



Swim Wales Training and Development Malpractice & Maladministration Policy

DOCUMENT STATUS

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Change History		
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V2	12/02/2019	Amendments to existing policy
V3	02/04/2020	Amendments to existing policy
V4	18/09/2020	Amendments to existing policy

Swim Wales is committed in its service provision to offer standards of the highest quality ensuring continued and full compliance with the General Conditions of Recognition - Ofqual & Qualification Wales.

Policy aim and purpose

The aim of this policy is to safeguard the integrity and credibility of Swim Wales, to ensure that any potential malpractice and maladministration is identified, prevented, corrected and/or, mitigated in every aspect of the delivery, development and assessment of Swim England qualifications. This policy provides a robust and transparent framework for the identification and management of malpractice and maladministration by:

- Providing the means to identify and resolve malpractice and maladministration
- Establishing clear standards for dealing with malpractice and maladministration
- Reducing the possibility of malpractice and maladministration

This policy applies to Swim Wales, Swim Wales qualification workforce, all employees of Swim Wales, learners and any other involved in the development, delivery and assessment of Swim England qualifications.

Definition of Malpractice and Maladministration

Malpractice is any deliberate or neglectful act which undermines the integrity and validity of assessment and the certification. Examples of malpractice can be found in appendix 1.

Maladministration is any activity which results in unintended non-compliance with administrative regulations and requirements. Recurring instances of maladministration may be considered serious enough to be treated as malpractice. Examples maladministration can be found in appendix 1.



Investigation and Management of Malpractice and Maladministration

The procedures in place by Swim Wales, coupled with quality controls (Internal Verification and Teaching & Learning Observation Visits), have been carefully designed to monitor arrangements and ability to competently deal with preventing and investigating any instances of malpractice or maladministration.

Swim Wales has established a process for investigating alleged cases that have been raised, which comprises five stages:

- **Stage 1:** Notification of an alleged case of malpractice or maladministration
- **Stage 2:** Management and Investigation of the allegation
- **Stage 3:** Report
- **Stage 4:** Management of confirmed cases of malpractice or maladministration
- **Stage 5:** Appeals

On all occasions when information regarding an allegation is received by Swim Wales against a Swim Wales representative, it will be treated as a potential case for malpractice or maladministration until an outcome has been derived through the investigation stage.

Where there are grounds to suspect malpractice or maladministration against a Swim Wales representative, that individual risks suspension of their duties and an investigation by Swim Wales of professional misconduct.

Where there are grounds to suspect malpractice or maladministration at a Swim Wales course, registrations and learner certification may be suspended until the investigation has been completed and, if necessary, any sanctions applied.

Where there are grounds to suspect malpractice or maladministration against a Learner, certification may be suspended until the investigation has been completed and, if necessary, any sanctions applied.

Stages of Investigation

Stage 1: Notification of a suspected case of malpractice or maladministration

Swim Wales is responsible for any matters relating to the conduct of the learner or tutor whilst undertaking the qualification. The centre will investigate the allegation in compliance with our published policy and procedures.

Notification of the allegation must be submitted through the *Allegation Form* (appendix 2), accompanied by any supporting information for review.

Evidence, along with the completed Allegation Form, should be sent to the Swim Wales Training & Development Manager. If the allegation relates to the Swim Wales Training & Development Manager notification of the suspected malpractice or maladministration should be sent to the Swim Wales Board Chairperson.

Once the *Allegation Form* has been received, Swim Wales will check that the required information has been submitted, acknowledge receipt (within 5 working days) and record the details on the *Allegations Register*. In all cases Swim Wales will protect the identity of the informant.

Stage 2: Management and Investigation

The Training & Development Manager will review all information provided and conclude if there is a case of malpractice or maladministration. If the investigation involves the Training & Development Manager an appropriate independent reviewer will be appointed to examine the allegation.

During the investigation there may be:

- A request for further information
- Interviews conducted with individuals involved in the investigation in person or by telephone

Pending the outcome of the investigation, Swim Wales may apply sanctions as detailed in the Swim England Qualifications Sanctions Policy.

