

Malpractice & Maladministration Policy

1. General

- 1.1 We (Swim England Qualifications) are committed to providing access to fair assessment for all learners, whether that is within or outside the UK, to protect the integrity of the qualifications which we award and to be compliant with the expectation of our Regulators. We endeavor to create a culture of honesty, integrity and ethics in all aspects of design, delivery and awarding to prevent malpractice & maladministration as far as possible.
- 1.2 Sometimes learners and/or their representatives contact us because they are unhappy with a decision that has been made by their Approved Training Centre (ATC). Unless there is a fundamental opposing rationale, then the ATC should be given an opportunity to respond to any concerns before we get involved.
- 1.3 If any person wishes to receive guidance and/or advice from us on how to prevent, investigate, and deal with malpractice then please contact us and we will happily provide you with such advice and/or guidance.

2. Definition

- 2.1 'Malpractice' and 'Maladministration' are two distinct (but related) concepts which are likely to be on a spectrum, and as such they will sometimes shade into one another. For the purposes of this policy, and informing those who may refer to this guidance, SEQ have used this policy to provide accepted definitions of both concepts, in being able to support stakeholders with their understanding and those concept differences. Irrespective of where on the spectrum an incident is (as to its definition), the requirements and processes in which SEQ uses to assess each incident and its risk (regardless of whether it constitutes a malpractice or Maladministration incident) remains the same.
- 2.2 Malpractice or significant Maladministration (whether this be an individual incident or a continual, repeated set of incidents) that may constitute an adverse effect, means any act, default or practice which is a breach of the Regulations¹ or which:
- may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; **and/or**
 - damages our authority, reputation or credibility including that of our staff, sub-contractors or representatives or any ATC and their workforce

2.3 Definitions of Malpractice and Maladministration

2.3.1 Malpractice includes;

2.3.2 Any deliberate action, neglect, default, or other practices that compromise, or could compromise:

- The assessment process

¹ Regulator's Conditions of Recognition

- The integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of Swim England Qualification (SEQ)
- The qualification or the wider qualifications community
- The confidentiality of assessment materials
- Any other courses, such as CPD course(s) and including any additional SEQ affiliated training events

2.3.3 A range of issues from the failure to maintain appropriate records or systems to the deliberate falsification of records to claim certificates or gain SEQ Centre approval.

2.3.4 Failure by an SEQ ATC to notify, investigate and deal with an allegation of malpractice or suspected malpractice will constitute malpractice.

Types of Malpractice

2.3.5 The following list(s) gives some examples of the types of incidents that may occur (this list is not exhaustive due to the nature and range of incidents that are likely to occur):

Malpractice concerning an ATC

2.3.5.1 Examples of malpractice could include:

- Wrongful claiming of certification in full knowledge that the Learner has not met the standards of the qualification(s)
- Deliberate failure to conduct internal quality assurance processes and monitoring in line with the ATC Service Level Agreement (SLA), SEQ Centre Handbook/IQA guidance, SEQ Monitoring Guide and/or SEQ Guide to Delivering Qualifications or any SEQ related documentation
- Intentional withholding or omission of information to comply with the Centre Approval process
- Insecure and/or inappropriate storage of assessment instruments, materials and marking guidance linked to any of SEQ qualifications
- Misuse of assessments (including assessment achievement record), including inappropriate adjustments to assessment decisions
- Failure to comply with requirements for accurate and safe retention of Learner evidence, assessment and internal verification records
- Failure to comply with Awarding Organisation procedures for managing and transferring accurate Learner data, such as LEE auditing checks and legal name spellings
- Deliberate falsification of records to claim certificates
- Deliberate falsification of records or misuse of data to gain SEQ centre approval
- Persistent insufficient management of administrative processes and record keeping
- Failure to co-operate with an investigation
- Breach(es) in Data Protection law

Malpractice concerning ATC Staff

2.3.5.2 This means malpractice committed by a current (or former) member of staff (or contractor) working on behalf of, or at an ATC. Examples could include:

