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## Malpractice and Maladministration Policy

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## Malpractice and Maladministration Policy

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## 1. Introduction

The British Horse Society (BHS) is committed to making sure all its activities are conducted fairly, transparently, objectively and free from bias. The purpose of this policy is to ensure that malpractice and maladministration is clearly defined and understood in order to prevent, identify and manage any occurrences so there are no or minimal adverse effects.

## 2. Scope and applicability

This policy applies to:

- All areas of business delivered by the BHS Education Team. This includes non-regulated qualifications and awards awarded by BHS and regulated qualifications delivered by BHS and awarded by BHSQ.

This policy is for:

- BHS employees
- Assessors, Internal Quality Assurers and Chief Assessor Trainers
- Approved assessment centres (and their workforce)
- Candidates
- Others, as relevant

## 3. Purpose and objectives

The purpose of this policy is to give relevant guidance and knowledge regarding malpractice and maladministration. It will detail how they are identified, recorded and managed within the delivery of BHS assessments and other activities managed by the BHS Education Team.

This document will:

- Define malpractice and maladministration and provide examples
- Outline how to report malpractice and maladministration
- Explain BHS's approach to managing and recording malpractice and maladministration

It is useful to refer to the following documents and policies when reading this:

- Conflict of Interest
- Whistleblowing
- Raising Concerns
- Appeals
- BHSQ Malpractice and Maladministration policy

#### 4. Terms and definitions

Malpractice is any activity or practice which deliberately breaches regulations and requirements. It covers any deliberate action/s that could or may compromise the integrity of the assessment process, the validity of a result or certificate and the reputation and credibility of the BHS. Malpractice will generally involve a person intending to break the rules or cause harm. It is a conscious decision.

Malpractice may include a range of issues such as cheating or facilitating cheating, a failure to maintain appropriate records or systems intentionally and the deliberate falsification of records in order to claim certificates.

Maladministration is any activity or practice which also results in non-compliance with regulations and requirements but is not intentional. This is generally where mistakes are made or poor processes are in place but with no intention of causing harm. It may be a result of inadequate training, incompetence, ineptitude or carelessness and inexperience.

Approved assessment centre is any location where a BHS assessment is taking place.

Candidate is used throughout the document referring to anyone training towards BHS/BHSQ qualifications and when they take their assessment. This also includes learners, students and trainees.

Assessor is used throughout the document referring to any BHS contracted personnel at BHS assessments. For the purpose of this document it includes the role of Assessor, Internal Quality Assurer and Chief Assessor Trainer, as applicable.

#### 5. BHS's approach to managing malpractice and maladministration

Everyone has a responsibility to be aware of the potential for malpractice and/or maladministration, as there is always a possibility this may occur.

Situations must be carefully managed to ensure that any malpractice and/or maladministration is minimised. Where it does occur, careful management must ensure that it does not detrimentally impact on the standards of, or public confidence in, the BHS, BHSQ qualifications, or any other activity connected with the BHS. This also includes assessments and awards conducted outside of the UK.

The BHS Education team will take all reasonable steps to prevent incidents of malpractice/maladministration. We will do this by:

- Communicating to candidates
- Communicating to approved trainers (BHS Accredited Professional Coaches and BHS Approved Centres)
- Ensuring the BHS Education Team employees, assessors and assessment centres understand and can identify cases of maladministration and malpractice and know what to do

- Checking employee and assessor understanding of these during recruitment, training, review and monitoring
- Maintaining a log of malpractice/maladministration occurrences
- Analyse/monitor malpractice/maladministration occurrences to identify trends and then provide interventions to minimise reoccurrence

In addition to this, the BHS Education Team will:

- Provide an annual return for BHSQ regarding instances of malpractice/maladministration concerning regulated qualifications

If an allegation of suspected malpractice/maladministration is identified, the steps that the BHS Education Team will take to manage the allegation are detailed below.

## 6. Identifying malpractice/maladministration

Effective communication, training and monitoring is critical to early identification of malpractice/maladministration and to support the prevention of occurrences. The BHS has a responsibility to be mindful of potential malpractice/maladministration and to mitigate any adverse effect. Examples of malpractice/maladministration may include (identified in brackets at the end of each example):

Within the BHS:

- Inaccurate statements or submissions provided during the BHSQ centre approval process, assessment centre/assessor approval process and ongoing monitoring of assessment centres/assessors (either malpractice or maladministration depending on intent)
- Failure to provide the resources or systems needed to support assessment, internal quality assurance or certificate claims (either malpractice or maladministration depending on intent)
- Inaccurate data processing that supports assessment, internal quality assurance or certificate claims (either malpractice or maladministration depending on intent)
- Inaccurate claims for certification (either malpractice or maladministration depending on intent)

