

Pro Fitness Training Ltd.

Malpractice and Maladministration Policy

Definition of Malpractice

Malpractice is any activity or practice that deliberately contravenes regulations and compromises the integrity of internal or external assessment processes or the validity of certificates and associated achievement. It covers any deliberate actions, neglect, default or other practice that compromises, or risks compromising, the:

- Assessment process.
- Integrity of a regulated qualification.
- Validity of a result or certificate.
- Reputation and credibility of Pro Fitness Training Ltd. and Active IQ, or the qualification or the wider qualifications community.

Malpractice may include a range of issues from failure to maintain appropriate records or systems, to deliberate falsification of records to claim certificates. Under this policy “Malpractice” also covers misconduct and forms of unnecessary discrimination or bias toward certain groups of learners.

Examples of Malpractice

The categories listed below are examples of Pro Fitness and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on the definition of malpractice, and other instances of malpractice may be determined by Pro Fitness at its discretion.

Examples of Malpractice by Learners:

- Plagiarism of any nature.
- Collusion by working collaboratively with other learners to produce work that is submitted as individual learner work.
- Copying (including the use of ICT or other copying aids).
- Deliberate destruction of another’s work.
- Fabrication of results or evidence.
- Deliberate submission of false information to gain a qualification or unit.
- False declaration of authenticity in relation to the contents of a portfolio or coursework.
- Impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one’s place in an assessment/examination/test.
- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language and having an unauthorised electronic device that causes a disturbance in the examination room.
- Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside the assessment context, or any material of a discriminatory nature.
- Frivolous content — producing content unrelated to the examination paper/question in scripts or coursework.

- Unauthorised aids — physical possession of unauthorised materials (including mobile phones, mp3 players, notes, etc.) in the examination room.

Examples of Malpractice by Pro Fitness Staff

- Improper assistance to candidates, or permitting collusion among students in exams/assessments.
- Inventing or changing marks for internally assessed work (coursework or portfolio evidence) when evidence of a candidates' achievement is insufficient to justify the marks given or assessment decisions made.
- Failure to keep candidate coursework/portfolios of evidence secure.
- Fraudulent claims for certificates.
- Inappropriate retention of certificates.
- Assisting learners in producing work for assessment, when such support may influence assessment outcomes; for example, assistance involves Pro Fitness staff producing work for the learner.
- Producing falsified witness statements, for example for evidence the learner has not generated.
- Allowing evidence, known by the staff member not to be learner's own, to be included in a learner's assignment/task/portfolio/coursework.
- Facilitating and allowing impersonation.
- Misusing the conditions for special learner requirements; for example, when learners are permitted support (like an amanuensis or scribe), this is permissible to the point at which the support risks influencing assessment outcomes.
- Falsifying records/certificates; for example, by alteration, substitution, or by fraud.
- Fraudulent certificate claims, that is, claiming for a certificate before the learner completes all assessment requirements.
- Failure to comply with awarding body procedures for managing and transferring accurate learner data.
- Denial of access to premises, records, information, learners and staff to any authorised Active IQ representative and/or the regulatory authorities.
- Failure to carry out internal assessment, internal moderation or internal verification in accordance with Active IQ requirements.
- Deliberate failure to adhere to Active IQ's learner-registration and certification procedures.
- Deliberate failure to continually adhere to Active IQ's Centre recognition and/or qualification approval requirements or actions assigned to Pro Fitness.
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims or forgery of evidence.
- Intentional withholding of information from Active IQ that is critical to maintaining rigorous quality-assurance and qualification standards.
- Deliberate contravention by Pro Fitness or its learners of Active IQ's specified assessment arrangements for qualifications.
- A loss, theft of, or a breach of confidentiality in, any assessment materials.
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials.
- Inappropriate assistance to learners by Pro Fitness staff (e.g., unfairly helping them pass a unit or qualification).

- Permitting the deliberate submission of false information to gain a qualification or unit.
- Deliberate failure to adhere to, or circumvention of, the requirements of Active IQ's Reasonable Adjustments and Special Considerations Policy.

Definition of Maladministration

Maladministration is essentially any nondeliberate activity, neglect, default or practice that results in Pro Fitness or learner noncompliance with administrative regulations and requirements for delivery of the qualifications as set out in relevant codes of practice, and includes the application of persistent mistakes or poor administration within Pro Fitness Training Ltd. (e.g., inappropriate learner records),

Examples of Maladministration

The categories listed below are examples of Pro Fitness and learner maladministration. These examples are not exhaustive and are only intended as guidance on Pro Fitness definition of malpractice:

