



Defence Awarding  
Organisation



# Malpractice and Maladministration Investigation Procedure

*"Recognising Quality and Competence"*

*Supporting Defence with accreditation and specialist bespoke qualification opportunities*



## Introduction

1. The Defence Awarding Organisation (DAO) is held to account by the Office of Qualifications and Examinations Regulation (Ofqual) against the 'General Conditions of Recognition' in order to maintain the integrity of the qualifications and the credibility of the organisations involved in development, delivery and award of those qualifications. An awarding organisation must have and use current, relevant written procedures for the investigation of suspected or alleged malpractice and/or maladministration. What follows are those procedures. It must also ensure that investigations are carried out rigorously and effectively by suitably competent people who have no personal interest in the outcome of the investigation.

## Definition

2. Malpractice is negligence or misconduct in carrying out a practice, which deliberately breaches regulations, or could compromise the integrity of the assessment process, the qualification, the validity of certificates, or the reputation of the Centre, DAO and MoD. Maladministration can be defined as lack of care, judgment or honesty in the management of some activity. Some examples of malpractice or maladministration are below:

Ser	Centre	Learner
(a)	(b)	(c)
1	Contravention of the approval conditions.	Forgery of evidence.
2	Failure to satisfactorily implement conditions of approval within stated timescales.	Plagiarism.
3	Postponement of visits by External Quality Assurers (EQA) for more than six months.	Submission of false information to gain a proxy or a qualification.
4	Denial of access to records, resources, individuals or facilities by an authorised DAO representative and/or Ofqual.	Failure to carry out actions identified from our external assessment monitoring visits within the required timescales.
5	Actions required by the EQA not being met within agreed timescales.	Failure to adhere to the requirements of our Reasonable Adjustments and Special Considerations Policy.
6	Failure to carry out delivery, internal assessment or internal quality assurance in accordance with requirements.	
7	Failure to adhere to learner registration and certification procedures.	
8	Failure to continually adhere to the approval criteria.	
9	Failure to maintain auditable records.	
10	Fraudulent claiming of certificates.	
11	Intentional withholding of information from the DAO that is critical to maintaining the rigour of quality assurance.	
12	Deliberate misuse of the DAO logo.	
10	Failure to follow set procedures for qualification development.	

## Awareness

3. Centre staff involved in the management, assessment and quality assurance of qualifications and learners undertaking DAO accredited qualifications need to be familiar with these procedures. Any aspect of the procedures can be discussed with the External Verifiers and DAO when they visit or by contacting the DAO (**enquiries.dao@da.mod.uk** or 01793 314187).

## Roles and Responsibilities

4. When DAO or a Centre are notified of an allegation or have a suspicion of maladministration or malpractice, DAO are responsible for establishing the facts to judge whether or not the allegation can be proven and, if necessary, carry out an investigation and take the appropriate action. In doing so, DAO will work with the relevant people (including Centre staff and external parties) and will define each person's responsibilities at that time.
5. **DAO will:**
  - Notify the Head of Centre when either DAO or an external party identifies an allegation or suspicion of maladministration or malpractice. If the allegation or suspicion implicates the Head of Centre, DAO will notify another suitable person within the chain of command.
  - Use its staff and/or External Contractors who are not connected to the Centre or its staff or learners to undertake a fair and unbiased investigation.
  - Ensure that it takes all reasonable steps to prevent or mitigate the impact and effects of the incident of alleged or actual maladministration or malpractice.
  - Support the centre and provide them with direction on how to investigate the incident, and prevent further maladministration or malpractice.
  - Communicate appropriately with Third Parties where they made the allegation or raised the suspicion.
  - Handle information in accordance with the Government Security Classifications, Data Protection Act and public record keeping rules.
6. DAO will conduct a full investigation if required of instances of alleged or suspected malpractice or maladministration following the procedure at Annex A. The DAO will endeavour to meet the timeframes, but if it cannot, it will explain why and state a new end date.
7. DAO will report cases of malpractice or maladministration to the qualification Regulators whenever it finds evidence that results or certificates may be invalid. Where it is proven that an incident of malpractice or maladministration has occurred, DAO will promptly take all reasonable steps to prevent the malpractice or maladministration recurring and will take appropriate action against those responsible proportionate to the seriousness of the incident, or seek the cooperation of chain-of-command in taking action.
8. Where DAO has cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence may affect a Centre or another Awarding Organisation it will inform those Organisations. DAO will report all allegations to Ofqual along with the final outcome. If there is evidence that a criminal act may have been committed DAO will cease any further investigation and report it to the relevant Authority.

## Procedure for reporting malpractice and maladministration

### Centre's responsibilities

9. The Centre should:

- a. Report all incidents of suspected or alleged malpractice or maladministration should be reported to DAO immediately by emailing **enquiries.dao@da.mod.uk**. Emails should include:

**Centre name.**

Name(s) of those involved in the alleged or suspected malpractice or maladministration and, if appropriate, their job role (Learner, Facilitator, Assessor, Administrator).

The qualification or programme of activity.

Date or time period the suspected malpractice or maladministration occurred.

The nature of the suspicion or allegation.

