



MALPRACTICE & MALADMINISTRATION POLICY

1. INTRODUCTION

This policy explains the procedure Centre's must follow for reporting and dealing with suspected or alleged cases of malpractice or maladministration.

This policy is reviewed annually as part of the IFA's cyclical self-evaluation, which considers operational feedback and effectiveness, learner and Centre feedback and good practice guidance from other awarding organisations, and/or trends identified from cases.

2. SCOPE

Any person may identify and report an incident that they think may constitute as malpractice or maladministration. Typically, this will be a Centre employee, learner, a Quality Assurance Assessor, or an external contractor. The IFA may also identify cases of malpractice or maladministration through its routine regulatory activities or when considering other matters, such as an appeal against examination results.

All learners, Centres, their staff and any additional site personnel must report any suspected malpractice or maladministration or once they become aware it has occurred, immediately to the IFA. Complete the form enclosed; providing as much information as possible to inform the decision-making process.

3. DEFINITIONS

ADVERSE EFFECTS – Any act, omission, event or incident that gives rise to prejudice to learners or potential learners. In effect prohibiting the IFA in its regulatory effectiveness to undertake the development, delivery and award of qualifications and affects public confidence in IFA Qualification(s).

MALPRACTICE – Any improper activity, default, negligent behaviour that deliberately contravenes regulations or other such practices that compromise the integrity and validity of achievement and certification, and the credibility of IFA Qualification(s). See Appendix A for examples.

MALADMINISTRATION – Any activity, mismanagement, inefficient, dishonest, deceitful, neglectful, default or other practice that results in noncompliance with requirements. It includes persistent mistakes, poor administration, or failure to provide information within stipulated timescales. See Appendix B for examples.

4. IFA RESPONSIBILITIES

The responsibility for investigating alleged irregularities at IFA approved Centres rests with the IFA.

The IFA has a responsibility to investigate allegations following the procedure outlined herein, to protect the integrity of IFA Qualification(s) and ensure all those involved in the development, delivery and award of IFA Qualification(s) conform to our standards.

The IFA take allegations very seriously and if upheld, the Centre will be subject to the Sanctions Policy.

All those involved in the investigation will have no personal interest in the issue and will declare any interest(s) they have in regard to the parties involved in the complaint, as well as personal and business interests before being appointed as a Case Examiner, as per the IFA's Conflict of Interest Policy. All those assigned to the investigation panel will have the appropriate competence.

Where an investigation identifies a rectifiable problem, the IFA will identify any other Centre and/or learners who may have been affected by the issue and mitigate as far as possible as per the IFA Adverse Affect Policy.

The IFA will open a separate file for each allegation of malpractice and/or maladministration and record this on the Centre's record and the specific persons deemed responsible, where appropriate.

5. COMMUNICATION

When an allegation of maladministration or malpractice is received the IFA will inform the Centre owner.

The Operations Manager, who is also the Sanctions and Complaints Committee Clerk will be responsible for:

- a) providing updates as progress is made;
- b) requesting further information from either party where necessary; and
- c) informing the relevant parties of decisions at the relevant stages.

The IFA will only correspond with the Centre owner and will not accept correspondence directly from staff members. If the Centre owner is also the Principal Teacher, this will be acceptable.

Equally if an allegation is regarding a Centre's additional site(s) the IFA will only correspond with the original 'parent site' owner who assumes full responsibility.

All responses to allegations will be made in writing.

6. THE SANCTIONS AND COMPLAINTS COMMITTEE

The Sanctions and Complaints Committee shall split responsibility for the various stages of the allegation amongst its number.

- a) There are separate elements of the process; the finding of malpractice or maladministration having occurred is undertaken by the Investigation Panel and remedial action and/or sanctions imposed by the Adjudication Panel.
- b) The Investigation Panel will provide a report of their findings to the Adjudication Panel who will determine which sanction is to be applied if malpractice or maladministration is proven.
- c) Each individual panel member will not have been appointed to more than one panel or been involved in more than one stage of proceedings.

- d) At its own discretion, the Sanctions and Complaints Committee may co-opt individuals from other IFA committees or choose to recruit additional independent persons if necessary and appropriate. This will be judged on a case-by-case basis. All panellists will have the appropriate competence.
- e) No member of any panel shall be involved in investigating an allegation/applying a sanction or have any involvement in proceedings if that individual has or had any involvement in the incident or has an interest in the outcome. Committee members must declare any conflicts of interests before such appointment.