Assessors:

- Not declaring a conflict of interest for personal interest or monetary gain (malpractice)
- Accepting a bribe of any kind from a learner, a learner's family, assessment centre personnel or another assessor (malpractice)
- Falsifying assessment records (malpractice)
- Inaccurate recording of assessment observations and assessment decisions (either malpractice or maladministration depending on intent)
- Not assessing against the qualification specification (either malpractice or maladministration depending on intent)
- Purposefully favouring candidates or disadvantaging candidates (malpractice)
- Failure to follow standard operating procedures at an assessment (either malpractice or maladministration depending on intent)

- Failure to apply an accepted reasonable adjustment request (either malpractice or maladministration depending on intent)

#### Candidates:

- Use of false identification when registering for a qualification or at an assessment (malpractice)
- Offering a bribe of any kind to an assessor or assessment centre personnel (malpractice)
- Falsifying a Skills Record sign off, or knowingly allowing a person to sign their Skills Record that is not accepted to do so (malpractice)
- Copying from another candidate or allowing their work to be copied, for example in relation to written portfolio work (malpractice)
- Inappropriate behaviour towards an assessor in an attempt to carry favour or mask an error (malpractice)

#### Assessment centres:

- Falsifying learner information when booking internal candidates (malpractice)
- Purposefully favouring candidates or disadvantaging candidates when allocating horses (malpractice)
- Inadvertently favouring candidates or disadvantaging candidates inadvertently when allocating horses (maladministration)
- Offering a bribe of any kind to an assessor (malpractice)
- Failure to apply an accepted reasonable adjustment request (either malpractice or maladministration depending on intent)
- Falsifying Skills Records sign off for a candidate/s whom they train (malpractice)
- Inappropriate behaviour towards an assessor in an attempt to carry favour or mask an error (malpractice)

## 6. Reporting malpractice/maladministration

Suspected or actual malpractice/maladministration should be immediately reported to the BHS Education Team. The person reporting malpractice/maladministration could be (but not limited to) a candidate, assessor, BHS employee or assessment centre employee. If the informant is reporting suspected malpractice/maladministration against a BHS employee, they may feel more comfortable reporting to the BHS Human Resources department or the BHS Customer Relationship Coordinator. Alternatively, the informant may wish to follow the BHS Whistleblowing Policy, or if the qualification is awarded by BHSQ the informant may wish to follow BHSQ's Whistleblowing Policy.

The details must be put in writing/email and must include (where possible and relevant):

- Location of where malpractice/maladministration has occurred. For example, this could be at an assessment so the assessment centre would need to be known
- Candidate name if the malpractice/maladministration concerns a candidate, or their assessment
- Assessor name if it concerns an assessor or an assessment
- Assessment centre personnel name if it concerns an assessment centre or an assessment
- BHS employee's name if it concerns a BHS employee
- Details of the BHS/BHSQ assessment or qualification affected or nature of the BHS service affected
- Nature of the suspected or actual malpractice/maladministration and associated dates

- Details and outcome of any initial investigation carried out by anyone involved in the case, including any mitigating circumstances.

If the qualification is awarded by BHSQ, the BHS Education Team must immediately notify BHSQ of suspected or actual cases of malpractice/maladministration.

In all cases of suspected or actual malpractice/maladministration reported to the BHS, the identity of the 'informant' will be protected, as far as possible. This is in accordance with BHS's duty of confidentiality and/or any other legal duty. It is preferable for the informant to reveal their identity and contact details when reporting malpractice/maladministration and the informant can request that BHS does not divulge their identity. BHS will consider each disclosure of information sensitively and carefully and communicate an appropriate response to the informant.

## 7. Investigating suspected or actual cases of malpractice/maladministration

All reported or suspected cases of malpractice/maladministration will be investigated promptly by the BHS Education Team/BHS, whether reported to or identified by the BHS Education Team/BHS, to establish if malpractice/maladministration has occurred. This may include gathering evidence from or interviewing learner/s, assessor/s, assessment centre personnel and BHS employees. The BHS Education Team/BHS will take all reasonable steps to prevent any further adverse effects. Depending on the severity of the malpractice/maladministration the BHS Education Team/BHS may also contact relevant organisations and authorities as appropriate. This may include BHSQ, funding provider/s and/or law enforcement bodies. The BHS Education Team/BHS may request or require to collaborate with BHSQ for the purpose of the investigation.