- b. Inform a member of staff or learner that they are suspected of malpractice or maladministration and that an investigation will be conducted and that they have a right to reply and appeal against any sanction imposed on them.
- c. Carry out an investigation to establish the facts using people who are not involved with the alleged or suspected malpractice or maladministration.
- d. Provide the evidence on or attached to the alleged or suspected malpractice or maladministration reporting form (see Enclosure).
- e. Implement agreed actions as a result of the investigation.
- f. Inform your centre staff and learners affected by the implications of the actions and sanctions.
- g. Take appropriate action to prevent the maladministration or malpractice recurring.
- h. Handle information in accordance with the Government Security Classification, Data Protection Act and Public Records Act.

10. The DAO will inform both their and the Centre's Chain-of-Command about any lack of co-operation. This may result in the DAO permanently or temporarily withdrawing the Centre approval status or withdrawing learners from the qualification. During the investigation the DAO has the right to suspend the approval for the qualification/award in question and/or suspend the centre approval; withhold results of assessments for the individual learner or all learners who are undertaking the qualification or withhold claims for candidate certification for the individual learner or all learners who are undertaking the qualification. DAO do not take any of the above casually, the decisions will be based on a number of factors and will be proportionate to the seriousness of the incident or if there is possibility that results or certificates may be invalid if they were to be issued.

### Ascertaining cases of alleged or actual maladministration or malpractice

11. Any person can report concerns they think could constitute maladministration or malpractice. They could be:

- DAO staff who identify it through our own working relationship with a Centre
- DAO's External Quality Assurers who identify it via their Centre visits
- Centre staff
- Learners
- Internal Quality Assurers
- External Agencies such as Ofqual, other Awarding Organisations and the Police
- Members of the general public
- Informants (anonymous or otherwise)

12. In the event of a report coming from informants, DAO will ask their permission to name them during the investigation. If they do not wish to be identified the DAO will not reveal their identity. In the event of an anonymous allegation of maladministration or malpractice that does not reveal sufficient details required to conduct an investigation, the DAO will just record the allegation.

### **Investigating alleged malpractice or maladministration**

13. Approved Centres are required to have a malpractice and maladministration procedure. If the suspected or alleged malpractice or maladministration has been reported to the Centre and the Centre is to carry out its own investigation, before submitting a report to DAO it should:
- Ensure staff carrying out the investigation are independent of the staff, Learners or function being investigated.
  - Inform those who are suspected of malpractice or maladministration; they are entitled to know the necessary details of the case and possible outcomes.
  - Submit the report including findings of the investigation to DAO.
14. DAO personnel will be allocated to investigate the case. Interviews if required will be carried out face to face unless authorised by the Responsible Officer to be carried out remotely (e.g. by telephone). Once complete they will present the facts of their investigation to the Responsible Officer who will make a decision. The outcome could be:
- No further action if the allegation cannot be proven.
  - An agreed action plan between the DAO and the centre for the Centre to carry out.
  - A sanction or sanctions.
  - A criminal investigation
15. DAO will fully cooperate with the qualifications Regulators, informing them at the earliest opportunity and agreeing any appropriate remedial action. Where DAO has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence, may affect a Centre or another Awarding Organisation undertaking any part of the delivery of a qualification, DAO will inform that Centre or Awarding Organisation.
16. DAO will promptly take all reasonable steps to prevent the malpractice or maladministration recurring and will take appropriate action against those responsible proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties or chain of command in taking such action.
17. Where DAO has cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence may affect or another Centre or Awarding Organisation it will inform those organisations.

### **Centre staff sanctions**

18. If malpractice is proven at staff level in a Centre DAO will impose one of the following sanctions on the staff member through the Centre. They may be:
- Reported to their chain-of-command for administrative or disciplinary action.
  - Re-trained before they can undertake any further Centre activity.
  - Given special conditions or restrictions in any further Centre activity.

### **Learner sanctions**

19. If the investigation confirms that learner maladministration or malpractice has taken place, DAO will direct the centre to do one or more of the following with the learner(s). The learner may: (This list is not exhaustive).
- Be sent back to their place of work.
  - Be reported to their chain of command for administrative or disciplinary action.
  - Receive a written warning, agreed between DAO and the Centre.
  - Have internal assessment marks disallowed in part or in full.

- Be re-assessed and internally or externally moderated and checked.
  - Have external assessment marks disallowed in part or in full
  - Be re-entered for the external assessment
  - Not be issued a certificate.
20. DAO expects the Centre to notify the learners(s) of the sanction by providing them with a copy of the written notification from DAO. In cases where malpractice or maladministration cannot be proven then no further action will be taken, but the investigation will be recorded in its log.

## **Appeals**

21. Appeals, against a decision on malpractice or maladministration and the sanctions imposed, can be made through the Enquiries and Appeals Policy which is available on the website.  
**<https://www.gov.uk/government/groups/defence-awarding-organisation>**
22. Centres and learners have the right to appeal against any decision that the DAO has made. If a learner wishes to appeal against a Centre decision advise the learner of your appeals process. If they are dissatisfied of the outcome of the appeal they can appeal to DAO following its appeals process.

