Malpractice and Maladministration Policy

V24.1

Malpractice and Maladministration Policy	
Policy Ref	C.P.4 v24.1
Date of Issue	01/09/2024
Next Scheduled Review	01/08/2025
Policy/Document Owner	Compliance Manager
Contact Email	compliance@tquk.org
Contact Phone Number	03333583344
Approved By	Leadership Team
Policy/Document Relates to	Awarding Provision, End-Point Assessment Provision, Endorsed Provision, Corporate
Policy/Document is for the use of	Apprentices, Learners, Training Providers, Recognised Centres, VQA Employees, Third Parties
Should be read in conjunction with	Conflict of Interest Policy, Sanctions Policy, Appeals Policy, Privacy Policy

Contents

Introduction 4
VQA Internal Responsibility 4
Review arrangements 4
Training Provider/Recognised Centre's responsibility 4
Definition of malpractice 5
Examples of malpractice 5
Definition of maladministration 6
Examples of maladministration 6
Process for making an allegation of malpractice or maladministration 7
Confidentiality and whistle blowing 7
Responsibility for the investigation 8
Notifying relevant parties 8
Investigation timelines and summary process 9
Investigation report 10
Investigation outcomes 10

Introduction

This policy is provided for our Recognised Centres, Training Providers, Learners and Apprentices to outline our principles in regard to identifying and investigating malpractice/maladministration. It is also relevant to anyone who suspects that malpractice/maladministration is taking place at a Recognised Centre or Training Provider. It is used by VQA staff members to ensure they deal with any malpractice and maladministration investigations in a consistent manner.

This policy sets out the steps a Centre, a Centre's staff, or a Learner/Apprentice should follow when reporting suspected cases of malpractice/maladministration and VQA's responsibilities in dealing with such cases. It also sets out the procedural steps VQA staff members will follow when reviewing any case of actual or suspected cases of malpractice/maladministration.

A definition of what VQA believes constitutes malpractice and maladministration follows in this document.

VQA Internal Responsibility

The Regulatory Compliance Pillar is responsible for the maintenance and compliance of this policy. If the Head of Regulatory Compliance is absent, the Responsible Officer will appoint another appropriate colleague to ensure all of VQA's actions and activities are in line with the content of this policy.

Review arrangements

We will review the policy as part of our annual self-evaluation process and revise it as and when necessary, in response to feedback from Recognised Centres, Training Providers, Learners or Apprentices, changes in our practices, actions by regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations of malpractice/maladministration.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

The annual review of this policy will be undertaken by the Regulatory Compliance Pillar approximately four weeks prior to the submission of VQA's Statement of Compliance to regulators. Any amendments or updates to this policy will be approved by VQA's Leadership Team.

If you would like to raise any points or offer feedback regarding this policy, please contact us via the details provided at the start of this document.

Training Provider/Recognised Centre's responsibility

It is important that Training Provider or Recognised Centre staff involved in the delivery, management, assessment, and quality assurance of our qualifications (including End-Point Assessments), and their Learners/Apprentices, are fully aware of the contents of this policy, and that a centre has arrangements in place to prevent and investigate instances of malpractice and maladministration.

A failure to report suspected or actual malpractice/maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on a Recognised Centre (see our Sanctions Policy for details of the sanctions that may be imposed) or put any agreements in place with a Training Provider at risk.

If a Recognised Centre or Training Provider wishes to receive guidance/advice from VQA on how to prevent, investigate, and deal with malpractice and maladministration then please contact us (contact details are available at the start of this document) and we will happily provide advice and/or guidance as required.

The level at which a Recognised Centre complies with this policy and how a Recognised Centre takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by VQA periodically through our ongoing external quality assurance arrangements.

Should an investigation be undertaken into a Recognised Centre, the Head of Centre/centre contact must:

- respond speedily and openly to all requests relating to the allegation and/or investigation
- cooperate and ensure their staff cooperate fully with any investigation and/or request for information.

