

Malpractice Policy

1. General

1.1 Swim England Qualifications (SEQ) is committed to providing access to fair assessment for all learners, to protect the integrity of the qualifications which it awards and to be fully compliant with the expectation of the Regulators¹. SEQ endeavors to create a culture of honesty, integrity and ethics in all aspects of design, delivery and awarding in order to prevent malpractice as far as possible.

2. Definition

2.1 'Malpractice' (which incorporates maladministration and non-compliance) means any act, default or practice which is a breach of the Regulations² or which:

- may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; **and/or**
- damages the authority, reputation or credibility of SEQ, any ATC or any employee, sub-contractor or representative of SEQ or any ATC

3. Persons

3.1 This policy applies to:

- Learners
- ATC people (e.g. their staff, their educators, volunteers, sub-contractors, consultants or any other representative)
- SEQ staff
- External consultants (external verifiers, centre reviewers, specialists and any other individual involved with the development, delivery and award of SEQ qualifications)

4. SEQ Responsibilities

4.1 SEQ will ensure that it;

- 4.1.1 seeks to avoid malpractice in every aspect of the assessment process;
- 4.1.2 undertakes careful review of any reports of malpractice and takes robust action to resolve any proven cases;
- 4.1.3 prevents any Adverse Effects³ that may subsequently impact on learners or standards;
- 4.1.4 takes all reasonable steps to prevent the occurrence of any malpractice through a culture aligned to its values and applying fit for purpose policies and procedures;
- 4.1.5 supports approved external consultants and ATC's in dealing with suspected cases and any subsequent investigation and action;
- 4.1.6 acknowledges and acts upon the information given by whistle-blowers and protect their anonymity when requested;
- 4.1.7 carries out all its duties in line with its procedures and without undue delay;
- 4.1.8 observes confidentiality at all times;

¹ Ofqual; Qualification Wales; any other appropriate regulator

² Regulator's Conditions of Recognition

³ Definition: Conditions of Recognition J1.8

4.1.9 Takes appropriate and proportionate action against those responsible for malpractice by applying appropriate sanctions in line with the Sanctions Policy.

4.2 Report the incident to the appropriate Regulators and other stakeholders as required by law.

5. ATC Responsibility

5.1 All ATC's are accountable for assessment arrangements that lead to the achievement of qualifications or other SEQ products. ATC's are responsible for all staff or persons who contribute to and take part in the assessment process.

5.2 ATC's must ensure that all staff are aware of their responsibilities to prevent malpractice and follow the ATC and SEQ procedures regarding administration, delivery and internal verification.

5.3 ATC's must report any irregularities in writing immediately after they are discovered using the Malpractice Notification Form. All forms are available on the ATC secure area (the Box).

5.4 SEQ expect ATC's to co-operate fully with any investigations and in all cases ATC's must keep all affected staff and learners informed of the process throughout.

5.5 Where suspected irregularities are reported other than by the ATC, SEQ will notify the ATC Key Centre Contact (KCC) who must acknowledge a request to either carry out an investigation or provide information in writing to SEQ, within 5 working days of receiving that request.

5.6 The time taken for an ATC to investigate any suspected irregularities may vary but SEQ will expect a timely and detailed response to ensure that their learners and the integrity of SEQ qualifications / assessments are not put at further risk.

6. Dealing with Cases of Suspected Malpractice

6.1 Once a potential case of malpractice has been identified or reported to SEQ, SEQ will review the information available and within 5 working days determine the following courses of action:

- Take no further action
- Ask the KCC to investigate the alleged malpractice
- Ask the KCC to supply information that may provide evidence to support / refute the alleged malpractice
- Consider whether the Regulators and other Awarding Organisations should be notified
- Carry out a full investigation.

6.2 All suspected cases of Malpractice are recorded on the QA Register. With the exception of 'take no further action' a specific permission limited electronic folder will be created on the secure server to log all correspondence / evidence regarding the allegation.

7. Investigations

- 7.1 The Head of Swim England Qualifications will ensure that investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in the outcome.
- 7.2 Investigations are usually undertaken by the Quality Assurance Team and overseen by the Head of Swim England Qualifications. Each case is judged on an individual basis in light of the information made available.
- 7.2 SEQ may apply sanctions to the ATC during any investigation in order to mitigate any Adverse Effects.
- 7.3 Any investigation will endeavour to determine the facts and may include a review of related SEQ policies and procedures and / or to the delivery and assessment guidance provided for the related qualification.
- 7.4 During an investigation interviews may be required with ATC staff.
- 7.5 SEQ may communicate directly with a learner if circumstances dictate this is required.
- 7.6 SEQ will provide a written report within 10 working days of completing the investigation, detailing the circumstances of the alleged malpractice, details of any interviews with ATC staff and / or learners and any remedial action which needs to be taken.
- 7.7 All reports will be approved by the Head of Swim England Qualifications and progress monitored via the Compliance and Quality Assurance Group.

8. Malpractice Established

- 8.2 Where malpractice is established, SEQ will endeavour to protect the interests of all learners who through no fault of their own have been caught up in an incident.
- 8.3 Any decisions made by SEQ will be commensurate with the gravity of the malpractice identified and associated risk. SEQ may:
- 7.2.1 impose sanctions and apply conditions on the future involvement of any designated ATC personnel in the conduct, supervision or administration of its assessments;
 - 7.2.2 not award certificates, and if already issued, may declare them invalid;
 - 7.2.3 withdraw an ATC's approval;
- 8.4 SEQ will report the outcome to the Regulators, the Swim England Educator Training Team and to any other Awarding Organisations (where there may be a relationship).
- 8.5 Any suspected criminal activity will be reported to the police.

