



Malpractice & Maladministration Policy

Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates and associated achievement. It covers any deliberate actions, neglect, default, or other practice that compromises, or could compromise:

- the assessment process
- the integrity of a regulated qualification
- the validity of the assessment or certificate
- the reputation and credibility of Yoga Scotland or the qualification or the wider qualifications community

Malpractice may include a range of issues from the failure to maintain appropriate records or systems, to the deliberate falsification of records, in order to claim certificates. For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of learners.

Examples of malpractice

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- ❖ Denial of access to premises, records, information, learners and staff to any authorised Yoga Scotland representative and/or the regulatory authorities
- ❖ Failure to carry out internal assessment, internal moderation or internal verification in accordance with our requirements
- ❖ Deliberate failure to adhere to our learner registration and certification requirements
- ❖ Deliberate failure to continually adhere to Yoga Scotland approval and/or qualification approval requirements or any actions assigned to your course
- ❖ Deliberate failure to maintain appropriate auditable records, e.g., certification claims and/or disposal and/or forgery of evidence
- ❖ Fraudulent claim(s) for certificates
- ❖ The unauthorised use of inappropriate materials / equipment in assessment settings
- ❖ Intentional withholding of information from Yoga Scotland and/or the tutors which is critical to maintaining the rigour of quality assurance and standards of qualifications
- ❖ Deliberate misuse of our logo or misrepresentation of centre's relationship with Yoga Scotland and/or its approval status with Yoga Scotland
- ❖ Collusion or permitting collusion in assessments



- ❖ Learners still working towards qualification after certification claims have been made
- ❖ Persistent instances of maladministration within Yoga Scotland and/or the tutors
- ❖ Deliberate contravention by Yoga Scotland and/or the tutors and/or its learners of the assessment arrangements specified for qualifications
- ❖ A loss, theft of, or a breach of confidentiality in, any assessment materials
- ❖ Plagiarism by learners/staff
- ❖ Copying from another learner (including using ICT to do so)
- ❖ Impersonation - assuming the identity of another learner, or having someone assume your identity during an assessment
- ❖ Unauthorised amendment, copying or distributing of assessment papers/materials
- ❖ Inappropriate assistance to learners by Yoga Scotland tutors (e.g., unfairly helping them to pass a written or practical assessment)
- ❖ Deliberate submission of false information to gain a qualification
- ❖ Deliberate failure to adhere to, or to circumnavigate the requirements of Yoga Scotland Reasonable Assessment Adjustments and Special Considerations Policy

Definition of Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within Yoga Scotland (e.g., inappropriate student records).

The categories listed below are examples of Yoga Scotland and learner maladministration. Please note that these examples are not exhaustive and are only intended as guidance on our definition of malpractice:

- ❖ Unintentional, but persistent failure to adhere to our Yoga Scotland approval or qualification requirements and/or associated actions assigned to the Yoga Scotland
- ❖ Late learner submissions without explanation (either infrequent or persistent)
- ❖ Unreasonable delays in responding to requests and/or communications from Yoga Scotland
- ❖ Inaccurate claim for certificates made frequently, even if accidentally
- ❖ Failure to maintain appropriate auditable records, e.g., certification claims and/or disposal and/or forgery of evidence
- ❖ Withholding of information from Yoga Scotland which is required to assure of the centre's ability to deliver qualifications appropriately
- ❖ Misuse of Yoga Scotland logo and trademarks, or misrepresentation of a centre's relationship with Yoga Scotland and/or its approval status with
- ❖ Failure to adhere to, or to circumnavigate, the requirements of Yoga Scotland Reasonable Adjustments and Special Considerations Policy

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 admin staff at Yoga Scotland. In doing so they should put them in writing/email and enclose appropriate supporting evidence. If the area of malpractice or maladministration involves Yoga Scotland, then the informant may bypass us as an organisation and report straight to OSCR.

All allegations must include (where possible):

- ❖ Teacher / studio / centre's name, address and telephone number
- ❖ Learner's name and Yoga Scotland member number (If known)
- ❖ Teacher / studio / centre's details (name, job role) if they are involved in the case
- ❖ Details of the Yoga Scotland 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 teacher / studio / centre or anybody else involved in the case, including any mitigating circumstances

If Yoga Scotland has conducted an initial investigation prior to formally notifying the teacher / tutor / studio / centre, Yoga Scotland should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. However, it is important to note that in all instances Yoga Scotland must immediately notify teacher / tutor / studio / centre involved if they suspect malpractice or maladministration has occurred. Yoga Scotland have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice and maladministration reported to Yoga Scotland they will protect the identity of the 'informant' in accordance with their duty of confidentiality and/or any other legal duty.

Yoga Scotland responsibility to prevent malpractice and maladministration.

To eradicate cases of malpractice/maladministration Yoga Scotland will ensure:

- ❖ All staff are aware of policies and procedures and receive appropriate training/briefings on these
- ❖ Staff have clear roles and responsibilities
- ❖ There is a documented internal quality assurance procedure/methodology that is clearly in place and is subject to regular internal reviews
- ❖ There are documented internal standard arrangements in place and evidence that these take place at least once a year
- ❖ Learners are informed of their roles and responsibilities in terms of not doing anything that may be deemed a malpractice and jeopardise their potential achievements
- ❖ All assessment and internal verification activities are accurately recorded and carried out in accordance with the Yoga Scotland internal quality assurance arrangements and in line with the Yoga Scotland 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 will be kept in a locked filing cabinet, in a locked cupboard for up to 3 years after the student has completed their course. Only authorised and appropriate members of staff will have access to them

Yoga Scotland procedure to investigate malpractice or maladministration.

To embed effective arrangements to investigate instances of malpractice/maladministration the following should process will ensue. It is intended that the stages involve generic key activities; however, not all these would be implemented in every case.

Stage 1: Briefing and record-keeping

Anyone involved in the conduct of an investigation 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 that they have acted appropriately. The officer assigning the investigating officer(s) will stipulate and/or provide secure storage arrangements for all material associated with an investigation in case of subsequent legal challenge. It is Yoga Scotland's responsibility to ensure their investigators are fully aware of the agreed roles and processes to follow during the investigation.

Stage 2: Establishing the facts

Investigators should review the evidence and associated documentation, including relevant Yoga Scotland guidance on the delivery of the 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, 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. Those being interviewed should be informed that 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 will be recorded in writing as part of confirmation of the evidence. Investigators should log the number of attempts made to contact an individual. Again, accounts should be signed for agreement with written records to be formatted as non-editable PDF.

Stage 5: Documentary evidence

Wherever 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 should be given for any documentation removed from Yoga Scotland. Independent expert opinion may be obtained from subject specialists about a learner's evidence and/or from a specialist organisation such as a forensic examiner, who may comment on the validity of documents.

Stage 6: Conclusions

Once the investigators have gathered and reviewed 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 Board of Trustees within for review and sign-off and shared with those involved and the relevant parties within your organisation.

Stage 8: Actions

Any resultant action plan is implemented and monitored appropriately and notified. If you would like to refer to policy for Malpractice and Maladministration, please visit <https://www.yogascotland.org.uk/policies>