

<b>Document Title</b>	Ginger Nut Training – Malpractice & Maladministration Policy
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**Ginger Nut Training – Malpractice & Maladministration Policy**

## Introduction

This policy is aimed at our customers, including learners, who are delivering/registered on Ginger Nut Training programmes or courses, approved qualifications or units within or outside the UK and who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps our centre, and learners or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

## Centre's responsibility

It is important that all staff involved in the management, assessment and quality assurance of our qualifications, and learners, are fully aware of the contents of the policy and we have arrangements in place to prevent and investigate instances of malpractice and maladministration.

## 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 Ginger Nut Training or,
- the qualification or 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 and forms of unnecessary discrimination or bias towards certain or groups of learners.

## 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.

### Examples of maladministration

- 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 registrations (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from regulators, Awarding Organisations or learners.
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission.

### Examples of malpractice

- Failure to carry out internal assessment, internal moderation or internal verification in accordance with requirements
- Deliberate failure to adhere to learner registration and certification procedures.
- Deliberate failure to continually adhere to centre recognition and/or qualification approval requirements or actions assigned to your centre
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim(s) for certificates
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications
- Collusion or permitting collusion in exams/assessments
- Learners still working towards qualification after certification claims have been made
- Plagiarism by learners/staff
- Copying from another learner (including using ICT to do so).

## Process for Making an Allegation of Malpractice or Maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the Directors of Ginger Nut Training by emailing [phil.warnock@gingernutmedia.com](mailto:phil.warnock@gingernutmedia.com), [harry.simpson@gingernutmedia.com](mailto:harry.simpson@gingernutmedia.com) or [dan.williams@gingernutmedia.com](mailto:dan.williams@gingernutmedia.com).

In doing so they should put them in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Learner's name and Ginger Nut Training registration number
- Ginger Nut Training staff members name and job role - if they are involved in the case
- Details of the course/qualification 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 centre or anybody else involved in the case, including any mitigating circumstances

The Directors will then conduct an initial investigation to ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

In all cases of suspected malpractice and maladministration reported we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or any other legal duty.

### Confidentiality and Whistle Blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. If you are concerned about possible adverse consequences you may request that the Directors do not divulge your identity.

While we 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.

### Responsibility for the Investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by Ginger Nut Training to establish if malpractice or

maladministration has occurred and will take all reasonable steps to prevent any adverse effect from the occurrence as defined by Ofqual.

We will acknowledge receipt, as appropriate, to external parties within 48 hours.

Our Director 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 and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Ginger Nut Training

### Notifying relevant parties

Where applicable, our Director 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.

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 by the regulator Ofqual. If we do not know the details of organisations that might be affected we will ask Ofqual to help us identify relevant parties that should be informed.

### Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation.

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
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of Ginger Nut Training and the qualification.
- To identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will:

- Ensure all material collected as part of an investigation must be kept secure.
- 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.
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to withhold a learner's, and/or cohort's, results.

Where a member of Ginger Nut Training staff or a Ginger Nut Training associate is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our Director will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.

#### Investigation report

After an investigation, we'll produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. 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.

We'll make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we'll also inform them of the outcome – normally within 10 working days of making our decision - in doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it's an internal investigation against a member of our staff the report will be agreed by the Managing Director, along with the relevant internal managers and appropriate internal disciplinary procedures will be implemented.

### Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place we will consider what action to take in order 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.

The action we take may include:

- Imposing actions in order to address the instance of malpractice/maladministration and to prevent it from reoccurring
- In cases where certificates are deemed to be invalid, inform the Awarding Organisation and the regulatory authorities concerned as to why they are deemed invalid. Further, inform the Awarding Organisation and the regulatory authorities concerned of any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also let the affected learners know the action we're taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to Ginger Nut Training
- Informing relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action in relation to the centre.

In addition to the above the Director will record any lessons learnt from the investigation and pass these onto relevant internal colleagues to help prevent the same instance of maladministration or malpractice from reoccurring.

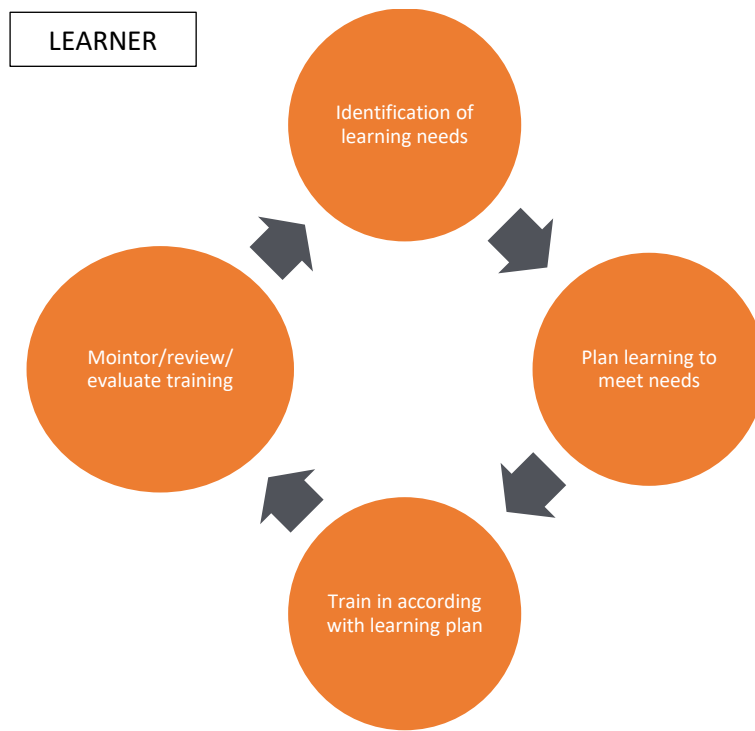
If the relevant party (ies) wishes to appeal against our decision to impose sanctions, please refer to our Complaints Procedure.

