

## Malpractice and Maladministration Policy

### Definition of Malpractice

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

It covers the deliberate actions, neglect, default, or other practice that compromises, or could compromise the following:

- The assessment processes
- Integrity of regulated qualifications
- The validity of a result or certificate
- The reputation and credibility of the school's qualifications

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.

### Definition of Maladministration

Maladministration is in effect any activity or practice which results in non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within the school including inappropriate records.

### Process of Making an Allegation of Malpractice or Maladministration

Anyone who identifies or is made aware of suspected or actual cases of malpractice or maladministration must notify the Principal (Kevin McNally) and Academic Director (Gary Spiers) immediately. In doing so they should put this in writing and attach appropriate supporting evidence. The person making the allegation must declare any personal interest they may have in the matter, at the outset.

### Confidentiality

Sometimes a person making an allegation may wish to remain anonymous. If you are concerned about possible adverse consequences occurring if your identity is revealed the school will work to ensure your details are not disclosed.

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## Responsibility for the Investigation

All suspected cases of malpractice and maladministration will be examined promptly by the Principal and Management Team. Receipt of any suspected case will be acknowledged within 48 hours. The Principal is responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy.

## Notifying Relevant Parties

In all cases we will tell the person who made the allegation who will be handling the matter, how they can contact them, what further assistance we may need from them and agree a timetable for feedback.

Where applicable we will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration which could either invalidate the award of a qualification or if it could affect another awarding organisation.

If fraud is suspected or identified, we may also notify the police.

## Summary Process

Any allegation will be acknowledged within 48 hours of notice.

Any allegation will be reviewed in line with our policies and procedures and an investigation will be conducted where necessary.

To ensure a fair and thorough process is followed the duration of the investigation will depend on the nature and severity of the allegation or the complexity of the response required.

We aim to provide a response as soon as the outcome is available or within a maximum of 28 days.

If an investigation is likely to take longer all parties concerned will be advised of the likely revised timescale.

We will strive to ensure that the investigation is carried out as confidentially as possible and that the organisation/person who is the subject of the allegation will have the opportunity to raise any issues about the proposed approach and the conduct of the investigation with the investigator during the process.

In addition, we will:

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Ensure all material collected as part of the investigation is kept secure. Any documents which lead to sanctions against an employee will be retained for a period of no less than five years. If an investigation leads to invalidation of certificates or criminal or civil prosecution, all record and documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter.

We expect all parties who are directly or indirectly involved in the investigation, to fully co-operate with us.

## Investigation Report

If we believe there is sufficient evidence to implicate an individual in malpractice or maladministration we will:

- Inform them in writing of the investigation
- Inform them of the evidence we found to support our judgement
- Inform them that the information in relation to the allegation and investigation may be shared with regulators or other relevant bodies
- Provide them with the opportunity to consider and respond to the allegations and our findings
- Inform them of the appeals policy should they wish to appeal against the decisions

After an investigation we will produce a draft report for the parties concerned to check the factual accuracy.

The report will cover the following areas:

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

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

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## Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place, we 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 instances of malpractice or maladministration
- Ensure there has been no gain from compromising our standards
- If the relevant party(ies) wish to appeal against our decision to impose sanctions, please refer to our Appeals Policy.

## Monitoring and Review

The Academic Director (Gary Spiers) will record any lessons learnt from the investigation and pass these onto relevant colleagues to help prevent reoccurrence.

This policy will be updated annually or in response to learner feedback, changes in practices or legislation.

Last Reviewed: June 2023 by Paul Clarke and Gary Speirs

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