

## **Malpractice and Maladministration Procedures**

This document outlines our organisation malpractice and maladministration procedures.

Statement Authorised By: Managing Director	Mr Rory Gaskin
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### **Introduction**

The objective of this policy is to outline TLC's procedures on malpractice and maladministration. It is aimed at all of our stakeholders, including students who are undertaking tuition with a Scholar represented by TLC. It is intended to be used by all of our staff and tutors to ensure that they each deal with malpractice and maladministration investigations in an appropriate and consistent manner required by good administration.

### **TLC's Responsibility**

It is important that all persons involved in the management, provision, assessment and quality assurance of our service are fully aware of the contents of this policy and all arrangement in place to prevent and investigate instances of malpractice. To that end, TLC will ensure that all staff are well-versed in its content.

### **Definition of Malpractice**

Malpractice is any activity or practice which deliberately contravenes regulations and compromises the integrity of TLC's internal processes, policies and procedures. It covers any deliberate actions, neglect or other practices that compromise, or could compromise any aspect of the end-to-end process of TLC's services.

Malpractice may include a range of issues, including but not limited to the failure to maintain appropriate records or systems, and the deliberate falsification of records. For the purpose of this policy, this term also covers misconduct, including but not limited to any forms of unjustified and/or unlawful discrimination or bias towards certain, or groups of, students.

### **Definition of Maladministration**

Maladministration is any activity or practice which results in non-compliance with TLC's policies, regulations, and requirements and includes the application of persistent mistakes or poor administration.

## **Examples of Malpractice and Maladministration**

- Failure to carry out internal verification in accordance with TLC's own policies and any relevant external policies (e.g., National Tutoring Programme policies).
- Deliberate failure to adhere to student registration procedures.
- Deliberate failure to maintain appropriate records, e.g., student attendance, tutorial reports.
- Fraudulent claim(s) for refunds, payments and/or expenses.
- Intentional failure to uphold TLC's aims and values in improving student outcomes, close attainment gaps and support students in achieving learning goals.
- Intentional withholding of information that is deemed critical to maintaining the rigour of quality assurance and high standards of tuition.

## **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 notify the Managing Director (MD). In doing so, they should put their concerns in writing/email and, where appropriate, enclose appropriate supporting evidence. All allegations must include, where possible:

- Full name of individual(s) involved (including any students);
- Full name of the individual reporting the incident;
- Details of the course/lessons affected;
- Nature of the suspected or actual malpractice and associated dates.

The MD will instruct three members of the Executive Suite to conduct an initial investigation to ensure that individuals involved in the initial investigation and have no personal interest in the outcome. Where the allegation relates to the MD, the concern should be made to the Finance and Legal Lead ([legal@learnerscollective.com](mailto:legal@learnerscollective.com)).

The MD will be responsible for ensuring that the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. The instructed members of the Executive Suite will elect a 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 TLC.

In all cases of suspected malpractice and maladministration reported, TLC will protect the identity of the 'informant' in accordance with its duty of confidentiality and/or any other legal duty.

If the information is not happy with the investigation process or outcome, they may raise their concerns in line with our Complaints Procedure and/or Whistleblowing Policy.

## **Confidentiality and Whistleblowing**

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to use, if you are concerned about possible adverse consequences, you may request the MD does not divulge your identity. While we are prepared to investigate issues which are reported to 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.

Please refer to our Whistleblowing Policy for further details.

## **Notifying Relevant Parties**

Where applicable, TLC will inform the appropriate regulatory authorities if it believes there has been an incident of malpractice or maladministration which requires escalation or reporting outside the organisation.

## **Investigation Timelines and Summary Process**

We aim to take action and resolve all stages of the investigation within 4 weeks 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 turn, investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints to determine whether any irregularities have occurred.
- To identify the cause of the irregularities and those involved.
- To establish the scale of the irregularities, including their impact on pupil outcomes.
- To evaluate any action already taken.
- To determine whether remedial action is required to reduce the risk to stakeholders and to preserve the integrity of TLC.
- 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 for the investigation. Therefore, we will:

- Ensure all material collection as part of an investigation is kept secure.
- If an investigation leads to criminal or civil proceedings, all records and original documentation relating to the case will be retained until that case and any subsequent appeals have been heard for another five years thereafter.
- Expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with us.

Where a TLC staff member of tutor is under investigation, we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation, the MD 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 relevant parties informed.

## **Investigation Report**

After an investigation, we will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and us. 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 occurred.
- Confirm an appropriate level of remedial action to be applied.

We will 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 will also inform them of the outcome – normally within 14 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 is an internal investigation against a member of our staff, the report will be agreed by the MD, 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 TLC now and in the future.
- Maintain public confidence in the delivery of tuition.
- Discourage others from carrying out similar instances of malpractice or maladministration.
- Ensure there has been no personal gain from compromising our standards.

The action we take may include:

- Imposing actions to address the instances of malpractice/maladministration and to prevent it from reoccurring.
- Informing relevant third parties of our findings in case they need to take relevant action in relation to TLC.

### **Potential Resolutions**

Should it be found that TLC has made an error in administering a student's progress, the company will work with the school and/or student to agree the best solution.

Should incompetence or negligence occur, TLC will work at its own cost to rectify the situation.

In addition to the above, the MD 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 parties wish to appeal against our decision to impose sanctions, they should refer to our Complaints Procedure.