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 VQA
- the qualification and 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 such as bribery and corruption (for further information see our Bribery and Corruption Policy) and forms of unnecessary discrimination or bias towards certain or groups of learners. We are committed to uphold our values in relation to equality and diversity and would encourage all of our partners to read our Equality and Diversity Policy for further details.

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 VQA's definition of malpractice:

- Denial of access to premises, records, information, learners and staff to any authorised VQA representative and/or the regulatory authorities
- Failure by a Recognised Centre 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 for example replicating/printing certificates
- Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to a Recognised Centre
- Deliberate failure to maintain appropriate auditable records (e.g. certification claims) and/or forgery of evidence

- Fraudulent claims for certificates
- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones)
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Deliberate misuse of our logo and trademarks or misrepresentation of a centre's relationship with VQA and/or its recognition and approval status with VQA
- 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
- Deliberate contravention by a centre and/or its learners of the assessment arrangements we specify for our qualifications
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by Learners/Apprentices or centre staff (including using ICT to do so)
- Impersonation, assuming the identity of another Learner or Apprentice, or having someone assume your identity during an assessment.
- Unauthorised amendment, copying, selling 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
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- False ID used at the registration stage
- Creation of false records
- The sale of certificates for cash.

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 a centre (e.g., inappropriate learner records).

Examples of maladministration

The categories listed below are examples of maladministration. Please note that these examples are not exhaustive and are only intended as guidance on VQA's 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 or Apprentice registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from VQA
- Inaccurate claims for certificates
- Failure to maintain appropriate auditable records (e.g. certification claims)
- Unintentional misuse of our logo and trademarks or misrepresentation of a centre's relationship with VQA and/or its recognition and approval status with VQA
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy.

Process for making an allegation of malpractice or maladministration

Any person who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify VQA. In doing so they should put their concerns in writing or email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Recognised Centre/Training Provider name, address and telephone number
- Learner/Apprentice name and VQA registration number where applicable
- Recognised Centre/Training Provider/VQA personnel's details (name, job role) if they are involved in the case
- details of the VQA qualification or apprenticeship standard 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 Recognised Centre/Training Provider or anybody else involved in the case, including any mitigating circumstances

If a Recognised Centre or Training Provider has conducted an initial investigation prior to formally notifying VQA, the centre should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. VQA would expect that such investigations would normally involve the centre contact/centre manager. If there is an investigation into allegations of malpractice or irregularities against the centre contact/centre manager of a Recognised Centre or Training Provider, then such investigations should be carried out by the Head of Centre or their nominee. It is important to note that in all instances the centre must immediately notify VQA if they suspect malpractice or maladministration has occurred as we have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

For any reported case of suspected malpractice/maladministration, VQA will protect the identity of the informant in accordance with our duty of confidentiality and/or any other legal duty.

Confidentiality and whistle blowing

A person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable for an informant or whistle-blower to reveal their identity and contact details to VQA this is not a necessity. A person can also insist that their identity remain anonymous if they are concerned about possible adverse consequences.

While VQA are prepared to investigate issues which are reported to us anonymously, we shall always try to confirm an allegation by means of a separate investigation, before taking up the matter with those to whom the allegation relates. VQA will consider each disclosure of information sensitively and carefully and decide upon an appropriate response.

VQA will always aim to keep a whistle-blower's identity confidential where asked to do so, although we cannot guarantee this and we may need to disclose your 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 disclose your identity
- other third parties where we consider it necessary to do so (e.g., the relevant regulator).

An informant or whistle-blower should also recognise that they may be identifiable by others due to the nature or circumstances of the disclosure (e.g. the party which the allegation is made

against may manage to identify possible sources of disclosure without such details being disclosed to them).

In most cases, VQA will keep an informant/whistle-blower updated with the progress of any allegation (e.g., undertaken an investigation). However, VQA will not disclose specific details of any investigation.

In addition, it may not be appropriate for VQA to disclose full details of the outcomes of any investigation, due to confidentiality or legal reasons.

Responsibility for the investigation

In accordance with regulatory requirements, all suspected cases of maladministration and malpractice will be reviewed promptly by a VQA staff member to establish if malpractice or maladministration has occurred.