## Establishing Prior Learning

### Introduction

Initial Assessment is the process of identifying an individual's learning and support needs in order to build an individual learning plan which provides structure to their learning.

Learning needs includes skills, knowledge and behaviours that the learner needs during the course of their programme. Support needs are the additional resources/help to enable them to address any barriers which may prevent them from fulfilling their programme.





## Sources of Learner information

Ginger Nut Training will consider the following areas at initial assessment:

- Academic and professional qualifications and achievements
- Experiential learning
- learning difficulties and disabilities
- job role
- personal effectiveness
- learning style
- personal circumstances
- Cognitive abilities

This information is gathered using the below data/resources which formulates the learning plan and provides information on key funding requirements (funded routes) on how much we draw down for each individual learner, based on information gathered.

	Applic ation	CV/ Certs	Inductio n	Learner Record Service – Prior Record Check	Skills Scan & Tutor Revie w	Cognassist	BKSB
Qualifications /achievements	•	•	•	•			
Aptitude			•		•		•
Prior learning and experience	•	•	•	•	•		•
Functional skills and Digital Skills	•	•	•	•	•		•
Learning difficulties and or disabilities	•	•	•		•	•	•
Learning styles			•		•	•	
Job Role	•	•	•		•		
Personal circumstances	•		•		•		
Personal effectiveness			•		•		
Apprenticeship standards skills scan			•		•		

For apprenticeship programmes the skills scan will determine the existence of potential subject based prior learning and is described in previous pages. However additional

funding may be sourced for functional skills maths and English (up to level 2) based upon prior qualifications and diagnostic results through the BKSB assessment platform. Further funding may be sourced for learners with learning difficulties and / or other disabilities to provide reasonable adjustments as required under the Equality Act.

All exemptions and certificates being presented to apply prior learning must be original certificates authenticated by the apprenticeship support tutor.

For functional skills the learner's Personal Learning Record is also used to support APL against units, English, Maths and digital qualifications and the need for funding for these components.

The above selection process will determine if the learner is on the right course and the correct funding to be drawn down will be agreed by the Ginger Nut compliance team which consists of the Centre Manager, the Funding & Compliance Officer and a Director.

If the learner is not suitable for the programme applied for the apprenticeship support tutor will signpost the student to an alternative Ginger Nut programme or to an alternative provider. Ginger Nut Training will work with external agencies such as the National Career Service to provide the learner with independent Information, advice and guidance.

Eligibility for funding, for all learners, is scrutinised by the Funding and Compliance Officer who will adjust funding to reflect current funding requirements.

### Functional Skills exemptions

Where learners have previously achieved Functional Skills at any level, they will still undertake the BKSB assessment and diagnosis to identify any areas for improvement and establish a development plan to ensure they have not lapsed below level 2. This will then be included in their learning plan. Ginger Nut Training will not apply for funding where exemptions are in place.

### Apprentice standards

Learners will be assessed prior to enrolment (as stated in the section above) to identify any part of our curriculum for the standard where they may have existing skills/experience/qualifications or prior learning.

Where the learner is able to fully meet any criteria, this will be reflected in the learning plan, however, the tutor will identify if the learner's knowledge and skills/competency are up to date before any adjustments are made the individual learning plan and length/cost of apprenticeship.

All adjustments will be made against delivery plan for that standard and will be saved down against the learner record with cost adjustments automatically calculated against the built-in formula. Any adjustments will then be tracked against the learner Handover/RFS and commitment statement.

## 1. Employer/Learner Engagement

Ginger Nut Training liaise with the learner and the employer to ensure that both are aware of the requirements and commitment to successful completion of the standard. Employers are made aware of the requirements for 20% off the job training, the minimum duration and the processes of preparing the learner to successfully achieve, such as the end point assessment criteria.

## 2. Identifying Neurodiversity and Additional Support Needs

As part of their enrolment all learners are asked to complete a cognitive assessment on Cognassist. The results of this assessment are reviewed by the tutor to identify strategies for teaching and learning that will best benefit the learner. Where areas of neurodiversity are identified the learner will be set additional tasks to support them in developing strategies to help in their work and learning and these will be reviewed with the tutor each month.

Currently Ginger Nut Training provide support to learners without drawing down learning support funding. Moving forward, Ginger Nut Training will be analysing the support that has been provided and benchmarking this against funding rule definitions to draw down funding and make the appropriate application.

## 3. Transfers from Other Providers

Where other providers are not able to continue to support their learners, Ginger Nut Training may assist learners to continue with their programme.

Before moving forward with any learner transfers Ginger Nut Training will re-assess the learners to ensure they are on the right programme, and in the case of the apprenticeships the right job role and are able to meet the requirements for successful completion of the apprenticeship.

This will use the same skills scan system as explained previously and will result in an accurate identification of the required amount of learning and training price. This may not however mirror the remaining funding available and we reserve the right to re-negotiate a price with the employer that is mutually satisfactory.

Where prior learning exists we would expect all evidence of learning to be downloaded from the learners current learning platform and mapped and uploaded to OneFile before being assessed by a qualified tutor. At this point and in conjunction with the skills scan a judgement can be made on remaining learning required and an updated planned end date can be put in place for their remaining practical period.

After this has been completed the remaining funding can be assessed and a decision on whether to proceed can be made.