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

- To establish the facts in order to determine whether malpractice/maladministration has occurred
- To identify the cause
- To identify those involved
- To establish the scope
- To evaluate any action already taken
- To determine what action is required, if any
- To identify any patterns or trends

The investigation will be managed by the BHS. If the allegation affects a BHSQ qualification the investigation may be managed by BHSQ with the BHS's support. At all times the BHS and BHSQ (if applicable) will ensure that anyone assigned to the investigation have the appropriate level of training and competence and that they have no personal interest in the outcome.

Where a BHS employee is under investigation, they may be suspended or moved to other duties until the investigation is complete. The investigation may be managed by a member of the BHS Senior Management Team with the BHS Education Team support if appropriate.

Where an assessor is under investigation, the BHS may decide to suspend their assessing duties until the investigation is complete.

Where an assessment centre is under investigation, the BHS may decide to suspend their assessment centre status until the investigation is complete.

The BHS aims to action and resolve all stages of the investigation within 30 working days of receipt of the allegation. In some cases, this may take longer, for example if a visit to an assessment centre is required, or other parties are involved. In such instances, BHS will advise all parties concerned of the likely revised timescale. The BHS will expect all parties, who are either directly or indirectly involved in the investigation to fully cooperate with BHS and BHSQ as required. If the BHS is unable to complete an investigation due to the complexity of the case or lack of cooperation from the parties involved, BHS will consult with BHSQ in order to determine how to progress the matter.

The BHS reserve the right to withhold learner results for affected assessments/qualifications at the time of notification or investigation of suspected or actual malpractice/maladministration.

## 8. Investigation outcomes

If the investigation confirms that malpractice/maladministration has taken place, the BHS and/or BHSQ will consider what action to take to:

- Minimise the risk to the integrity of the certification now and in the future
- Maintain public confidence
- Discourage others from carrying out similar instances of malpractice/maladministration
- Ensure there has been no gain from any malpractice/maladministration

Examples of action the BHS may take are:

- Imposing actions on the employee, assessment centre or assessor to address the instance of malpractice/maladministration and to prevent it from reoccurring
- Removing an assessor from the assessing panel
- Retraining an assessor
- Removing an assessment centre
- Retraining an assessment centre
- Implement enhanced Internal Quality Assurance activity
- Taking action against a learner(s) in relation to proven instances of cheating or fraud:
  - Void result or invalidate certificate
  - Disqualification from the unit(s)/qualification
- Placing a ban on a learner from taking any further qualifications with the BHS /BHSQ
- Reassessment of unit(s)

- Amending aspects of qualification development, delivery and awarding arrangements and if required assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring
- Informing relevant parties or departments within the BHS, for example informing the Approved Centre department if a proven case of malpractice/maladministration is confirmed within an assessment centre.

If the relevant party(ies) wishes to appeal against the decision to impose sanctions, please refer to the BHS Appeals Policy.

If the investigation confirms that no malpractice/maladministration has taken place, BHS and/or BHSQ will remove any suspensions placed upon that individual/centre and they will return to normal duties. Further training or actions may be recommended to avoid reoccurrence of the complaint/allegation/irregularity.

## 9. Investigation report

After an investigation a report will be produced. This will be produced by the BHS Education Team or BHSQ depending on the qualification/s the allegations affected. The report will:

- Identify where the breach, if any, occurred
- Confirm the facts of the case
- Identify who is responsible for the breach (if any)
- Confirm an appropriate level of remedial action to be applied.

This report will be available to the parties concerned, usually within 20 working days of the final decision.

If it was an informant who notified the BHS of the suspected or actual case of malpractice/maladministration, we may choose to inform them of the outcome, usually within 20 working days of the final decision. The BHS may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty. In some circumstances the BHS may not notify the informant of the outcome but will explain the reasons for non-disclosure.

If a BHS employee is being investigated, the report will be agreed with the relevant members of the Senior Management Team and the appropriate internal procedures will be implemented.

## 10. Record keeping

Any reported or suspected malpractice/maladministration will be added to a malpractice/maladministration log. Any information collected as part of an investigation will be secure.

Relevant information to be recorded may include:

- Name of person/s concerned or affected
- Relationship with the BHS, for example assessor, learner or BHS employee
- BHS membership number or learner ID if applicable
- Assessment centre personnel name and job role, if applicable

- Date reported
- Nature of suspected or actual malpractice/maladministration and associated dates
- Action taken
- Investigation outcome
- Follow up action (if applicable)

Data will be processed only to ensure stakeholders act in the best interest of the BHS. The information provided will not be used for any other purpose. Concerns that may affect the security of qualifications awarded by BHSQ will be shared with BHSQ for external quality assurance purposes.

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 six years thereafter.

If the investigation does not lead to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be kept for three years. This is to ensure that the BHS can monitor and identify trends. Please refer to the BHS Privacy Policy for further information.