

(The Role of Lived Experience Training)

Malpractice Policy

Name of responsible party	
Date PCC EMT approved policy	
Date policy was equality screened	
Date policy approved by Business Committee	
Date of review	One year

The content of this document should be read in conjunction with any COVID-19 guidance and other PCC policies and procedures. For further information contact the Head of Development and Corporate Services on 028 9536 2548.

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1.0 Introduction

The Patient and Client Council (PCC) takes very seriously the issues of malpractice. This protocol describes the process by which the organisation will report, investigate and record allegations of malpractice in relation to the organisations OCN (Open College Network) accredited/endorsed training provision.

2.0 Scope of the Policy

This policy applies to participants of and employees responsible for the delivery, assessment and internal verification of PCC training provision.

3.0 Key Principles

3.1 Definitions

For the purposes of this policy malpractice is taken to mean any activity, neglect or practice that compromises assessments, the validity of assessment results or the integrity of a qualification. Malpractice can include maladministration.

Maladministration is taken to mean any activity, neglect or other practice that results in a failure to comply with the specified requirements for the delivery of a qualification.

Malpractice

Examples of learner malpractice may include:

- Misuse of assessment/examination material
- Bringing unauthorised material into an assessment/examination environment
- Obtaining or passing on assessment/exam related information through talking or passing notes
- Copying from another learner
- Plagiarism of another's work
- Disruptive behaviour during the assessment/examination
- Impersonation - pretending to be someone else, or arranging for someone else to undertake the assessment/examination in your place
- Breaching security of assessment/examination materials
- Failing to follow instructions provided by an assessor/invigilator
- Changing result statements or certificates

This list is not exhaustive, and any other action deemed to compromise the integrity of the qualification/course will be subject to the policy. In instances where there is evidence of malpractice by learners the Malpractice Policy would apply. Employees must take action in accordance to OCN Malpractice and maladministration policy guidance to centres.

Examples of staff malpractice may include:

- Assisting learners in the production of work for assessment
- Producing falsified witness statements about learner performance
- Changing assessment results/examination marks without sufficient evidence to support the decision
- Allowing evidence, which is known by the staff member not to be the learner's own, to be included in a learner's assessment portfolio.
- Improper assistance to a learner during assessment/examination
- Moving the time or date of the assessment/examination without prior agreement of those concerned
- Failure to supervise the assessment/examination properly
- Falsifying records/certificates, for example by alteration, substitution, or by fraud.
- Fraudulent certificate claims, that is claiming for a certificate prior to the learner completing all the requirements of assessment
- Failure to keep assessment/examination materials secure

This list is not exhaustive, and any other action deemed to compromise the integrity of the qualification/course will be subject to the policy. In instances where there is evidence of malpractice by staff the PCC Disciplinary Procedure will apply.

4.0 Roles and Responsibilities

4.1 Procedures for Reporting and Investigating Malpractice

If the PCC discovers or is made aware of alleged malpractice, through the discharge of responsibilities through its managers will conduct a full investigation.

If the PCC is accused of malpractice an independent investigator will be appointed to carry out the investigation.

Individual/s being investigated for alleged malpractice will be informed of this in writing at the earliest possible opportunity. This notification will detail the nature of the malpractice for which they are being investigated and the possible consequences they may face should evidence of malpractice be uncovered. Any individual accused of malpractice will be given the opportunity to respond to any allegations made against them.

If an anonymous report of malpractice is made, it will only be investigated in the case that sufficient evidence is provided, or if it appears serious enough to warrant investigation on the claim alone.

OCN Centres or Learners have 4 weeks to register an appeal against a decision from the Independent Investigator from the date notified of the decision being appealed. The process outlined in the OCN Appeals Policy is to be followed.

4.2 Recording and Reporting

Investigations of malpractice will be undertaken by the PCC Manager as appointed by the Head of Operations and subject to the production of a written report in by completing the OCN Malpractice and Maladministration Allegation Form. The report is to include the following, as appropriate:

- Details of all the facts, details of any circumstances, and details of the investigation carried out.
- Written statement(s) from the person under investigation.
- Written statement(s) from all other persons involved.
- Details of any mitigating circumstances.
- Details of the conclusions as to whether and what malpractice is deemed to have taken place.

After the compilation of the report an independent advisor from OCN NI will be appointed to:

- Review the report.
- Decide whether the correct procedures have been adhered to in conducting the investigation.
- Ensure that the individual accused of malpractice has been given the opportunity to explain themselves by way of meeting with the PCC Manager.
- Review the conclusions of the report and agree/disagree with the findings.
- Discuss and agree appropriate penalties/actions.

Each case will be considered on an individual basis dependant on all the information given.

5. Sanctions

The Patient and Client Council will take action/impose penalties in order to prevent the individual/s from gaining an unfair advantage and to maintain the integrity of the assessment/examination and the confidence of the public in PCC's training provision and associated awarding procedures.

Any sanction/penalty imposed will reflect the severity of the malpractice. The following sanctions may be imposed:

- An official warning
- Withdrawal of contract (in the case of external trainers/verifiers etc)
- Action taken in line with the PCC's Disciplinary Procedure
- Loss of part of the marks gained for the assessment/examination
- Loss of all the marks gained for the assessment/examination
- Disqualification from the whole qualification
- Disqualification from all qualifications taken in that series

The PCC will report all allegations of malpractice to OCN NI in line with the section 7 of the OCN terms and conditions for centre recognition (Malpractice and Maladministration).

6.0 Equality Statement

Review

This policy will be reviewed no later than one year from its implementation.

Equality Impact

This policy has been screened for an equality implication as required by Section 75 of the NI act 1998 and is assessed as having no serious impact on the Section 75 groups. However, it is recognised that it might bring to attention learners or facilitators that may be identified as having particular communication requirements in relation to, for example, disability or ethnicity where English is a second language. The PCC will take steps to ensure that alternative communication requirements are addressed and that personal individual support is offered as required. In the case that the PCC is accused of malpractice, including indirect/direct discrimination or bias, an independent investigator will be appointed to carry out the investigation.