7. INVESTIGATION PANEL

- a) The Sanctions and Complaints Committee shall appoint an Investigation Panel from amongst its members, to investigate complaints comprising of a minimum of three (3) members with a maximum of five (5) members.
- b) The Investigation Panel shall comprise of individuals who have the necessary experience and/or knowledge and will be selected dependent on the nature and scope of the case.
- c) The quorum of the Investigation Panel is three (3) and must contain at least two (2) lay members (non-IFA Registrant).
- d) The Sanctions and Complaints Committee shall appoint a Chair of the Investigation Panel.
- e) Decisions will be made by a simple majority.
- f) In the event of a tied vote the Chair of the Investigation Panel will have the casting vote.
- g) If the Investigation Panel conclude that a breach has been committed, they will refer it to the Adjudication Panel who will confirm which remedial action or sanction to apply. This will be communicated at the same time as the outcome of the investigation.

8. DUAL INVESTIGATIONS

Where an allegation may affect another awarding organisation the IFA will inform that awarding body and may seek to undertake a joint investigation if appropriate. Where an associated investigation leads to the discovery of a failure in its assessment or exemption process, the IFA will take all reasonable steps to:

- identify any other learner who has been affected by the failure;
- correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure;
- ensure that the failure does not recur in the future.

9. CENTRE RESPONSIBILITIES

Centres are responsible for ensuring that all personnel involved in the management, delivery and assessment of IFA Qualification(s), and learners, are fully conversant with this policy.

The Centre Agreement sets out Centres duties not to put the IFA in breach of fulfilling its regulatory obligations. It is therefore important that adverse effects, malpractice and/or maladministration incidents are notified to the IFA immediately and addressed in accordance with this policy.

The IFA also requires Centres to have the necessary arrangements in place to prevent and investigate instances of malpractice and maladministration. This is reviewed periodically through Centre monitoring arrangements. See Appendix C for Centre Guidance.

Failure to report any suspected or actual malpractice or maladministration will result in the immediate suspension of the Centre for registrations and/or certifications until a full investigation has been completed or open additional sites until the matter is resolved. Centres failing to report malpractice or maladministration may not have their approval status reinstated after the investigation is completed.

When a Centre is instructed to undertake an internal investigation as part of proceedings, the Centre owner must:

- ensure the investigation is carried out by competent investigators who have no personal involvement in the incident or interest in the outcome;
- ensure the investigation is carried out in an effective and thorough manner;
- ensure staff co-operate fully with the investigation, providing speedy and full responses to requests for information.

10. INTERIM ORDERS

Either at notification of suspected malpractice or maladministration or at any time during the investigation, the IFA reserves the right to impose sanctions on the Centre in accordance with the IFA's Sanctions Policy.

The IFA may suspend the Centre from processing any further registrations or issuing the Centre certificates, and/or impose other sanctions immediately, pending the outcome of the investigation. The IFA also reserves the right to withhold or invalidate a learner's and/or cohort's results and/or units they are studying at the time of the notification to protect the interests of learners and the integrity of IFA Qualification(s).

11. REPORTING MALPRACTICE & MALADMINISTRATION

To report malpractice or maladministration the person must complete the form enclosed and submit it to office@ifroma.org no later than 2 days after the occurrence of the event.

12. ANONYMITY & WHISTLEBLOWING

A person making an allegation of malpractice or maladministration may wish to remain anonymous if they are concerned that possible adverse consequences may occur if their identity is revealed. Please inform the IFA if this is the case.

If an individual reports malpractice or maladministration or the cover up of malpractice or maladministration in the workplace this is officially known as 'making a disclosure in the public interest'; commonly termed as 'whistleblowing'. Malpractice is commonly committed by the individual's employer but is not necessarily limited to employers. It is important to note that whistleblowing is different from raising a complaint. Complaints are an expression of personal dissatisfaction, for instance, with a service, and should be pursued following the IFA Complaints Procedure, which can be found on the IFA website.

Please note once a concern is raised the IFA have a duty to pursue the matter and it may not always be possible for a whistle-blower to withdraw their concerns once raised. The IFA cannot accept anonymous allegations and will not act upon anonymous allegations. The IFA will always aim to keep a whistle blower's identity confidential where asked to do so, although it cannot be guaranteed. The Case Examiners assigned to review the allegation will not reveal the whistle blower's identity unless the whistle blower agrees or if doing so is necessary for the purposes of the investigation, required to do so by the police, fraud and law enforcement agencies or in connection with court proceedings. The IFA will inform you if your identity needs to be revealed for the above purposes. Whistle-blowers should recognise however they may be identifiable by others due to the nature of their concern even though they are not named by the IFA. The Centre should also note that the IFA may not be able to disclose the source of information if an allegation is raised against them.