- Persistent failure to adhere to Active IQ's learner registration and certification procedures.
- Persistent failure to adhere to Active IQ's centre recognition or qualification requirements or associated actions assigned to the centre.
- Late learner registrations (both infrequent and persistent).
- Unreasonable delays in responding to Active IQ's requests or communications.
- Inaccurate claim for certificates.
- Failure to maintain appropriate, auditable records, e.g., certification claims or forgery of evidence.
- Withholding information from Active IQ, by deliberate act or omission, necessary to demonstrate Pro Fitness' ability to deliver qualifications appropriately.
- Misuse of Active IQ's logo and trademarks or misrepresentation of Pro Fitness' relationship with Active IQ, or its Active IQ recognition and approval status.
- Failure to adhere to, or circumvention of, the requirements of Active IQ's reasonable adjustments and special considerations policy.
- Failure to appoint a person responsible for ensuring Pro Fitness deals effectively with student plagiarism.
- Failure to ensure policies and procedures are appropriate to current circumstances.
- Failure to maintain systems for keeping records of all incidents and action taken.
- Failure to take steps to improve detection rates, including access to electronic detection tools.
- Failure to inform Active IQ or other awarding bodies of any acts of malpractice.
- Failure to ensure timely, accurate and valid registration, transfer, withdrawal and certificate claims for learners.
- Failure to provide students with clear explanations of what is valued in academic work (integrity, honesty, wide-ranging research, choosing and using others' ideas etc.) and why academic conventions are important.
- Failure to make available a wide selection of exemplar materials on assessment approaches, showing clearly the difference between acceptable and unacceptable practice.
- Failure to model integrity when Pro Fitness cites sources in its lectures, or talk about selecting and using authoritative sources to support an argument.
- Failure to ensure that all cheating and plagiarism incident, including the results of any

conversations, meetings or feedback with students, are properly reported and recorded.

- Failure to consult with colleagues, managers and Active IQ on alleged misconduct offences and seek appropriate guidance, when needed, on managing investigative processes.
- Failure to ensure curriculum managers receive an annual course report on cheating and plagiarism issues at the end of each academic year in the course self-assessment report.
- Failure to supervise the investigation and resolution of moderate and serious cases of academic misconduct.
- Failure to report on cheating and plagiarism issues as part of the self-assessment process.
- Student failure to submit work for assessment that is their own original work.
- Student failure to attend all study-skills sessions relevant to developing their note-taking, paraphrasing, synthesizing, and referencing skills;
- Student failure to seek advice on assessment practice and procedures from course tutors before submitting work.
- Student failure to avoid sharing electronic versions of their work with other students.

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 appropriate personnel at Pro Fitness Training Ltd. and Active IQ. Such communications must be in writing/email and enclose appropriate supporting evidence. If the area of malpractice or maladministration involves Pro Fitness Training Ltd. then the informing party may bypass Pro Fitness and report directly to Active IQ.

All allegations must include (when possible):

- Centre's name, address and number.
- Learner's name and Active IQ registration number (if known).
- Centre/Active IQ personnel's details (name, job role) if they are involved in the case.
- Details of the Active IQ 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.

If Pro Fitness Training Ltd. has conducted an initial investigation before formally notifying Active IQ, Pro Fitness Training Ltd. should ensure that staff members involved in the initial investigation are competent and have no personal interest in the investigation's outcome. However, note that in all instances Pro Fitness Training Ltd. must immediately notify Active IQ if PFT suspects malpractice or maladministration has occurred, because Active IQ has a responsibility to regulatory authorities to ensure all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice and maladministration reported to Active IQ, Active IQ protects 'informant' identity in accordance with confidentiality and any other legal duties.

Confidentiality and Whistleblowing

Sometimes the 'informant' wishes to remain anonymous. However, it is always preferable to reveal the

reporting party's identity and contact details to Pro Fitness Training Ltd. or Active IQ. Reporting parties concerned about possible adverse consequences should inform Pro Fitness Training Ltd. or Active IQ they do not their identity divulged. Pro Fitness Training Ltd. or Active IQ can confirm they are not obliged (as regulators recommend) to disclose information if doing so breaches confidentiality or other legal duties.

While Pro Fitness Training Ltd. and Active IQ are prepared to investigate issues reported anonymously they must try in all cases to confirm allegations through separate investigation before taking up the matter with those implicated/involved. Pro Fitness (and Active IQ) shall always investigate whistleblower complaints in accordance with applicable whistleblowing legislation, and will do what is reasonably possible to protect privacy without compromising process integrity.

Pro Fitness Training Ltd. Responsibility for Preventing Malpractice and Maladministration

To eradicate cases of malpractice/maladministration Pro Fitness Training Ltd. will ensure:

- All staff members are aware of policies and procedures and receive appropriate training/briefings on these subjects.
- Staff members have clear roles and responsibilities.
- Documented internal quality-assurance procedure/methodology is clear and in place, and subject to regular internal reviews.
- Documented internal standardisation arrangements are in place, and evidence is kept showing that these take place at least once a year.
- Learners are informed of their roles and responsibilities vis-à-vis things that may be deemed malpractice and jeopardise their potential achievements.
- All assessment and internal verification activities are accurately recorded and carried out in accordance with the Pro Fitness Training Ltd. internal quality-assurance arrangements and in line with the Pro Fitness Training Ltd. expectations as outlined in its qualification guides, etc.
- All registration and certification records are subject to appropriate internal review before submission.
- All registration, assessment and certification records are kept in a locked filing cabinet, in a locked cupboard for up to three years after student has completed their course, and that only authorised and appropriate staff members can access them.