Stage 3: Report

Swim Wales will provide feedback within 30 working days of acknowledgement of the allegation form being received.

In some cases the investigation may take longer, for example, if a centre visit is required. In such instances all concerned parties will be advised of the revised timescale.

Swim Wales satellite centres are expected to fully cooperate with all investigations and requests for information. If this does not happen Swim Wales satellite centre approval may be withdrawn.

Where applicable, Swim Wales will inform the Swim England Qualifications (SEQ) who will, in turn, inform the regulatory authority, Ofqual or Qualifications Wales of any investigation. In cases where certificates are deemed to be invalid, Swim Wales will inform the Swim England Qualifications (SEQ) and the SEQ will inform Swim Wales of any actions that need to be taken.

Stage 4: Appeals

Swim Wales has an appeals procedure that can be applied if there is disagreement in the outcome of a malpractice / maladministration investigation. An appeal must be based on reasonable grounds which relate directly to the case in question. The following would be accepted as reasonable grounds:

- The case was not dealt with using the published policy and procedure
- Further evidence (including medical evidence) has come to light which changes the basis of the decision

The following do not, by themselves constitute grounds for an appeal:

- The individual did not intentionally cheat
- The individual has an unblemished academic record
- The individual could lose a university place
- The individual regrets his/her actions

Swim Wales reserves the right to reject an appeal at this point if there is not any further evidence to consider or if the grounds for the appeal are weak or unjustified.

Further information on appeals may be found in the *Appeals Policy*.
The next policy review will take place in March 2021

Swim Wales Training & Development
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Appendix 1: Examples of Malpractice and Maladministration

The following situations are examples (but not exhaustive) of malpractice or maladministration; to decide which one depends on whether the actions are deliberate (malpractice) or unintentional (maladministration).

Failure to adhere to Swim England Qualifications eligibility criteria
Actions required by an External Verifier not being met within agreed timescales
Failure to carry out delivery, assessment or internal verification in accordance with Swim England Qualification requirements
Failure to adhere to Swim England Qualifications learner registration and certification procedures
Fraudulent claim for certificates
Withholding of information from the Swim England Qualifications which is critical to maintaining the rigour of quality assurance
Insecure storage of assessment materials
Giving improper assistance to learners
Submission of false or inaccurate information to gain a qualification or units(s)
Tampering with learners work
Late learner registrations
Plagiarism of any nature by learners – failure to acknowledge sources properly and/or the submission of another person’s work as if it were the learner’s own
Impersonation
Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment materials and evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia)
Failure to meet our published timeframes for certification
Any action likely to lead to an adverse effect
Breach of confidentiality

Appendix 2: Allegation Form

Important information should include information relating to the person submitting the Allegation Form. If you are a learner, please indicate this clearly under the informant role.

Full Name	
Role	
Address	
Telephone number	
Email address	

Swim Wales Satellite Centre	
Qualification Title	
<p>Details of the allegation (continue on a separate page if required)</p>	

Declaration
I confirm that the information in this form is accurate, to the best of my knowledge, and that the centre will provide arrangements in accordance with the guidance given by SEQ.

Signature	
Date	

Please return to Swim Wales Training & Development Manager, Allegations, Wales National Pool, Sketty Lane, Swansea, SA2 8QG or email: swimwales-training@swimming.org

Appendix 3: Maladministration / Malpractice Event Record

Swim Wales Approved Centre Maladministration / Malpractice Event Record

Satellite Centre			
Key Contact			
Date of Event			
Description of the event			
Additional Commentary from the Satellite Centre (not mandatory)			
Risk			
Maladministration or Malpractice			
What actions will Swim Wales Approved Centre put in place to ensure safe certification			
Satellite Centre Key Contact Signature		Date	
Swim Wales Approved Centre Signature		Date	
Number of maladministration events in last 24 months including this event		Number of malpractice events in last 24 months including this event	

Please note: Swim Wales do not need to see the evidence that the learners submit to fulfil the LEE audit requirements, just evidence that the AC is undertaking the required checks on each course.

This policy will be reviewed annually to ensure it remains fit for purpose and complies with the requirements of Swim England Qualifications.

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