- A breach of security (e.g., failure to keep material secure, tampering with coursework etc.)
- Excessive direction from assessors to Learners during summative assessments (e.g., prompting Learners in assessments by means of signs or verbal or written prompts)
- Breach of confidentiality (e.g., failure to maintain confidentiality of assessment materials or personal data)
- Deception (e.g., manufacturing evidence of competence, fabricating assessment or internal verification records)
- The provision of improper assistance to Learners (e.g., permitting the use of a reasonable adjustment over and above the extent permitted by SEQ policy)

2.3.5.3 Provision of inaccurate or misleading information by Centre staff about SEQ qualifications

2.3.5.4 Failure to adhere to regulations/SEQ stated requirements.

Malpractice concerning the Learner

2.3.5.5. Malpractice by a Learner relating to internal assessment could occur in the following areas:

- portfolios of internal assessment evidence
- presentation of practical work
- preparation and authentication of coursework
- conduct during an internal assessment

2.3.5.6. Examples of Learner malpractice could include:

- Plagiarism - failure to acknowledge sources properly and/or the submission of another person's work as if it were the Learner's own
- Collusion with others when an assessment must be completed by individual Learners and/or evidence must relate to that individual Learner
- Copying from another Learner (including using ICT to do so)
- Impersonation - assuming the identity of another Learner or a Learner asking another person to assume their identity during an assessment
- Inclusion of inappropriate, offensive, discriminatory, or obscene material in assessment 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)
- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language
- Frivolous content - producing content that is unrelated to the question in worksheets or online coursework.
- The procurement of evidence from a third party (e.g., essay mill, ghost writing) which is submitted as the Learner's own work
- Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to delivery and assessment need to be investigated to protect the integrity of the SEQ qualification and to be fair to the SEQ ATC and all Learners.

2.3.6. Maladministration includes;

2.3.7. The term maladministration relates to any administrative activity, neglect, default or other practice by an SEQ Accredited Centre that results in the ATC or Learners not complying with the specified requirements laid out in the policies and procedures for delivery of the qualifications and/or other courses awarded by SEQ. Maladministration can occur by mistake, or unintentionally.

Types of Maladministration

2.3.7.1. Examples of maladministration by the ATC may include;

- Spelling errors when registering Learners, including shortened names which do not match official identification– i.e., Sam vs Samantha
- Errors and omissions in course paperwork (e.g., incorrect, or incomplete assessment decisions, omission of feedback to learners, unsigned declarations, undated feedback etc.)
- Not adhering to learner registration and certification procedures, i.e., Late learner registrations (both occasional and persistent)
- Insufficient evidence and recording of Learner Existence and Eligibility checks (LEE)
- Late submission of Learner work for marking or moderation (i.e., not within a reasonable timescale of that work being completed and, where relevant, marked and internally verified)
- Failure to maintain appropriate and legible records for audit purposes and external monitoring
- Providing incorrect or inaccurate information to Learners regarding SEQ qualifications, and progression to further SEQ qualifications or other SEQ related courses
- Incorrectly or mistakenly claiming a unit or qualification result/certification including any other course(s) for a Learner
- Presenting a Learner's work for assessment or moderation when it is not the work of that individual
- Presenting CVs of uncontracted staff during the ATC centre approval application process

2.3.8. Following suspected maladministration, SEQ will initially notify the Key Centre Contact to gather evidence and investigate. All outcomes will be reviewed by Quality Assurance at SEQ and if maladministration is proven the following actions may apply;

- The ATC risk rating may increase
- The ATC will receive action activities
- Additional external quality activities and monitoring will be carried out

2.3.9. Where high incidences of maladministration occur, regular and persistent, this could result in non-compliance which would create a high risk of incurring adverse reactions. This would constitute a case of proven malpractice, the ATC's risk rating would be increased, and sanctions may be applied along with an increase in monitoring activities. Sanctions may include a suspension of registrations, withdrawal of direct claim status, or withdrawal of qualification approval. For further details as to the extent of possible Sanctions (including levels), please refer to SEQs Sanction policy.

2.3.10. SEQ will take measures to ensure that risks are reduced and adverse effects mitigated, and this will be achieved by taking an individualised and flexible approach to investigation and the reviewing of evidence.

