



**ITC First Aid Ltd**

**P6  
Malpractice and Misconduct Policy [2]**

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## ITC First Aid Ltd

Registered in England  
Company Number 5750596

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### Website Access

For all policy statements and downloadable documents

## Malpractice and Misconduct

### 1. Introduction

This policy outlines the actions that may be taken by ITC in cases of malpractice, maladministration or misconduct. It is expected that all Centres and Providers cooperate fully with ITC with any case of this nature. Failure to do so may ultimately result in Centre or Provider approval being withdrawn and certificates not being issued.

Centres and Providers must inform ITC (Awarding Body) of any cases of suspected or actual malpractice, maladministration and misconduct. Inform ITC either by contacting ITC Office immediately for urgent advice, or completing Report Form F3.

#### 1.1 Malpractice

Malpractice is an illegal action for one's own benefit whilst in position of trust. Broadly covering actions and practices that threaten the credibility and honesty of the qualification and certification.

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the assessment process, and/or the validity of certificates. 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.

Failure by a centre or provider to deal with identified issues may in itself constitute malpractice.

#### 1.2 Maladministration

Maladministration is to manage or administer inefficiently, badly or dishonestly, it is any activity, neglect, default or other practice that results in the centre or candidate not complying with the specified requirements for delivery of the qualifications and as set out in the relevant codes of practice where applicable. The definition is wide and can include:

- Delay
- Incorrect action or failure to take any action
- Failure to follow procedures or the law
- Failure to provide information
- Inadequate record-keeping
- Failure to investigate
- Failure to reply
- Misleading or inaccurate statements
- Inadequate liaison
- Inadequate consultation
- Broken promises

#### 1.3 Misconduct

Misconduct is defined as improper conduct, that which is unseemly, indecent, inaccurate or wrong.

#### 1.4 Examples

The following are examples of possible malpractice, maladministration and misconduct.

- Not following ITC conditions regarding maintaining ITC Centre or Provider approval. E.g. failing to produce assessment records for each candidate. Failing to follow ITC Policies.
- Stating a qualification is accredited when it is not.
- The candidate impersonating someone else by falsifying registration documents.

### 1.5 Reporting alleged Malpractice or Misconduct

Providers, Centre staff, tutors, assessors, verifiers, candidates, members of the public can report allegations of malpractice or misconduct to ITC First Aid Ltd. by completing the Malpractice and Misconduct Report Form (F3).

## 2. ITC Actions

Telephone or anonymous reports will be acted upon if there is sufficient evidence or the nature of the report warrants it.

Upon receipt of the Malpractice and Misconduct Form (F3), ITC will acknowledge receiving the form within 2 days.

### 2.1 For allegations against a Centre or Provider

- a) ITC Malpractice & Misconduct Committee will investigate and report the findings and subsequent actions to the Centre or Provider within 15 working days of the acknowledgment.
- b) Instigate a proportionate response for the nature of the allegation ranging from verbal reassurance to the possibility of suspending all certification requests by the Centre or Provider whilst the investigation occurs.

2.2 If the allegation is upheld a proportionate action will be decided upon by ITC. One or more of the following actions may occur:

- a) Further training required within specified timescale.
- b) An increased level of external verification.
- c) The withdrawal of approval to deliver one or more qualifications.
- d) Future Registrations will not be accepted.
- e) Centre or Provider approval status completely withdrawn.
- f) Certification for previous courses may be invalidated.

### 2.3 For allegations against a Candidate

- a) A representative from the Malpractice & Misconduct Committee with the Head of Centre or Provider will investigate the allegation.
- b) ITC Malpractice & Misconduct Committee will investigate and report the findings and subsequent actions to the Candidate within 15 working days of the acknowledgment.

2.4 If the allegation is upheld a proportionate action will be decided upon by ITC. One or more of the following actions may occur:

- a) Written warning
- b) Certificate may be invalidated.
- c) No further registrations may be accepted for that candidate.