Pro Fitness Training Ltd. Malpractice/Maladministration Investigation Procedure

To ensure effective investigation of instances of malpractice/maladministration, the following process and generic key activities are followed (Note: not all stages or steps are implemented in every case).

Stage 1: Briefing and Recordkeeping

Anyone involved in conducting investigations should have a clear brief and understanding of their role.

All investigators must maintain an auditable record of every action during an investigation to demonstrate they have acted appropriately.

The officer assigning investigating officer(s) will stipulate or provide secure storage arrangements for all

material associated with an investigation in case of subsequent legal challenge. Joint investigation occasionally occurs with Active IQ, with Active IQ clarifying the roles of the two teams. It is Pro Fitness' responsibility to ensure investigators are fully aware of the agreed roles and processes to follow during the investigation.

Stage 2: Establishing the facts

Investigators should review evidence and associated documentation, including relevant Active IQ guidance on delivery of qualifications and related quality-assurance arrangements.

Issues to be determined are:

- What occurred (nature of malpractice / substance of the allegations).
- Why the incident occurred.
- Who was involved in the incident.
- When it occurred.
- Where it occurred – there may be more than one location.
- What action, if any, Pro Fitness Training Ltd. has taken.

Stage 3: Interviews

Interviews should be thoroughly prepared, conducted appropriately and underpinned by clear records of the interviews. For example:

- Interviews should include prepared questions and responses to questions, which should be recorded.
- Interviewers may find it helpful to use the 'PEACE' technique:
 - Plan and prepare
 - Engage and explain
 - Account
 - Closure
 - Evaluation

Face-to-face interviews should normally be conducted by two people with one person primarily acting as the interviewer and the other as note taker.

Interviewees should be informed they may have another individual of their choosing present and that they do not have to answer questions. These arrangements aim to protect the rights of all individuals. Both parties should sign the account as a true record/reflection of what was covered/stated/agreed.

Stage 4: Other Contacts

In some cases, learners or employers may need to be contacted for facts and information. This may be done via face-to-face interviews, telephone interviews, by post or email.

Whichever method is used, the investigator will have a set of prepared questions. The responses are recorded in writing as part of evidence confirmation. Investigators should log the number of attempts made to contact an individual. Again, accounts should be signed for agreement with written records formatted as noneditable .PDF files.

Stage 5: Documentary Evidence

Whenever possible documentary evidence should be authenticated by reference to the author; this may include asking learners and others to confirm handwriting, dates and signatures.

Receipts must be given/issued for any documentation removed from Pro Fitness Training Ltd. Independent expert opinion may be obtained from subject specialists about a learner's evidence or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

Stage 6: Conclusions

Once investigators gather and review all relevant evidence, a decision is made on the outcome.

Stage 7: Reporting

A draft report is prepared and factual accuracy agreement obtained. The final report is submitted to the relevant staff member within Pro Fitness Training Ltd. for review and sign-off and shared with Active IQ and relevant parties within Pro Fitness.

Stage 8: Actions

Any resulting action plan is implemented and monitored appropriately, and Active IQ notified. To refer to Active IQ's policy for Malpractice and Maladministration, please visit www.activeiq.co.uk/centres/guidance-for-centres.

Investigations will adhere to the following principles:

- **Rights of Individuals** – When an individual is suspected of malpractice Pro Fitness will:
 - Inform them of the allegation made against them (preferably in writing) and share the evidence supporting the allegation.
 - Provide them with the opportunity to consider their response to the allegation and submit a written statement or seek advice, if they wish to.
 - Inform them of the possible consequences if the malpractice is proven and of the possibility that other parties may be informed, e.g. the regulators, the police, the funding agency and professional bodies.
 - Communicate the appeals process to them.
- **Staff Interviews** – Staff interviews should be carried out in accord with Pro Fitness policy and procedures. Pro Fitness staff may request that they are accompanied by a friend or colleague and these requests should be processed under Pro Fitness or Active IQ policy.
- **Candidate Interview** – When a candidate is interviewed and they are a minor or vulnerable adult, Pro Fitness considers the need to have a parent or representative present or to have the permission of a parent before the interview occurs.
- **Retention and Storage of Evidence and Records** – Pro Fitness retains all relevant documents and evidence in accord with Active IQ's and Pro Fitness' stated policy and procedures.

- **Decisions and Action Plans** – All conclusions and decisions will be based on evidence. A course of proposed action is identified, agreed between Pro Fitness and Active IQ, implemented and monitored to completion. Actions should address improvements required to Pro Fitness’ policies and procedures, and any action related to staff or other resources.
- **Proportionality:** Any decision on the outcome must reflect the weight of evidence and the minor or major nature of the case – the student does not have to admit malpractice.
- **Sanctions** – Any sanctions applied to Pro Fitness or learners or staff members should be proportionate with the level of noncompliance identified (and evidenced) during the investigation and should be in line with applicable sanctions policies.

Thank you for your contribution and commitment to making our policy work.