3. Scope

3.1 This policy applies to:

- Learners
- ATC workforce (e.g. Managerial and administration staff, Educators, volunteers, sub-contractors, consultants or any other representative)
- Staff and volunteers that work for and on behalf of SEQ (including staff employed by Swim England and SEQ/Swim England Board Members)
- External consultants (external verifiers, centre reviewers, specialists and any other individual involved with the development, delivery and award of our qualifications)
- Other Stakeholders involved with the development, delivery and award of SEQ qualifications and/or education products.

4. SEQ Responsibilities

4.1 We will ensure that we;

- 4.1.1 Monitor ATC compliance with this policy and how they take reasonable steps to prevent and/or investigate instances of malpractice through our ongoing ATC monitoring activities
- 4.1.2 Seek to avoid malpractice in every aspect of the assessment process
- 4.1.3 Undertake careful review of any reports of malpractice and take robust action to resolve any proven cases
- 4.1.4 Prevent any Adverse Effects² that may subsequently impact on learners or standards
- 4.1.5 Take all reasonable steps to prevent the occurrence of any malpractice through a culture aligned to our values and applying fit for purpose policies and procedures
- 4.1.6 Support approved external consultants and ATCs in dealing with suspected cases and any subsequent investigation and action
- 4.1.7 Acknowledge and act upon the information given by whistle-blowers and protect their anonymity when requested if possible
- 4.1.8 Carry out our duties in line with our procedures and without undue delay
- 4.1.9 Observe confidentiality at all times, wherever possible
- 4.1.10 Take appropriate and proportionate action against those responsible for malpractice by applying appropriate sanctions in line with our Sanctions Policy
- 4.1.11 Report the incident to the appropriate Regulators and other stakeholders as may be required by law.

² Definition: Conditions of Recognition J1.8

5. ATC Responsibilities

- 5.1 All ATCs are accountable for assessment arrangements that lead to the achievement of qualifications. ATCs are responsible for all staff or persons that contribute to and/or take part in the assessment process.
- 5.2 Use only those staff approved to assess SEQ qualifications, such as Licensed Swim England Educators
- 5.3 ATCs must ensure that all their workforce is aware of their responsibilities to prevent malpractice and follow the ATC and our procedures regarding administration, delivery, assessment and internal verification.
- 5.4 ATCs must report any irregularities in writing immediately after they are discovered using the Malpractice Notification Form. All forms are available on the ATC secure area (The Box). ATCs must ensure that the notification form they submit includes sufficient, accurate and detailed information regarding:
- Where the breach, if any, occurred
 - The extent of the breach
 - The facts of the case (and any mitigating factors if relevant)
 - Who is responsible for the breach (if any)
 - Supporting evidence where appropriate
 - An appropriate level of remedial action applied and evidence of such
- 5.5 Where suspected irregularities are reported other than by the ATC, we will notify the ATC Key Centre Contact (KCC) who must acknowledge a request to either carry out an investigation or provide information in writing to us, within five working days of us issuing such a request.
- 5.6 Whereby we request the ATC to undertake an investigation, we expect the ATC to:
- Co-operate fully with any investigation, ensure their workforce co-operate fully and, in all cases, keep all their affected workforce and/or learners informed of the process throughout
 - Ensure the investigation is carried out by competent individual/s who have no personal involvement in the incident or interest in the outcomes
 - Should the investigation be delegated to another senior member of the ATC workforce, the Key Centre Contact retains overall responsibility for the investigation process and its outcome decision. In selecting a suitable other member of the ATC workforce staff, the Key Centre Contact must take all reasonable steps to avoid a conflict of interest (please refer to the Conflicts of Interest Policy for further advice)
 - Any investigator should be appropriately competent to undertake any investigation
 - In the event of any concerns regarding conflicts of interest or the suitability of the potential investigator, the Key Centre Contact should contact SEQ as soon as possible to discuss the matter
 - Ensure the investigation is carried out in an effective, prompt and thorough manner and that the investigator/s look beyond the immediate reported issues to assure us that the arrangements at the ATC are appropriate for all qualifications
 - Respond promptly and openly to all requests relating to the incident and/or investigation
 - Co-operate with any investigation and/or request for information.

