

Maladministration Policy

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1 Purpose

This policy sets out SFJ Awards' approach to preventing and managing maladministration.

2 Definitions

SFJ Awards defines maladministration as any activity, practice or neglect which results in non-compliance with administrative requirements for the delivery of SFJ Awards' qualifications.

Some examples of maladministration are (*the list is not exhaustive and is intended for guidance only*):

- Persistent mistakes, errors or poor administration, such as:
 - persistent failure to correctly follow SFJ Awards' learner registration and certification procedures
 - persistent late registration of learners
 - mistakes in claims for certificates
 - certificates not claimed for learners
- Unreasonable delays in responding to requests and communications from SFJ Awards (e.g. centre delaying visits by External Quality Assurers)
- Denying reasonable access to records or information to an SFJ Awards representative or the Qualification Regulators.

Please Note: serious or persistent occurrences of maladministration where it is at a serious level and/or persistent may be accelerated to malpractice without the need for any deliberate attempt to contravene regulations. Please refer to SFJ Awards' Malpractice Policy which is available from www.sfjawards.com/malpractice

3 Roles and Responsibilities

Centre Staff/Learners:

- Report suspected or actual maladministration to the Head of Centre immediately to enable them to investigate.

Heads of Centre:

- Identify weaknesses and implement new processes as a result of lessons learnt.
- Ensure the centre is compliant with SFJ Awards centre approval criteria at all times.
- Have suitable verifiable administrative procedures in place to prevent instances of maladministration.
- Have a policy in place for investigating and dealing with alleged or suspected maladministration.
- Ensure staff and learners understand the consequences of maladministration.

- Monitor centre day to day activity to limit and detect maladministration.
- Promptly investigate any suspected or actual maladministration using staff that are independent of the alleged or suspected maladministration.
- Promptly report details of any maladministration investigations that take place to SFJ Awards.
- Cooperate fully with SFJ Awards in any further investigation of reported suspected or actual maladministration.

All SFJ Awards staff and SFJ Awards External Quality Assurers (EQAs):

- Be vigilant and report any suspected cases of maladministration to SFJ Awards' Quality & Assessment Manager immediately.
- Support centres and provide them with guidance on how to prevent, investigate and deal with alleged or suspected maladministration.
- Limit cases through routine external quality assurance activities.
- Identify issues during day to day operations that leads SFJ Awards to believe that maladministration has or may have happened.
- Take into consideration occurrences of maladministration when applying appropriate risk ratings to Approved Centres.

SFJ Awards' Quality Assurance Officer:

- Monitor SFJ Awards approved centres and work with EQAs to apply corrective actions in response to any maladministration event which has taken place.
- Identify issues during day to day operations that leads SFJ Awards to believe that maladministration has or may have happened.
- Report any suspected cases of maladministration to SFJ Awards' Quality & Assessment Manager immediately.

SFJ Awards' Quality and Assessment Manager:

- Identify weaknesses and implement new processes as a result of lessons learnt.
- Notify the Head of Centre when either SFJ Awards or an external/third party identifies alleged or actual maladministration.
- Manage the centre approval process and the ongoing compliance of Approved Centres.
- Oversee the work of the External Quality Assurers (EQAs) to reduce, detect and manage maladministration.
- Examine cases of alleged or actual maladministration and determine the wider implications of each reported maladministration event.

- Inform SFJ Awards' Awarding Organisation Manager (Responsible Officer) immediately of any actual or potential Adverse Effects.

4 Preventing Maladministration

SFJ Awards takes seriously any form of maladministration by anyone involved in the delivery, assessment and internal quality assurance of its qualifications.

SFJ Awards recognises that whatever preventative measures it or a centre puts in place, maladministration may occur.

Maladministration can lead to (*the list is not exhaustive and is intended for guidance only*):

- a centre not being approved to offer qualifications(s)
- a centre being temporarily suspended from registering learners
- increased financial costs for the centre to correct error (eg additional visit costs, administration costs)
- sanctions being applied to the centre (eg a centre's approval to offer qualification(s) suspended or withdrawn)

It is essential that centre staff involved in the administration, assessment and internal quality assurance of SFJ Awards' qualifications, units or courses are aware of this policy and the consequences of maladministration.

Centres must take all reasonable steps to prevent maladministration occurring by identifying where potential maladministration may take place and taking preventative action, building security measures and robust quality assurance into their working practices.