13. CONFIDENTIALITY

The IFA will consider all disclosures as sensitively, carefully and confidentially as possible to limit the damage caused to the Centre's business. The Centre should also treat all details of allegations as confidential to avoid damaging their own reputation. The whistle-blower will be informed of the investigation outcome, however, please note limited information will be provided to the whistle-blower to protect the confidentiality of the Centre.

14. TIMESCALES

Once the IFA has received the completed form enclosed and supporting information surrounding the allegation, the IFA will acknowledge receipt within three (3) working days and instruct the Sanctions and Complaints Committee to initiate an investigation.

Where possible the IFA will aim to complete its investigation and confirm its resolution within sixty (60) days. If it is likely that any stage of the investigation may take longer due to the complexity of the case, all parties concerned will be informed of a revised anticipated timescale.

The IFA will aim to follow the following timescales:

Where a Centre is required to produce an internal investigation report this must be received within fourteen (14) working days of receipt of the allegation.

The Investigation Panel will confirm the facts of the case and provide a draft report of its findings to the Adjudication Panel within fourteen (14) days.

The Adjudication Panel will confirm its applied sanction and/or action required within seven (7) working days of receipt of the Investigation Panel's report.

The final report and actions for publishing will be confirmed within seven (7) working days of receipt of the Adjudication Panel's report.

15. COOPERATION

The IFA will expect all parties who are either directly or indirectly involved in the investigation to co-operate fully and respond to requests within a timely manner.

Investigations may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Interviews will be recorded and will typically take place online. The person(s) accused of malpractice or maladministration may choose to be accompanied in the interview by a work colleague or other person e.g., a translator. Vulnerable adults must be accompanied at the interview by an appropriate adult.

The IFA may decide upon lack of evidence in support of an allegation or lack of cooperation by the informant to dismiss the allegation at any stage. The emphasis of supplying evidence rests on the informant.

If a Centre does not co-operate to allow an investigation to be completed, they will automatically be suspended.

If anyone key to the investigation is absent and the Centre is therefore unable to respond within the fourteen (14) days, the Centre must promptly contact the IFA Operations Manager to obtain a revised timescale. If the IFA has cause to believe that the reasons for delay in response are inadequate, then the Centre will be suspended.

16. INVESTIGATION

Investigations will be conducted in a fair and reasonable manner ensuring that all evidence is considered without bias. In broad terms the Sanctions and Complaints Committee will:

- i. Establish the facts and identify irregularities;
- ii. Identify the risk to learners;
- iii. Determine whether remedial action is required to reduce the risk to currently registered learners;
- iv. Ascertain whether any action is required in respect of certificates already issued;
- v. Consider any mitigating factors;
- vi. Organise a visit to the Centre (if the allegation necessitates);
- vii. Establish if the Centre has tried to resolve the problem and/or any such internal action taken;
- viii. Identify any adverse patterns or trends;
- ix. Isolate the person or persons responsible and impose restrictions and/or sanctions where necessary;
- x. Obtain clear evidence to support any sanctions to be applied to the Centre;

- xi. Request additional evidence from the Centre if necessary.

17. CENTRE INTERNAL INVESTIGATION

Typically, the IFA will carry out the investigation itself, however dependent on the nature of the case, the IFA may require the Centre to also carry out an internal investigation. The Centre must complete the internal investigation and provide its report to the IFA Investigation Panel within fourteen (14) working days of being informed of the allegation.

18. PROCEDURE

- a) In the first instance the IFA Operations Manager will write to the Centre owner outlining the allegation, the information provided to date, the process of investigation, the possible outcomes and request a response. If an interim measure is to be implemented, the Centre will be informed at the same time as receiving notification.
- b) The Centre will provide a full 'statement of accountability' within the fourteen (14) days of receipt notification. The statement must include:
 - i. A timeline of events surrounding the allegation.
 - ii. All relevant correspondence.
 - iii. The person(s) responsible.
 - iv. Action taken to prevent future reoccurrence e.g. internal procedures
 - v. Any mitigating factors.

Statements that rely on documentary evidence will be attached as appendices to the Centre's statement where appropriate, for example "I wrote to the learner with the attached letter see appendix 1".

For Centres whose first language is not English we require that you either have your 'statement of accountability' translated into English for expediency or the IFA can make arrangements to have this translated for you, but please be aware this will add additional time to resolving the complaint, and depending on length of the statement and appendices, a cost for translation may apply. If there is any ambiguity as to the interpretation of a word or phrase, the IFA will, in the first instance, confirm this with the Centre.