5.7 The time taken for an ATC to investigate any suspected irregularities may vary but we will expect a timely, accurate and detailed response to ensure that their learners and the integrity of our qualifications/assessments are not put at any further risk.

6. Dealing with Cases of Suspected Malpractice

6.1 SEQ will acknowledge receipt of any potential malpractice notification sent to us within five working days of receipt.

6.2 Once a potential case of malpractice has been identified or reported to us, we will review the information available and within five working days determine the following courses of action:

- Whether the incident should be dealt with under this policy or an alternative one (such as Complaints, Whistle-Blowing, Pre-Enquiry and Appeals)
- Take no further action
- Ask the KCC to investigate the alleged malpractice further
- Ask the KCC to supply information that may provide evidence to support/refute the alleged malpractice
- Consider whether the Regulators, other Awarding Organisations or agencies should be notified
- Carry out a full investigation.

6.3 All suspected cases of Malpractice are recorded on the QA Register. With the exception of 'take no further action' a specific permission limited electronic folder will be created on the secure server to log all correspondence / evidence regarding the allegation.

7. Investigations

7.1 Our Responsible Officer (RO) or Deputy Responsible Officer (DRO) will ensure that investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in the outcome.

7.2 Investigations are usually undertaken by the Quality Assurance Team and overseen by the RO. Each case is judged on an individual basis considering the information made available.

7.3 At all times we will ensure that individuals assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

7.4 We may apply sanctions to the ATC during any investigation to mitigate any potential Adverse Effects.

7.5 Any investigation will endeavour to determine the facts and may include a review of our related policies and/or procedures and/or to the delivery and assessment guidance provided for the related qualification.

7.6 During an investigation interviews may be required with persons connected to the incident.

7.7 We may communicate directly with persons involved if circumstances dictate this is appropriate and required.

7.8 We will advise on next steps. Repeated requests with no grounds, no new evidence and/or abusive correspondence from any individual will be considered as vexatious correspondence and as such could negatively impact on our ability to undertake and provide a transparent procedure. We will however keep the KCC informed

throughout any investigation. However, we must be allowed sufficient time for us to carry out a thorough investigation.

7.9 We will provide a written report within 20 working days of the incident being highlighted, detailing the circumstances of the alleged malpractice, details of any interviews with people and any remedial action which needs to be taken.