### 3. Investigations

3.1 The objectives of any investigation will be to:

- a) To establish the facts relating to allegations/complaints in order to determine whether irregularities have occurred.
- b) To identify the cause of the irregularities and those involved.
- c) To establish the scale of the irregularities.
- d) To evaluate any action already taken by the centre.
- e) To determine whether remedial action is required to reduce the risk to current candidates and to preserve the integrity of the qualification.
- f) To ascertain whether any action is required in respect of certificates already issued.
- g) To obtain evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with the awarding bodies' own internal procedures.
- h) To identify any patterns or trends.

3.2 The principles of investigation:

- a) The fundamental principle of investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias.
- b) ITC should include a system for the logging and tracking of activities and supporting evidence, including dealing with whistle blowers and anonymous allegations.
- c) Awarding bodies, the regulatory authorities and funding agencies have access to different sources of information and it may be appropriate to share this to enable data comparison in order to obtain a full overview of the situation. ITC will share all relevant information.
- d) ITC will normally deal with the head of centre or their nominee.
- e) Any investigator appointed by ITC must be independent of normal or day-to-day working relationships with the centre or individual under investigation.
- f) ITC has an appeals policy and advise centres and providers of their right to appeal.

3.3 The process of investigation:

- a) Confidentiality - Most investigations will necessitate accessing material that is deemed confidential to the individuals or organisations providing it. In many instances it will be important that the evidence or information is original. If original records cannot be retained, it may be necessary to photocopy the original and record the copy as authentic. All material collected as part of an investigation must be kept secure and not normally disclosed to a third party.
- b) Retention – ITC will retain all records and original documentation concerning a completed investigation that leads to sanctions against a centre for a period of not less than five years. 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 five years thereafter.
- c) Evidence storage – ITC will provide secure storage for all material associated with an investigation in case of subsequent legal challenge. Integrity and continuity of evidence will be maintained.
- d) Conclusions - Conclusions will be based on established evidence. A course of proposed action will be identified, agreed, implemented and monitored.
- e) Sanctions – Imposed by ITC will be commensurate with the level of non-compliance identified.

#### 4. Reports

- a) On completion of any report it will be sent to all parties concerned (Head of Centre, all tutors and assessors involved, candidates affected) within 15 working days of acknowledgement of receipt of allegation.
- b) ITC will inform the regulators (OfQual or SQA Accrediting Body in Scotland), of the name of any Centre or Provider that has an allegation of malpractice or maladministration against it.
- c) A draft report will be given to Centres/Providers for the opportunity to comment on the factual accuracy but not the conclusions of the draft report. A deadline of 3 weeks is given for this task.
- d) ITC will inform the Centre/Provider that we are required to provide the regulatory authorities with a copy of the final report.
- e) Any final report will be included in the ITC Annual Performance Assessment Report (F1) and sent to the regulators as required (SQA Accreditations &/or OfQual).

#### 5. Appeals

Any appeal against ITC decisions can be made following the Appeals Procedures and Policy guidelines.

#### 6. Role of regulatory authorities

- a) The regulatory authorities have a duty to preserve the integrity of the qualification structure in the UK.
- b) ITC will cooperate fully with the authorities.
- c) The regulatory authorities produce guidance documents that ITC will use to advise good practice.
- d) ITC will undertake an initial evaluation, including a risk assessment, to establish the scope of the matter. If ITC decide to conduct a full and further investigation, they will inform the regulatory authorities on commencement of this and provide the name and address of the centre, the allegations and the qualification(s) concerned. Where public funding is involved, the regulatory authorities will inform relevant funding agencies in order to facilitate effective investigation. In some situations involving multiple agencies, the regulatory authority may coordinate the investigation.
- e) ITC 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. The relevant regulatory authority will be consulted in order to determine how best to progress the matter.
- f) Awarding bodies will advise the relevant regulatory authority if there is a reasonable suspicion or an indication that a centre will move to another awarding body during the course of an investigation.