## **Review**

23. This procedure will be reviewed annually and revised when necessary.

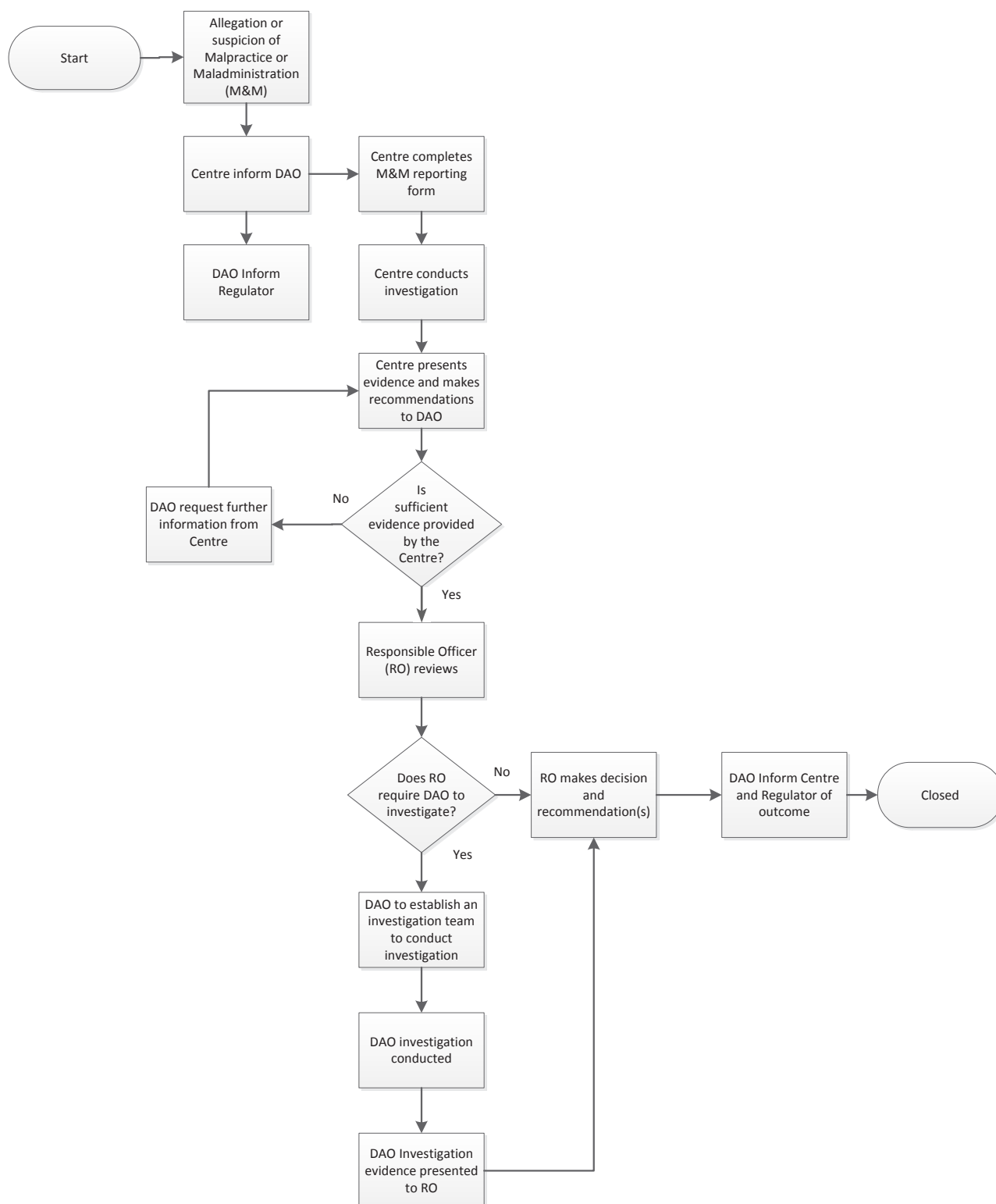
### **Annex:**

- A. Malpractice and Maladministration Procedure.

### **Enclosure:**

1. Alleged or Suspected Malpractice or Maladministration Reporting.

## Malpractice and Maladministration Procedure





To:

Defence Awarding Organisation  
 Trenchard Bldg Room 108  
 Shrivenham  
 Wiltshire  
 SN6 8LA  
 SWINDON

**enquiries.dao@da.mod.uk**

Tel: 01793 31 4187

Mil: 96161 4187

From:

[Centre]

[Address]

[e-mail]

[Tel No.]

[File reference]

[Date]

Alleged or Suspected Malpractice or Maladministration Reporting				
	Name	Unique Learner Number (ULN) or Employee Number [Learners only]	Contact details	Possible sources of evidence
Learner				
Learner				
Learning Facilitator				
Learning Facilitator				
Internal Quality Assurer (IQA)				
IQA				
Other (state role)				
Other (state role)				

Qualification				
Date(s) of incident(s) or time period				

## Description of Case

Please detail in full the suspected malpractice or maladministration. Use additional sheets when required and/or attach additional evidence.

Signed:	
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Name:..	
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Post/Role:	
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Tel No:	
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Email:	
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