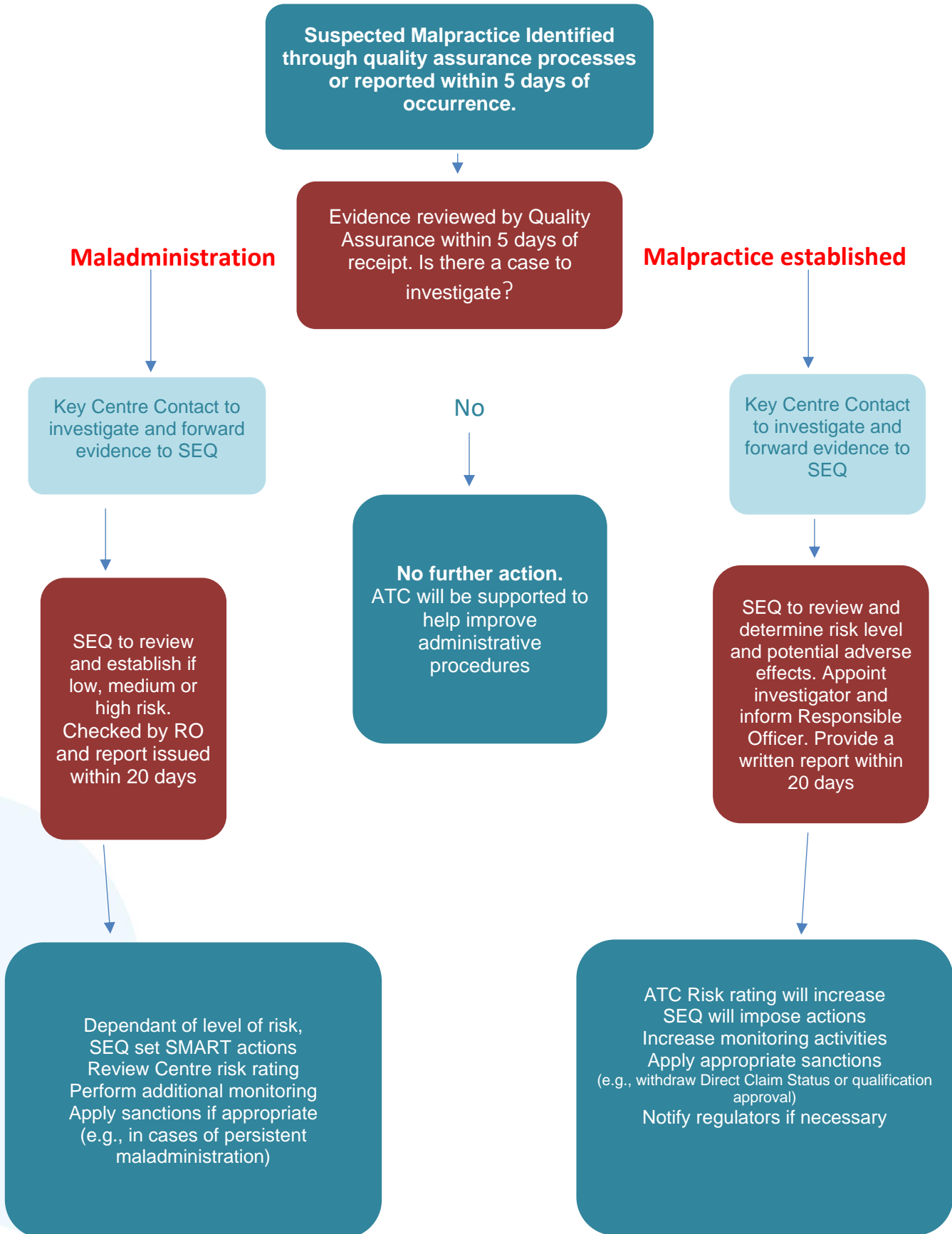
7.10 All reports will be approved by our RO or DRO prior to release and progress against any actions required monitored by that individual on a regular basis.

7.11 During the investigation, the following principles should be adhered to by the ATC:

- Confidentiality
- Rights of the individuals
- Retention and storage of evidence and records
- Investigation report

For further guidance, please see SEQ's Investigations Policy.

Malpractice and Maladministration Investigation Process



8. Malpractice Established

- 8.1. Where malpractice is established, we will consider what actions to take to endeavour to:
- Protect the interests of all learners who through no fault of their own may have been caught up in an incident
 - Minimise the risk to the integrity of awarding in the present and future
 - Maintain public confidence in the delivery and awarding of our qualifications
 - Discourage others from carrying out similar instances through for example training
 - Ensure there has been no gain from compromising our standards
- 8.2. Any decisions made by us, including those to apply sanctions, will be commensurate with the gravity of the malpractice identified and associated risk/potential risk. The following is a list of example actions, however this list is not exhaustive and should also be read in conjunction with our Sanctions Policy:
- Impose sanctions as per our Sanctions Policy
 - Impose actions on the ATC with specified deadlines to address the instance of malpractice and to prevent reoccurrence
 - In cases where awards are deemed invalid, the ATC, regulators and any other appropriate agencies will be informed with any action necessary for reassessment and/or for the withdrawal of the certificates. We will inform the ATC to inform affected learners of the withdrawal of certificates and the process for proving destruction and we will amend databases to ensure replacement invalid certificates cannot be issued and the certificate will no longer be able to be validated via the validation service
 - Conduct ATC monitoring activities, such as EQA, Centre Review and/or Moderation Observations to support and develop professional practice
 - Amend aspects of our qualification development, delivery, awarding arrangements, associated guidance, assessment and/or monitoring arrangements where applicable to prevent the issue reoccurring
 - Apply conditions on the future involvement of any designated ATC personnel in the management, delivery, supervision or administration of our assessments
 - Not award certificates, and if already issued, may declare them invalid
 - Temporarily suspend the ATC, such as for course bookings, registration submissions and/or certification claims
 - Withdraw an ATC's qualification and/or full approval
- 8.3. If it has been deemed necessary to report the outcome to the Regulators, the Swim England Educator Training Team and/or to any other appropriate Awarding Organisation (where the sanction includes the withdrawal of the ATC approval and/or the withdrawal of one or more ATC qualification approvals and any other agency as described in the Sanctions Policy). These notifications will be made following the end of the Pre-Enquiry timescale, as described in the Pre-Enquiry and Appeals Policy. Any suspected criminal activity will be reported to the police.

