regulatory requirements and indicate the proposed actions/sanctions and an estimated timescale for the investigation.

Safety Training Awards will notify the relevant regulatory authority of the outcomes and will co- operate with any follow up investigations required by them and we will agree on appropriate remedial action if there is evidence that certificates may be invalid.

The fundamental principle of all investigations is for them to be conducted in a fair, reasonable, proportionate and lawful manner and all evidence is considered impartially.

Investigations will be based on the following objectives:

- Establish the facts relating to the allegations in order to determine whether any irregularities have occurred
- Identify the cause of any irregularities
- Identify the people involved in the allegations and/or may be able to provide relevant information/evidence
- Establish the level of risk involved within the irregularities
- Evaluate any actions/sanctions already taken by the approved training centre
- Determine whether remedial action is required to reduce the risk to current registered learners, to preserve the integrity of the qualification and to prevent or mitigate against adverse effect resulting from any malpractice or maladministration
- Ascertain if any action is required in respect of certificates already issued to learners
  - -Obtain clear evidence to support the sanctions to be applied to the centre and/or to personnel in accordance with the sanctions policy
- Identify any adverse patterns or trends

The investigation may involve us requesting further information from relevant parties and/or interviews with personnel involved in the case. An important element of a fair procedure is that any person who has an adverse allegation made against them, is provided with a description of the allegations made against them and the possible consequences of a finding. They are given the opportunity to respond to the allegations.

At any time during a suspected or actual case of malpractice and maladministration, Safety Training Awards reserves the right to impose sanctions on the centre in accordance with the

sanctions policy in order to protect the interests of learners, the integrity of the qualifications and/or public confidence in the qualifications.

We also reserve the right to withhold a learner's or full cohort's results for the qualifications they are studying at the time of the reported case or investigation of suspected or actual malpractice/maladministration.

If we find the complexity of a case or the lack of co-operation from a centre which prevents Safety Training Awards from conducting a thorough investigation, if it is appropriate in such circumstances we will consult with the relevant regulatory authority in order to determine the best way to progress and conclude the case.

### **Responsibility for the investigation**

In accordance with regulatory requirements all concerns, or suspected cases of malpractice and maladministration will be reviewed promptly by Safety Training Awards to establish if any form of malpractice or maladministration has occurred, we will take all reasonable steps to prevent any adverse effect from occurring as defined by our regulators.

All suspected cases of malpractice and maladministration will be forwarded to Safety Training Awards compliance manager and we will send you an acknowledgement of receipt within 7 working days.

Safety Training Awards compliance manager will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with this policy, they will allocate the relevant manager to conduct the investigation to establish whether or not the malpractice or maladministration has occurred and will review any supporting evidence received or gathered by Safety Training Awards.

We will ensure that the personnel assigned to the investigation have had the appropriate level of training, are competent and have had no previous involvement or personal interest in the matter.

### **Notifying relevant parties**

Safety Training Awards will tell the person who made the allegation who will be handling the matter, how they can contact them and any further assistance we may need from them. We will keep them updated as to how the allegation has progressed and if an investigation has commenced, timeframes may depend upon the complexity of the case. However, we will not disclose any details of the investigation activities and it may not be appropriate to disclose any details of the outcomes due to confidentiality or legal reasons.

In all cases of suspected or actual malpractice or maladministration at a centre, we will notify the head of the centre involved in the allegation (unless they are under investigation in which case communication may be with the next appropriate person of authority) that we are investigating the matter.

In cases of learner malpractice, we may ask the centre to investigate the issue whilst liaising with personnel at Safety Training Awards. We will only ask the centre to investigate the matter when we have confidence that the investigation would be prompt, thorough, fair, independent and

effective.

We may communicate directly with centre personnel who have been accused of malpractice if appropriate and/or communicate directly with a learner or their representative if deemed necessary when reviewing the evidence.

Where applicable Safety Training Awards compliance manager will inform the appropriate regulatory authority of a suspected case or a proven case of malpractice and/or maladministration, which may invalidate the award of a qualification or if it could affect another awarding organisation. We will also keep them informed if we are investigating a large or complex case.

### **Investigation timelines and summary process**

Once Safety Training Awards have received an allegation of malpractice or maladministration you will be sent an acknowledgement of receipt within 7 working days. The allegation will be reviewed in line with our policies and procedures and an investigation will be conducted where necessary. To ensure a fair and thorough process is followed the duration of the investigation will depend on the nature and severity of the allegation we receive at this stage, or the complexity of the response required.

We do aim to provide this as soon as the outcome is available or within a maximum of 28 days, in some cases this may take longer to conclude the investigation with an outcome, in these instances the person reporting the allegation will be notified of revised timescales.