Please note: Although we understand it will be a stressful experience for you, please keep statements factual rather than emotional and allocate the necessary time needed to respond in full; including all the points you wish to make.

If at any stage of proceedings, a party involved wishes to be legally represented they must inform the IFA of this. The IFA reserves the right to be legally represented and to act upon legal advice.

19. OUTCOME

On completion of the investigation the IFA will provide the Centre with a report of its findings. The report will include:

- Drawn conclusions with clear reference to IFA rules and evidence that support it;
- Recommendations for action and a resolution e.g., Sanctions to be applied.

Please note that the IFA will not disclose details of all the investigation activities, and it may not be appropriate to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons. Please see the IFA's Whistle Blowing Policy for further information.

PROVEN MALPRACTICE OR MALADMINISTRATION

If the investigation confirms that malpractice or maladministration has taken place, the IFA's Adjudication Panel will consider which action and sanction it will apply. All decisions will:

- minimise the risk to the integrity of IFA Qualification(s);
- maintain public confidence in the delivery and awarding of IFA Qualification(s);
- discourage others from committing similar instances of malpractice or maladministration.

Actions that may also be taken include:

- Limiting or restricting certain staff involvement in the development, delivery or assessment of IFA Qualification(s);
- Requiring certain centre staff to undergo additional training and/or scrutiny by the Centre if there are concerns about their ability to undertake their role effectively in the delivery of IFA Qualification(s);
- Undertaking additional/increased site visits to provide a greater level of support and/or monitoring;
- Taking appropriate action against a learner(s) in proven instances of cheating, plagiarism or fraud as per the IFA's Cheating and Plagiarism Policy.

In proven cases of malpractice and/or maladministration, the IFA reserves the right to charge the Centre for the cost of any resits and reissuing of certificates and/or additional quality assurance activities/Centre monitoring visits.

When the decision is taken to invalidate certificates, the Centre must follow the principle of seeking to protect the interests of learners as far as reasonably possible. The IFA will direct the centre to inform the affected learners of the action the IFA is taking and that their original certificates are invalid. The Centre must return the invalid certificates to the IFA and update its records.

Any sanctions imposed will be proportionate to the nature of the allegation. Sanctions will be imposed as per the IFA's Sanction Policy.

UNPROVEN MALPRACTICE OR MALADMINISTRATION

If an investigation proves that malpractice has not taken place, but it is clear that the

person or whistle-blower did not deliberately raise the concern to cause harm, then no action will be taken against the whistle-blower or the accused.

If the investigation concludes an allegation was raised which the whistle-blower knew to be false, then disciplinary action may be taken against the whistle-blower as an individual.

As a result of an investigation the IFA may:

- amend aspects of the development, delivery and awarding of IFA Qualification(s), assessment and supplementary guidance to prevent the issue from recurring;
- carry out additional, related investigations at the Centres additional sites
- carry out additional, related investigations if the allegation and/or outcome has more widespread implications.

20. APPEAL

When the outcome is notified to the Centre, the Operations Manager will inform the Centre of their right of appeal and provide a copy of the IFA's Appeals Policy.

21. DATA RETENTION

The IFA will retain records on its system as per the IFA's Data Retention and Disposal Policy.

APPENDIX A: MALPRACTICE EXAMPLES

Below are some examples of Centre and Learner malpractice which will result in either immediate suspension or withdrawal of approval.

It should be noted that this list is not exhaustive.

- a) Deliberate failure to adhere to IFA Centre approval and/or qualification approval criteria or any other actions commissioned to the Centre within stipulated timescales.
- b) The intentional withholding of information from the IFA, by a deliberate act or omission, e.g. non-disclosure on annual conflict of interest form or any other information pertinent to maintaining the standards and quality of IFA Qualification(s).
- c) Refusal of access to premises (scheduled or otherwise), records, information, learners, and staff by any authorised IFA representative.
- d) Abuse of any kind e.g. violence, verbal abuse.
- e) Cheating and/or Plagiarism or a breach of confidentiality of any assessment materials.
- f) Deliberate submission of false information to gain a qualification or unit and/or providing inappropriate assistance to learners by Centre staff (e.g. unfairly helping them to pass a unit or qualification).
- g) Assuming the identity of another learner, false ID submitted at registration or having someone assume the identity of the named learner during an assessment.
- h) Failure to deliver IFA Qualification(s) consistent with IFA Qualification and assessment specifications, or carry out internal assessment e.g., mock examinations, internal moderation or internal verification of case studies before entering a learner into IFA external assessments in accordance with IFA's requirements.
- i) Inadequate teaching premise hygiene or lack of resources to affectively deliver IFA Qualification(s).
- j) Deliberate failure to adhere to the IFA's learner, teacher, additional IFA Qualification(s) and/or additional site registration procedures.
- k) Irregular internal assessment and evaluation e.g., mock examination not undertaken in examination environment or retention of records.
- l) Inadequate procedures for the induction of staff or any contracted person involved in the delivery of qualifications. This also includes lack of knowledge of responsibilities through policies and procedures.
- m) Unauthorised additional sites, changes to sites/venues without inspection/approval, encroachment on other approved Centre's area of business via agents or sales representatives or any other means
- n) Failure to manage and prevent conflicts of interest