Refer to Appendix 2 'Sanction Guide relating to Malpractice & Maladministration' for further details.

9. Whistle-blowers

- 9.1 Whistleblowing is when an individual discloses information relating to malpractice or wrongdoing and/or the covering up of malpractice or wrongdoing. It is separate to expressions of personal dissatisfaction which should be addressed through our

complaints or pre-appeal enquiries and appeals policies. Both policies can be found on the Swim England Qualifications website and/or the ATC secure area (The Box).

9.2 Key examples of whistleblowing include:

- A member of staff/external consultant for an Awarding Organisation making a disclosure about that organisation's malpractice or failure to comply with its Regulations
- ATC people making a disclosure about that ATC's malpractice
- ATC people making a disclosure that the Awarding Organisation is involved in malpractice or failed to comply with its Regulations
- A learner or parent/guardian making a disclosure about an ATC's malpractice
- An employer of the venue making a disclosure about an ATC's malpractice.

9.3 We will act upon any disclosure received from any member of staff, ATC people, external consultant, learners or member of the public who believe that any malpractice has taken place within an ATC.

9.4 Any person who believes that an ATC, ATC people or one of our external consultants has committed an offence or has breached our procedures in the past, or is now or likely to in the future, may disclose information by contacting the Quality Assurance Team or by completing the SEQ online form available of the website.

9.5 Where information is provided over the telephone, we will request this is provided in writing and may ask for further information to enable a thorough investigation to take place.

9.6 Any disclosure will be dealt with in confidence wherever possible, but we may need to disclose a whistle-blower's identity to;

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- the courts (in connection with court proceedings)
- another person to whom we are required by law to make a disclosure e.g. Health and Safety Executive; the LADO (local authority safeguarding staff)
- the Regulators responsible for regulating qualifications in England and Wales
- Or any other agencies to which we have an obligation e.g. the Charities Commission, Funding Agencies.

9.7 Whistle-blowers should also be aware that they may be identifiable by others due to the nature or circumstances of the disclosure.

9.8 Where possible whistle-blowers will receive an update on any planned course of action. However, we have a responsibility to all concerned with respect to confidentiality and may not be able or entitled to divulge the details of any ongoing investigation or its outcome. We will, however, confirm that action has been taken where required.

10. ATC Appeals

10.1 ATCs may appeal against any decisions taken because of a malpractice investigation. For more information, refer to the Pre-Appeal Enquiries and Appeals Policy which can be found on the Swim England Qualifications website or the ATC secure area (The Box).

10.2 Where an ATC is notified of a Malpractice Investigation and/or Sanction outcome and decision and the ATC disagrees with the decision made by us, the ATC may request a pre-appeal enquiry.

10.3 All requests must be made in writing within 20 working days from the day after

the outcome and decision was issued by us.

- 10.4 The evidence may be reviewed remotely or during a face-to-face (online or in person) visit with the ATC. Following a review of the evidence a report will be submitted to the ATC. The report will confirm if the original decision is to be upheld or not.
- 10.5 If the ATC remains dissatisfied with the outcome the ATC may request a formal appeal.
- 10.6 We reserve the right to reject a pre-appeal enquiry at this point if there is no further evidence to consider or if the grounds for the appeal are unjustified. 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 their actions
 - The decision would disadvantage the individual

