

Malpractice and Maladministration Policy

| Document Specification: | | | |
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| Purpose: | To set out NPC's policy for how any instances of, or suspicions of, malpractice or maladministration can be reported, how the investigation will be undertaken, how any findings of adverse effect will be notified to the awarding organisation (where applicable), plus what sanctions may be applied by NPC or the relevant awarding organisation. | | |
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NALP Training Company Limited
T/A National Paralegal College (NPC)

57 Chevening Road
London
SE10 0LA
Tel: 0203 745 5513

Email: Info@nationalparalegalcollege.co.uk

Website: <https://www.nationalparalegalcollege.co.uk/>

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Malpractice & Maladministration Policy

1. Purpose and Scope of Policy

The National Paralegal College (NPC) is a trading name of NALP Training Company Limited. It offers both internally developed and certificated courses and fully regulated qualifications, accredited by a Recognised Awarding Organisation to its Learners, all of which are delivered on a distance learning basis. All of its courses and qualifications are aimed at the Paralegal sector.

This policy applies to all NPC staff (including tutors, assessors, consultants, management, directors and non-executive directors, whether employed on a temporary, freelance or permanent basis, plus Learners seeking to gain a qualification through NPC.

The purpose of this policy is to:

- Define malpractice and maladministration
- Identify the rights and responsibilities of NPC, its staff and Learners in relation to such matters
- Describe the procedures to be followed in cases where there is reason to suspect malpractice or maladministration has taken place.

2. Definitions of Malpractice, Maladministration and Adverse Effect

Malpractice and maladministration shall be deemed as the improper actions or omissions of NPC staff or associates, Learners and anyone involved with the provision of NPC qualifications, that could have an adverse effect on others, the integrity of the qualification or the certification thereof.

2.1. Malpractice

Malpractice is seen as a deliberate act by any person involved in the assessment of a qualification, including (but not limited to) a Learner, assessor or quality assurer which has, or may have, an adverse effect on the award of the qualification or the integrity or security of any examination, assessment or qualification offered or delivered by NPC. This could include where an assessor or quality assurer fails to inform NPC of any suspicions of malpractice or maladministration or attempts to deny, alter or conceal any evidence pertaining to such suspicions when these are presented to them.

Examples of potential malpractice include, but are not limited to:

- The intentional withholding of information from NPC critical to our quality assurance.
- Any form of plagiarism by a Learner.
- Failure of a tutor, assessor or internal quality assurer to declare a conflict of interest that could affect the impartiality of an assessment decision being made, or provide a learner with any form of assistance that would give them an advantage over any other Learner taking the same qualification or course, e.g. having a personal connection to the Learner.
- Failure of an assessor or moderator to declare any suspicion of plagiarism or other form of potential malpractice or maladministration found during the assessment or quality assurance process.
- Failure of a Tutor, or Internal Quality Assurer to declare a Conflict of Interest where they are involved in the delivery of a qualification or course to a family member or friend or where they otherwise have a vested interest in the outcome of an assessment decision.

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2.2. Maladministration

Maladministration is a sub-category of malpractice with the difference being that it has either been shown to have not been a deliberate act by the learner or staff member to attempt to subvert the integrity or security of the examination process or the qualification, or has been a minor breach of the requirements of the qualification or course in question. A potential maladministration may be escalated to malpractice if the learner or staff member to which it relates:

- Does not cooperate with the investigation into the maladministration
- Does not satisfactorily resolve any action plan which may be put in place by NPC
- Has repeated maladministration events logged which might indicate that the maladministration is occurring by way of a deliberate act.

Examples of potential maladministration include:

- A Learner failing to request a reasonable adjustment or special consideration in line with the procedures
- A Learner failing to submit their appeal against an assessment or other decision by NPC within the timescales set down in the Appeals Policy (please note that late appeals will only be considered by NPC in exceptional circumstances)
- An NPC staff member failing to ensure that a Learner is correctly enrolled for their chosen qualification or course, including adherence to any requirements of the awarding organisation, where applicable.

2.3. Adverse Effect

An Adverse Effect is defined by the Regulator as an act, omission, event, incident or circumstance that:

- a) gives rise to prejudice to Learners or potential Learners, or
- b) adversely affects –
 - i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition,
 - ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - iii) public confidence in qualifications.