All suspected cases of malpractice and maladministration will be passed to our Compliance Team, and we will acknowledge receipt, as appropriate, to external parties within 48 hours.

Our Head of Regulatory Compliance will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. The Head of Regulatory Compliance will allocate a relevant member of staff to lead the investigation and establish whether the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by VQA.

At all times VQA will ensure that any staff member assigned to the investigation has the appropriate level of training and competence, and have had no previous involvement with, or personal interest in, the matter.

Notifying relevant parties

In all cases of suspected or actual malpractice, VQA will notify the centre contact/centre manager of the Recognised Centre or Training Provider involved in the allegation that we will be investigating the matter. An exception to this will occur if the centre contact/centre manager is under investigation; in which case communication will be with the Chair of Governors, Local Authority officials or other appropriate centre staff member. In the case of Learner / Apprentice malpractice, VQA may ask the Recognised Centre / Training Provider to investigate in conjunction with VQA staff members. VQA may withhold details of the person making the allegation, if to do so would breach a duty of confidentiality or any other legal duty.

VQA may communicate directly with centre staff members who have been accused of malpractice if appropriate. This may occur for example, if the centre staff member is no longer employed by the centre.

VQA may also communicate directly with any Learner or Apprentice involved or their representative (e.g., if there is a contradiction in the evidence provided during an investigation or where the centre is suspected of being involved in malpractice).

Where applicable, the Compliance Team will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration, which could cause an adverse effect.

When a case relates to regulated qualifications and where the allegation may affect another awarding organisation and their provision, we will also inform them in accordance with the regulatory requirements and obligations imposed on VQA by the regulators. If we do not know the

details of organisations that might be affected, we will ask the relevant regulator to help us identify parties that should be informed.

If fraud is suspected and/or identified, VQA may also notify the police.

Investigation timelines and summary process

VQA aim to action and resolve all stages of an investigation within 30 working days of receipt of an allegation. In some cases an investigation may take longer; for example, if a centre visit is required or if supporting information proves difficult to obtain. In such instances, VQA will advise all parties concerned of the likely revised timescale.

The fundamental principle of all investigations is to conduct them in a fair, reasonable, and legal manner, ensuring that all relevant evidence is considered without bias. In doing so, investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred
- To identify the cause of the irregularities and those involved
- To establish the scale of the irregularities
- To evaluate any action already taken by the centre
- To determine whether remedial action is required to reduce the risk to current registered Learners or Apprentices and to preserve the integrity of the qualification
- To ascertain whether any action is required in respect of certificates already issued
- To obtain clear evidence to support any sanctions to be applied to a Recognised Centre, and/or to members of staff, in accordance with our Sanctions Policy
- To identify any adverse patterns or trends.

An investigation may involve a request to obtain further information from relevant parties and/or conduct further interviews with personnel involved.

VQA will:

- Ensure all materials collected as part of an investigation are kept securely
- Hold all records and original documentation concerning a completed investigation that ultimately leads to sanctions against a centre, for a period of time outlined in our Privacy Policy.
- Expect all parties, who are either directly or indirectly involved in an investigation, to fully co-operate with us.

If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for no less than the maximum time outlined in our Privacy Policy thereafter.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during an investigation, VQA reserves the right to impose sanctions on a Recognised Centre in accordance with our Sanctions Policy or suspend partnership with a Training Provider, in order to protect the interests of Learners, Apprentices and the integrity of VQA qualifications and apprenticeship standards.

VQA also reserves the right to withhold a Learner or Apprentice's results for all VQA qualifications, units or End-Point Assessment components they are studying at the time of the notification or investigation of suspected malpractice/maladministration.

If appropriate, VQA may find that the complexity of a case or a lack of cooperation from a centre means that they are unable to complete an investigation. In such circumstances, VQA will consult the relevant regulatory authority to determine how best to progress the matter.

Where a VQA staff member is under investigation, we may suspend them or move them to other duties until the investigation is completed.

Throughout an investigation, the Head of Regulatory Compliance will be responsible for overseeing the work of the investigation team. The Head of Regulatory Compliance will ensure that due process is being followed, and appropriate evidence has been gathered and reviewed. The Compliance Team will be responsible for liaising with and keeping all relevant external parties informed.