Heads of Centre must ensure their staff are appropriately trained to ensure that errors are minimised.

Failure to have in place effective arrangements to prevent instances, to promptly investigate suspected or actual maladministration cases and to promptly report outcomes of concluded investigations to SFJ Awards, may lead to sanctions being imposed on centres (outlined in the SFJ Awards' Sanctions Policy).

5 Reporting and Investigating Maladministration

Centre Investigating

SFJ Awards requires its approved centres to take full responsibility for any case of potential or identified maladministration. Centres must have arrangements in place to quickly, openly and thoroughly investigate when an actual or suspected instance occurs and promptly implement corrective actions that arise.

A responsible named person (normally the Head of Centre or appropriate manager) must investigate all suspected or actual incidents of malpractice and report them to the SFJ Awards.

The investigator should personally carry out all investigations resulting from an allegation of maladministration. If it is necessary to delegate an investigation to another member of staff, that member of staff must be independent, and not connected to the case or the department involved in the suspected maladministration.

The investigator should collect evidence and seek to establish the full facts and circumstances of any alleged maladministration.

A written report to document the investigation should be produced. The report should include any proposed actions or recommendations to mitigate similar cases occurring again (with clear timescales and who will be responsible for completing the actions).

The report should refer to evidence collected and include any suggested actions or recommendations, for SFJ Awards to agree, to resolve the case and to mitigate similar cases occurring again (with clear timescales and who will be responsible for completion).

Centre Reporting

Where maladministration is identified and certificates have been issued by SFJ Awards, the Head of Centre must arrange for those certificates to be recovered and returned promptly to SFJ Awards by trackable post.

Maladministration investigations should be reported promptly in writing to SFJ Awards' Quality & Assessment Manager by the Head of Centre (or the appointed investigator), using one of the following methods:

1. by completing the maladministration form available on our website
2. by email to info@sfjawards.com
3. by letter to:

The Quality & Assessment Manager
SFJ Awards
1st Floor, Unit C Meadowcourt Business Park
4 Hayland Street
Sheffield
S9 1BY

Emails and letters should state:

- the approved Centre's name and address.
- the name(s) of those involved in the suspected or actual maladministration and if appropriate, their job role.
- the title of the qualification(s) or programme(s) affected by the suspected or actual maladministration.
- the date(s) the suspected or actual maladministration occurred.
- the full nature of the suspected or actual maladministration.
- full details of internal investigations the centre has conducted (contained within the investigator's report).
- copies of supporting evidence, where appropriate.
- full details of identified remedial actions to mitigate against the occurrence being repeated (contained within the investigator's report).

SFJ Awards' Quality & Assessment Manager will acknowledge receipt within 5 working days.

Upon receipt SFJ Awards' Quality & Assessment Manger will consider the report, review the details and consider the evidence, within 10 working days of receipt. (If the process is expected to take longer, you will be advised of this and the likely amended timescale).

SFJ Awards' Quality & Assessment Manager will then decide to either:

- a) note the incident and take no further action
- b) ask the Head of Centre to carry out further investigation/provide further evidence
- c) take a decision on the case, which may lead to sanctions being imposed on the centre (outlined in SFJ Awards' Sanctions Policy).
- d) investigate the matter further.

The Head of Centre will be advised of the outcome of the review in writing by SFJ Awards' Quality & Assessment Manager. Any imposed sanctions will also be conveyed at that time.

The Head of Centre will be expected to respond, within 5 working days, with details of how they will implement any actions or recommendations set, and by whom. If SFJ Awards do not receive a response, they may increase the level of sanction imposed on the centre accordingly, based on risk.

Investigations carried out by SFJ Awards

Normally if a report involves fraud or a serious breach of assessment security, an investigation will be carried out by SFJ Awards. This may involve SFJ Awards notifying other third parties who need to know or may be affected – including, for example but not limited to, the Ofsted, the Charity Commission, funding bodies and other awarding organisations

SFJ Awards will aim to complete their investigation promptly, within 30 working days of informing you that they are commencing the investigation. (If the process is expected to take longer, you will be advised of this and the likely amended timescale).

Investigations carried out by SFJ Awards will be conducted by the Quality & Assessment Manager or their appointed representative (eg an independent External Quality Assurer who has no previous involvement with the centre).