- o) Failure to adhere to, or to circumnavigate, the requirements of the IFA's Equal Opportunities and Diversity Policy and or Reasonable Adjustments and Special Considerations Policy
- p) Unauthorised amendment, copying or distributing of examination papers or syllabi, alteration of invoices, IFA correspondence or official documents.
- q) The selling of certificates, papers, assessment details, syllabi, merchandise etc.
- r) Failure to maintain appropriate records or the deliberate falsification of records.
- s) Accepting learners who do not meet the prerequisite requirements for entry onto an IFA Qualification(s).
- t) Deliberate misuse or inappropriate advertisement of approved status/Centre's relationship with IFA and/or logo's and trademarks.
- u) Failure to review systems, policies and procedures to ensure they remain fit for purpose.

APPENDIX B: MALADMINISTRATION EXAMPLES

Please note this list is not exhaustive and as a general rule includes any such failings in obligations which result in non-compliance with IFA rules.

- a) Administration and vetting processes not fit for purpose or inefficient.
- b) Failure to register learners at the appropriate time.
- c) Failure to maintain appropriate auditable records.
- d) Entering learners into examinations prematurely before all coursework components have been completed.
- e) Failure to obtain Accredited Prior Learning (APL) certificates before accepting learners to courses with a prerequisite.
- f) Recognition of Prior Learning (RPL) applied or claimed in error due to ineffective processes.
- g) Incorrect learner names provided on registration form and exam candidate list.
- h) Unreasonable delays in responding to requests or communications from the IFA.
- i) Poor record keeping.
- j) Late or non-payment of fees.

APPENDIX C: ADDITIONAL CENTRE GUIDANCE

- a) We strongly recommend that all Centres ask any questions they may have at the initial inspection and throughout delivery of Qualification(s) and that learners also clarify any questions or expectations with their chosen Centre before enrolling on a course.
- b) The IFA aims to establish a culture of good communication and openness between the IFA and its Centres and expects Centres to be forthcoming about their promotional activities and requests for information.
- c) The IFA aims to support Centres whose first language is not English through translated material and multilingual staff, however it is ultimately the Centres' responsibility to ensure they understand all the requirements before delivering Qualification(s) and speak to an IFA staff member before embarking on a course of action.

NB. Language barriers will not be accepted as a reason for malpractice or maladministration having been committed.

- d) IFA Quality Assurance Assessors and IFA representatives will also ensure Centres are compliant with IFA rules during inspection visitations and monitoring activities.
- e) Centres and their dependents are reminded to conduct themselves professionally during an investigation and **only** provide the specific information requested. Excessive correspondence will delay matters from being resolved and, depending on the nature of the correspondence, could potentially bring into question the author's conduct. If the Centre or one of its dependents does send excessive and unnecessary correspondence, they will be issued with a warning to desist (see unacceptable behaviour in the Centre Handbook).
- f) The Centre cannot use allegations raised against them as an opportunity to raise concerns regarding IFA policy and/or bring into question other Centres' conduct. If the Centre wishes to raise concerns about how the IFA implements its procedures, they are advised to complete the Centre Feedback form. If the Centre wishes to raise concerns regarding other Centres' conduct, they will complete the form enclosed. Complaints that are not submitted following the stipulated protocol will be disregarded.
- g) The IFA will work collaboratively with the Centre to reduce the impact of any breach.

WHISTLEBLOWING FORM

Full Name		Membership No (if applicable)	
Address (for Correspondence)			
Role at the Centre (if applicable)			
Declaration of any personal interests			
Email			
Telephone			
Centre Name			
Please provide the following information accompanied by the relevant evidence			
Date of incident or when you became aware			
Name those who you feel were responsible/involved in the case			
Describe the incident and those affected, including any initial investigation findings			
Evidence	<input type="checkbox"/> Please attach any relevant evidence e.g. screen shots etc. to enable the IFA in their investigation.		
Signature		Dated	

The form must be completed in full and sent to office@ifaroma.org