The examples of Malpractice provided above are deemed to have the potential to cause an adverse effect on the integrity of qualifications that NPC deliver. The maladministration examples are less likely to have an adverse effect, however continued occurrences of such maladministration could have a cumulative adverse effect and so must be taken seriously and dealt with appropriately.

3. Reporting Potential or Actual Malpractice and Maladministration

NPC staff members and Learners must report any cases of suspected malpractice or maladministration to NPC immediately. Learners should email info@nationalparalegalcollege.co.uk and staff members should email a member of the senior management team or speak to them directly.

Reports need to be as detailed as possible and include information such as:

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- Learner's name and registration number and/or staff member's name involved in the maladministration or malpractice.
- Title and, where applicable/known, reference number of the qualification affected.
- Date(s) suspected or actual malpractice or maladministration occurred.
- Full nature of the suspected or actual malpractice or maladministration.
- Contents and outcome of any investigation carried out including any mitigating circumstances.
- Written statements from those involved in the case, e.g. witness statements.
- Date of the report and the informant's name, position and signature.

All cases of alleged malpractice will be investigated rigorously by an appropriate person(s) who has no personal interest in the outcome. Where the potential malpractice or maladministration is in relation to a regulated qualification it offers, NPC will inform the relevant awarding organisation.

4. Investigation Procedures

All allegations will be investigated by an appropriate member of NPC staff who has not previously been involved in the delivery, assessment or quality assurance of the qualification or Learner(s) affected.

Where an allegation is in relation to a regulated qualification, NPC will pass the details to the relevant awarding organisation who will undertake an independent investigation. As part of this, all details such as witness statements, etc. will be passed to them to assist in their investigation.

Where an allegation is in relation to an NPC course, NPC will look at all the evidence available and come to a decision based on the balance of probabilities as to whether the allegation is upheld or dismissed and what, if any, action needs to be taken against the staff member or learner involved.

Investigations will normally be completed within 30 working days from receipt of the issue first being reported/noticed. Please note that in some cases investigations may take longer, however all affected parties will be kept informed of the progress being made and of any alternative dates for expected completion.

We will inform all affected parties of the outcome of the investigation within 10 working days of the end of the investigation and decisions being made.

We expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us. In instances where an individual Learner does not co-operate, we may have no alternative but to permanently or temporarily remove a Learner from a programme. We may also inform the awarding organisation if appropriate.

During the investigation, the review process may involve interviews (either remotely, in person or by telephone) with the personnel or Learner(s) involved in the alleged malpractice or maladministration.

5. Type of Sanctions

The type of action taken will depend on the impact and risks associated with the problem. For example, we will consider:

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- The impact on Learners and on public confidence in the qualifications and courses offered by NPC.
- Whether the breach applies to just one qualification or if it affects a range of qualifications.
- Whether there is a history of non-compliance.

The types of sanctions that may be applied should an allegation of malpractice or maladministration be upheld include, but is not limited to:

- Disqualification of a Learner's submitted assignment or assessment for an NPC course or regulated qualification
- Full disqualification of a Learner from NPC's courses and qualifications
- Retraining of staff member(s)
- Disciplinary action against staff member(s)

6. Regulated Qualifications

As noted in Section 4 above, where there is a regulated qualification and malpractice is suspected, this will be passed to the Awarding Organisation, details of the Awarding Organisation can be found at www.nationalparalegalcollege.co.uk.

In respect of Plagiarism NPC cannot make any changes to the decision of the Awarding Organisation. Please note, NPC have no involvement of the marking of any assignments/assessments for the regulated qualifications.

7. Appeals Process

Anyone wishing to lodge an appeal against an NPC decision should follow the procedures in our Appeals Policy which can be downloaded from the NPC website at:

<https://www.nationalparalegalcollege.co.uk/wp-content/uploads/2021/08/NPC-Appeals-Policy-V2-June-2021.pdf>.

8. Monitoring, Evaluating and Reporting

Records will be kept of all cases of malpractice and maladministration dealt with by NPC. Information regarding the number and nature of cases, together with their outcomes, will be reviewed by our Board of Directors at their regular meetings and discussed at wider staff meetings, where appropriate.