If it is necessary for SFJ Awards to visit a centre as part of the investigation, this will be at the expense of the centre.

The outcome of the investigation (along with any actions or recommendations to mitigate similar cases occurring again, with clear timescales for completion) will be communicated in writing by SFJ Awards' Quality & Assessment Manager to the Head of Centre within 5 working days of their investigation being concluded. Any imposed sanctions will also be conveyed at that time.

The Head of Centre will be expected to respond, within 5 working days, with details of how they will implement the actions or recommendations and by whom. If SFJ Awards do not receive a response, they may increase the level of sanction imposed on the centre accordingly, based on risk.

6 Monitoring

Reported incidents will be monitored by SFJ Awards and will contribute towards the ongoing evaluation and overall risk rating of approved centres.

SFJ Awards' Quality and Standards Committee will be responsible for monitoring the effectiveness of the process. A summary report will be submitted to the Committee, allowing the Committee to monitor maladministration reports and investigations over time.

Informing the Qualifications Regulator and other awarding organisations/stakeholders:

If a reported incident has the potential to lead to an Adverse Effect, SFJ Awards Awarding Organisation Manager (Responsible Officer) will notify the Qualifications Regulators and keep them fully informed.

SFJ Awards are required to notify other awarding organisations/stakeholders where cases of maladministration are likely to impact on them. This will be necessary where:

- the centre is approved by another awarding organisation, and the alleged maladministration could affect the awarding organisation's activities
- the centre is approved with another awarding organisation for similar qualifications and the learner/member of staff is likely to attempt to move its operations to that awarding organisation
- the centre has indicated they are seeking approval from another awarding organisation.

7 Maladministration Sanctions and Penalties

Where allegations of maladministration are found to be proven, penalties or sanctions may be imposed by SFJ Awards' Quality & Assessment Manager, proportionate to the case and the level of impact on the learner(s), the credibility of the qualification(s) and the impact on the Centre.

Maladministration Sanctions and Penalties Applied by Centres

Below are examples of sanctions or penalties that a Centre may suggest to impose in the event of maladministration following their own internal investigation, for SFJ Awards to agree (*the list is not exhaustive and is intended for guidance only*):

- implement revised procedures to mitigate future occurrences.
- removal of member(s) of staff from the administration, assessment or internal quality assurance process of the qualification.
- members of staff required to be retrained.

All sanctions and penalties must be issued in writing by the Head of Centre. A copy should be forwarded to SFJ Awards' Quality & Assessment Manager for SFJ Awards to agree.

Maladministration Sanctions and Penalties Applied by SFJ Awards

Below are examples of sanctions or penalties that SFJ Awards may impose in the event of maladministration (*the list is not exhaustive and is intended for guidance only*):

- centre undertakes corrective actions and provides evidence that this has taken place
- centre loses its Direct Claim Status
- centre may be subject to additional monitoring visit(s) by SFJ Awards, at the centre's expense

- centre's Approved Status may be suspended or removed meaning the centre will no longer be able to offer qualifications through SFJ Awards.

All sanctions and penalties will be issued in writing by SFJ Awards' Quality & Assessment Manager. Please refer to SFJ Awards' Sanctions Policy.

The Head of Centre will be expected to respond, within 5 working days, with details of how they will implement the actions or recommendations and by whom.

8 Appeals

Centres who wish to appeal against a decision regarding maladministration or the consequent sanctions imposed should do so using SFJ Awards Enquiries and Appeals Policy which is available on www.sfjawards.com/appeals

Appeals should be sent to SFJ Awards within 20 working days of receipt of the written outcome of the investigation.

9 Review of the Policy

This policy will be reviewed by the Quality & Assessment Manager on a regular basis as part of SFJ Awards' self-evaluation arrangements and revised as necessary in response to lessons learnt, customer feedback, changes in legislation and guidance from the Qualifications Regulators.

Our review of the policy will ensure that SFJ Awards procedures continue to be consistent with the regulatory criteria and are applied appropriately and equitably.

Policies are approved by the Quality & Standards Committee.

If you have any queries about the content of the policy or you wish to give feedback then please contact SFJ Awards Tel: 01142 841970 or email info@sfjawards.com

10 Location of the Policy

You can download copies of the policy from our website: www.sfjawards.com/maladmin