The essential principals of all investigations are to conduct them in a fair, reasonable, efficient and legal manner, whilst ensuring all the relevant evidence is considered without bias. Investigations may be underpinned by terms of reference and may be based around the following objectives:

- Establish the facts relating to the allegation in order to determine whether any irregularities have occurred
- To identify the cause of the irregularities and those who are involved
- To identify the scale of the irregularities and whether other qualifications may be affected
- Review and evaluate any action already taken by the centre
- Identify any adverse patterns or trends
- Determine whether remedial action may be required to reduce the risk to current registered learners and to preserve the integrity of the qualification
- To ascertain if any action is required in respect of any certificates already issued to learners
- To obtain clear and precise evidence to support any sanctions that are to be applied to a centre and/or to the personnel in accordance with Safety Training Awards sanction policy

When carrying out an investigation Safety Training Awards will be sensitive to the effect on the reputation of an approved training centre or to the personnel who may be subject to investigation. We aim to ensure that the investigation is carried out as confidentially as possible, the organisation/personnel who is subject of the allegation will have an opportunity to raise any issues about the proposed approach and the conduct of the investigation to the investigator.

During an investigation, we may request further information from relevant parties and/or interviews with personnel involved in the matter. If any interviews are carried out with the person(s) accused of malpractice or maladministration they can be accompanied by a work colleague or other party.

In addition to the above we will:

- Ensure all evidence collected as part of an investigation is kept secure. All original documentation and records relating to a completed investigation that lead to a sanction against a centre/ will be retained securely for five years. If an investigation leads to invalidation of certificates, criminal or civil prosecution all original documentation and records relating to the case will be retained until the case and any appeals have been heard and for five years thereafter
- We expect all parties who are either directly or indirectly involved in the investigation to fully co-operate with us

When a concern or an actual allegation of malpractice or maladministration and/or at any time throughout the investigation, we reserve the right to impose sanctions on the approved training centre in accordance with our sanctions policy to protect the interests of learners and the integrity of the qualifications. The quality assurance manager will be responsible for regularly reviewing the application and maintenance of sanctions to ensure they are still appropriate and proportionate to the incident(s) and to highlight the possible risk of future incidents occurring.

We reserve the right to also withhold a learner and/or cohort's results for all Safety Training Awards

Qualifications they are studying at the time of the allegation/investigation.

In some cases, we may find that we are unable to complete an investigation due to a lack of co- operation from a centre or due to the complexity of the case. In these situations, we will consult with the relevant regulatory authority in order to determine the next course of action to progress with the matter.

If a team member at Safety Training Awards is under investigation we may suspend them or move them to other duties until the investigation is complete.

### **Investigation report**

If we believe there is sufficient evidence of malpractice or maladministration to implicate an individual/centre we will:

- Inform them, preferably in writing of the allegation
- Inform them of the evidence we found supporting our judgment
- Inform them that we may or have shared information with the relevant regulators and other relevant bodies relating to the allegation and investigation
- Give them an opportunity to consider and respond to the allegation and our findings
- Inform them of our appeals policy if they wish to appeal against our decision

After an investigation is complete we will produce a draft report for all parties concerned to check the factual accuracy. Any further amendments will be agreed between all parties concerned and ourselves prior to the final document being produced. The report will include the following:



- Identify where the breach occurred, if any
- Confirm the facts of the case including any relevant mitigating factors
- Identify who is responsible for the breach if any occurred
- Contain all supporting evidence where appropriate, including written statements
- Confirm an appropriate level or remedial action to be applied

The final report will be available to the regulatory authorities and other external agencies where appropriate. If an independent/third party reported the suspected or actual case of malpractice or maladministration we may also inform them of the outcome, normally within 7 working days of the final decision. When doing so we may withhold some details, if to disclose such information would breach a duty of confidentiality or legal duty.

### **Investigation outcomes**

If an investigation confirms that malpractice or maladministration has taken place, we will consider the following action to take:

- To minimise the risk to the integrity of certification now and in the future
- Maintain public confidence in the qualifications
- Discourage others from carrying out similar instances of malpractice or maladministration
- Ensure there is no gain from compromising our standards

### **Monitoring and Review**

We will monitor all of the feedback that we receive in relation to the issues affected by the Policy and will amend the policy as necessary.

The Policy will be updated with any amendments to existing legislation or new legislation.

In any event, all policies are reviewed annually although updates to versions etc. will only take place every three years should there be no other changes to the policy.

### **Document Owner and Approval**

The Swim Surgery is the owner of this document and is responsible for ensuring that this policy document is reviewed in line with the review requirements stated above.

This policy was approved by the Company Partners on 9<sup>th</sup> July 2018 and is issued on a version controlled basis under the signature of Lynn Goring-Crook

Date	Version	Author	Amendment Details
9/7/2018	1.0	Lynn Goring-Crook	Creation of document
29/7/2019	1.1	Lynn Goring-Crook	Annual review
01/07/2021	2.0	Lynn Goring-Crook	Removal SSS

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