Investigation report

If VQA believe there is sufficient evidence to implicate an individual/Recognised Centre/Training Provider in malpractice/ and/or maladministration we will:

- Inform them (usually in writing) of the allegation
- Provide them with details of the evidence we found to support our judgment
- Inform them of the possible consequences
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. the Police)
- Provide them with an opportunity to consider and respond to the allegation and our findings
- Inform them of VQA's Appeals Policy, should they wish to appeal against any decision made.

Before reaching a conclusion, each investigation will be reviewed by the Head of Regulatory Compliance.

VQA will make a final report and decision available to the regulatory authorities and other external agencies as required.

If it was an independent person or third party who notified VQA of the suspected case of malpractice, VQA will also inform them of the outcome. In doing so, VQA may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a VQA staff member, the report will be agreed by the Executive Team. The relevant Heads of, internal managers and appropriate internal disciplinary procedures will be implemented.

Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place, VQA will consider what action to take to:

- Minimise the risk to the integrity of certification now and in the future
- Maintain public confidence in the delivery and awarding of qualifications
- Discourage others from carrying out similar acts of malpractice or maladministration
- Ensure there has been no gain from compromising our standards.

The following list is an indication of the types of actions VQA may take in order to uphold the above commitments, this list is indicative only and is not meant to form an exhaustive list:

- Impose actions in relation to a Recognised Centre with specified deadlines to address the instance of malpractice/maladministration and to prevent it from reoccurring such as:

    - Undertaking additional visits to a centre to provide them with a greater level of support and/or monitoring depending on their needs and performance
    - Requiring specific centre staff to undergo additional training and/or scrutiny by the Centre if there are concerns about their ability to undertake their role in the delivery of VQA qualifications effectively
    - Not permitting specific centre staff to be involved in the delivery or assessment of VQA qualifications (e.g. not permitting an individual to invigilate VQA examinations or assessments)
    - Altering the way, and the period in which, centres receive examination/assessment materials from VQA, if there are concerns around their ability to maintain the security and confidentiality of such materials.
- Impose sanctions on a Recognised Centre – these will be communicated to the Recognised Centre in accordance with VQA's Sanctions Policy, along with the rationale for the sanction(s) selected
- Take action against a Learner or Apprentice in relation to proven instances of cheating, plagiarism or fraud. Action could include:
    - Issuing a written warning that if the offence is repeated, further action may be taken
    - The loss of all marks/credits for the related work/unit
    - Disqualification from the unit(s)/qualification
    - Placing a ban for a set period of time from taking any further qualifications with VQA
- Inform a Recognised Centre and any relevant regulatory authorities that certificates are deemed to be invalid and that action is to be taken for reassessment and/or for the withdrawal of the certificates. VQA may ask a Recognised Centre to inform any Learners affected of the action VQA will take. This action will include requesting the return of any invalid certificates to VQA. All VQA databases and systems will be amended so that duplicates of the invalid certificates cannot be issued and any requests for verification will be answered in the negative.
- Amend aspects of our qualification development, delivery and awarding arrangements and if required assessment and/or monitoring arrangements and associated guidance to prevent an issue from reoccurring
- Inform relevant third parties (e.g. funding bodies) of our findings, in case they need to take relevant action in relation to a Recognised Centre or Training Provider.

In proven cases of malpractice and/or maladministration by a centre, VQA reserves the right to charge the Recognised Centre for any re-sits and reissuing of certificates and/or additional EQA activities, the fees for which will be the current VQA prices for such activities.

In addition to the above, the Compliance Team will record any lessons learned from the investigation and disseminate them to relevant internal colleagues in order to asses our existing policies and procedures and ascertain whether any improvements can be made.

If the relevant party/ies wish to appeal against a decision, they may do so under the terms of the VQA Appeals Policy.

www.vqa.org

Copyright © 2026 VQA. All rights reserved.
Company number 07827508.
Registered address: Crossgate House, Cross Street, Sale, England, M33 7FT.