9. Whistle-blowers

- 9.1 Whistleblowing is when an individual discloses information relating to malpractice or wrongdoing and / or the covering up of malpractice or wrongdoing. It is separate to expressions of personal dissatisfaction which should be addressed through SEQ's complaints or enquiries and appeals policies.
- 9.2 Key examples of whistleblowing include:

- A member of staff / external consultant for an Awarding Organisation making a disclosure about that organisation's malpractice or failure to comply with its Regulations;
- ATC people making a disclosure about that ATC's malpractice;
- ATC people making a disclosure that the Awarding Organisation is involved in malpractice or failed to comply with its Regulations;
- A learner or parent / guardian making a disclosure about an ATC's malpractice;
- An employer of the venue making a disclosure about an ATC's malpractice.

9.3 SEQ will act upon any disclosure received from any member of staff, ATC people, external consultant, learners or member of the public who feels that any malpractice has taken place within an ATC.

9.4 Any person who believes that an ATC, ATC people or one of our external consultants has committed an offence or has breached our procedures in the past, or is now or likely to in the future, may disclose information by contacting the Quality Assurance Team or by completing the SEQ online form available on the website.

9.5 Where information is provided over the telephone, we will request this is provided in writing and may ask for further information to enable a thorough investigation to take place.

9.6 Any disclosure will be dealt with in confidence wherever possible, but we may need to disclose a whistle-blower's identity to;

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud);
- the courts (in connection with court proceedings);
- another person to whom we are required by law to make a disclosure e.g. Health and Safety Executive; the LADO (local authority safeguarding staff);
- the Regulators responsible for regulating qualifications in England and Wales;
- or any other agencies to which we have an obligation e.g. the Charities Commission, Funding Agencies.

9.7 Whistle-blowers should also be aware that they may be identifiable by others due to the nature or circumstances of the disclosure.

9.8 Where possible whistle-blowers will receive an update on any planned course of action. However, we have a responsibility to all concerned with respect to confidentiality and may not be entitled to divulge the details of any on-going investigation or its outcome. We will, however, confirm that action has been taken where required.

10. ATC Appeals

10.1 SEQ reserves the right to reject an appeal at this point if there is no further evidence to consider or if the grounds for the appeal are weak or unjustified. The following do not, by themselves constitute grounds for an appeal:

- The individual did not intentionally cheat
- The individual has an unblemished academic record
- The individual could lose a university place
- The individual regrets his/her actions

- The decision would disadvantage the individual

10.2 ATC's may appeal against any decisions taken as a result of a malpractice investigation. For more information refer to the Enquiries and Appeals Policy.

11. ATC Monitoring

11.1 Where suspected malpractice has been proven and the ATC has been allowed to retain its approval, SEQ will consider the ATC high risk and will monitor the ATC on a regular basis until such time as SEQ are confident the ATC no longer represents a risk to its learners or the integrity of SEQ qualifications.

11.2 There will be a requirement that ATC's review relevant policies and procedures in the light of any proven malpractice and confirm that this review has taken place. Evidence of such a review may be requested immediately, or during monitoring activities.

12. Quality Assurance

12.1 This policy supports regulatory conditions; A4; A8; C2; G8; G9; I4.

12.2 This policy is reviewed annually to ensure it continues to meet the needs of SEQ and the Regulators.

Appendix 1: Examples of Malpractice

The following list is not exhaustive however it provides the types of categories and most common examples of malpractice that should be prevented.

Category Ref	Category	Description
1	Unacceptable Evidence	Inappropriate, offensive or obscene material in assessment evidence
2	Collusion / Collaboration	Working collaboratively with other learners beyond what is permitted
3	Plagiarism / Copying	<ul style="list-style-type: none"> • Unacknowledged copying from published sources (including the internet) • Incomplete referencing • Copying from another learner (including the misuse of IT)
4	False Declarations	<ul style="list-style-type: none"> • Making a false declaration of authenticity • Theft of somebody else's work to pass it off as the learners own
5	Inauthentic Evidence / Tampering	<ul style="list-style-type: none"> • Destruction of work • Claiming to have lost learners work • Alteration or falsification of results, documents, assessments, including pre-requisite certificates
6	Personation	<ul style="list-style-type: none"> • Use of the wrong name or identification number (such as registration number / candidate number) • Impersonating another individual • Arranging to be impersonated
7	Financial Fraud	<ul style="list-style-type: none"> • Attempting to obtain certificates fraudulently

Category Ref	Category	Description
		<ul style="list-style-type: none"> • Attempted bribery
8	ATC Notification Failure	<ul style="list-style-type: none"> • ATC failure to notify, investigate and / or report to SEQ allegations of suspected malpractice • ATC failure to take action as required by SEQ as detailed in this document, or to co-operate with SEQ investigations
9	Assessor / Tutor Discretion Failure	<ul style="list-style-type: none"> • Giving improper assistance to learners • Vocationally Related Qualifications (VRQ's) observations by non-competent staff
10	External Consultant Failure	<ul style="list-style-type: none"> • External consultant incompetence • Deception • Failure to disclose a Conflict of Interest
11	ATC Failure	<ul style="list-style-type: none"> • Failure to carry out delivery, assessment or internal verification in accordance with SEQ requirements • Failure to use licensed tutors / assessors
12	Failure to meet the ATC SLA	<ul style="list-style-type: none"> • Failure to adhere to SEQ administration requirements (such as learner registrations) • Insecure storage of assessment materials • Failure to disclose a Conflict of Interest • Failure to meet learner pre-requisites
13	SEQ Failure	Failure to carry out development, monitoring or awarding activities in accordance with SEQ requirements and regulatory requirements