

Malpractice & Misconduct Policy  
V1.5 March 2020  
Next Review 2021

## **FIRSTAID4LIFE Limited**

# **Malpractice and Misconduct Policy**

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### **1. Introduction**

This policy outlines the actions that may be taken by FIRSAID4LIFE LIMITED in cases of malpractice, maladministration or misconduct. FIRSAID4LIFE LIMITED will cooperate fully with external regulators or awarding organisations with any case of this nature.

FIRSAID4LIFE LIMITED will inform the relevant Awarding Organisation (AO) of any cases of suspected or actual malpractice, maladministration and misconduct and follow their published procedures. For example, contacting the AO Office for urgent advice.

#### **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 FIRSAID4LIFE LIMITED 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 FIRSAID4LIFE LIMITED or candidates 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:

- a) Delay
- b) Incorrect action or failure to take any action
- c) Failure to follow procedures or the law
- d) Failure to provide information
- e) Inadequate record-keeping
- f) Failure to investigate
- g) Failure to reply
- h) Misleading or inaccurate statements
- i) Inadequate liaison
- j) Inadequate consultation
- k) 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.

- a) Not following AO conditions regarding maintaining FIRSAID4LIFE LIMITED Provider approval. E.g. failing to produce assessment records for each candidate. Failing to follow AO Policies.
- b) Stating a qualification is accredited when it is not.
- c) The candidate impersonating someone else by falsifying registration documents.

### **1.5 Reporting alleged Malpractice or Misconduct**

FIRSTAID4LIFE LIMITED its staff, tutors, assessors, verifiers, candidates, members of the public can report allegations of malpractice or misconduct to the FIRSTAID4LIFE LIMITED Director by completing the AO Malpractice and Misconduct Report Form. Additionally reports may be made directly to the AO.

## **2. FIRSTAID4LIFE LIMITED 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, FIRSTAID4LIFE LIMITED will acknowledge receipt within 2 days.

### **2.1 For allegations against FIRSTAID4LIFE LIMITED reported to Awarding Organisation)**

FIRSTAID4LIFE LIMITED will cooperate fully with the Awarding Organisation in line with published Awarding Organisation policies and as reasonably requested by the Awarding Organisation. The Awarding Organisation will investigate and report the findings and subsequent actions to FIRSTAID4LIFE LIMITED according to Awarding Organisation published policies. E.g. AO undertakes to reply within 15 day of the initial acknowledgment and deal with the report in accordance with their published procedures.

### **2.2 For allegations against a Candidate**

- a) FIRSTAID4LIFE LIMITED Director in conjunction with the Awarding Organisation (if necessary) will investigate the allegation.
- b) A report of findings will be collated and forwarded with subsequent actions to the Candidate and Awarding Organisation within 15 working days of the initial acknowledgment.

### **2.3 Allegations are Upheld**

If the allegation is upheld a proportionate action will be decided upon by FIRSTAID4LIFE LIMITED &/or the Awarding Organisation. 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 FIRSTAID4LIFE LIMITED.
- 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 identify any patterns or trends.
- h) To report findings to the Awarding Organisation

### **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) FIRSTAID4LIFE LIMITED undertakes to log and track activities and supporting evidence, including dealing with whistle blowers and anonymous allegations.
- c) Any investigator appointed by FIRSTAID4LIFE LIMITED will be independent of normal or day-to-day working relationships with the individual under investigation.

### 3.3 The process of investigation:

Most investigations will be conducted by FIRST AID4LIFE LIMITED in conjunction with and in accordance with Awarding Organisation procedures and will follow the following route.

- 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 will be kept secure and not normally disclosed to a third party.
- b) **Retention** – FIRST AID4LIFE LIMITED will retain all records and original documentation concerning a completed investigation that leads to sanctions against individuals or organisations for a period of not less than five years and will provide copies to the Awarding Organisation when and if required. If an investigation leads to invalidation of certificates by the Awarding Organisation, 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** – FIRST AID4LIFE LIMITED 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 FIRST AID4LIFE LIMITED will be commensurate with the level of non-compliance identified. Sanctions or Action Plans developed by the Awarding Organisation will be complied with by FIRST AID4LIFE LIMITED.

### 4. Reports

- a) On completion of any report it will be sent to all parties concerned in the investigations within 15 working days of acknowledgement of receipt of allegation.
- b) The Awarding Organisation will inform the regulators of FIRST AID4LIFE LIMITED as being the Centre that has an allegation of malpractice or maladministration against it.
- c) FIRST AID4LIFE LIMITED will respond to any Awarding Organisation report within 3 weeks of receipt.
- d) FIRST AID4LIFE LIMITED acknowledges that the Awarding Organisation is required to provide the regulatory authorities with a copy of any final report.
- e) FIRST AID4LIFE LIMITED may request written guidance from Awarding Organisations as how best to prevent and investigate malpractice or maladministration.

### 5. Appeals

FIRST AID4LIFE LIMITED may appeal against Awarding Organisation decisions in accordance with their published Appeals Policy.

### 6. Role of regulatory authorities

FIRST AID4LIFE LIMITED maintains the right to refer to the regulatory bodies if they disagree with any decisions made by any Awarding Organisation it is associated with.