11. ATC Monitoring

- 11.1 Where suspected malpractice has been proven and the ATC has been allowed to retain its approval, we will consider the ATC high risk and will monitor the ATC on a regular basis until such time as we are confident the ATC no longer represents a risk to its learners or the integrity of our qualifications.
- 11.2 There will be a requirement that ATCs review relevant policies and procedures considering any proven malpractice and confirm that this review has taken place. Evidence of such a review may be requested immediately, or during monitoring activities.
- 11.3 Policies and procedures that should support and should be read in conjunction with this policy include the following:
- Sanctions Policy
 - Pre-Appeals Enquiries and Appeals Policy
 - Complaints Policy
 - Whistleblowing Policy
 - Retention of Records Policy
 - Conflict of Interest Policy
 - Reasonable Adjustments and Special Consideration Policy
 - SEQ ATC Monitoring Policy
 - SEQ Guide to Delivering and Assessing Qualifications
 - ATC Service Level Agreement
 - Any other Third-Party Contractual agreements (where appropriate)

12. Quality Assurance

12.1 This policy supports regulatory conditions;

Related Ofqual General Conditions of Recognition:	A1, A4; A8; C2; G8; G9; I4.
Related Qualifications in Wales Standard Conditions of Recognition:	A1, A4; A8; C2; G8; G9; I4.

12.2 This policy is reviewed biennially to ensure it continues to meet our needs and those of our Regulators or earlier, if necessary, as a result of feedback, monitoring activities, requirements from our Regulators or changes in legislation.

For Office Purposes

Document Version Number	Comments on Amendments and/or Additions	Published Date
11	Amended title. Formatting standardised, revision box added. Wording added for incorrect legal name spellings. Flowchart improved.	April 2025

Appendix 1: Examples of Malpractice

The following list is not exhaustive however it provides the types of categories and most common examples of malpractice that should be prevented.

SEQ Category Ref	Category	Description Examples (Applicable to SEQ, ATC/Educator or Learner)	Risk/severity level
1	Unacceptable Evidence	<ul style="list-style-type: none"> Inappropriate, offensive or obscene material in assessment evidence Incomplete evidence Illegible 	Medium
2	Collusion / Collaboration	<ul style="list-style-type: none"> Working collaboratively with other learners beyond what is permitted 	Low
3	Plagiarism / Copying	<ul style="list-style-type: none"> Unacknowledged copying from published sources (including the internet) Incomplete referencing Copying from another learner (including the misuse of IT) 	Low
4	False Declarations	<ul style="list-style-type: none"> Making a false declaration of authenticity Theft of somebody else's work to pass it off as the learners own 	High
5	Inauthentic Evidence / Tampering	<ul style="list-style-type: none"> Assessors changing learner submissions to meet standards Destruction of work Claiming to have lost learners' work Alteration or falsification of results, documents, assessments, including pre-requisite certificates 	High
6	Personation	<ul style="list-style-type: none"> Providing false ID at registration (impersonation) Use of the wrong name or identification number (such as registration number / candidate number) Impersonating another individual Arranging to be impersonated 	High
7	Financial Fraud	<ul style="list-style-type: none"> Attempting to obtain certificates fraudulently Attempted bribery 	High
8	ATC Notification Failure	<ul style="list-style-type: none"> ATC failure to notify, investigate and/or report to us allegations of suspected malpractice ATC failure to act as required by us as detailed in this document, or to co-operate with our investigations 	High
9	Assessor / Tutor Discretion Failure	<ul style="list-style-type: none"> Giving improper assistance to learners Vocationally Related Qualifications (VRQ's) observations by non-competent staff 	Medium
10	External Consultant Failure	<ul style="list-style-type: none"> External consultant incompetence Deception Failure to disclose a Conflict of Interest 	Medium
11	ATC Failure	<ul style="list-style-type: none"> Failure to carry out delivery, assessment and/or internal verification in accordance with our requirements Failure to use licensed tutors/assessors Mistakes arising from inattention and/or poor record keeping Faulty procedures and/or failure to follow appropriate and relevant procedures Providing misleading or inadequate information Bias and/or discrimination 	High
12	Failure to meet the ATC SLA	<ul style="list-style-type: none"> Failure to adhere to our administration requirements (such as correct and timely and correct learner registrations) Insecure storage of assessment materials 	Medium

		<ul style="list-style-type: none"> • Failure to disclose a Conflict of Interest • Failure to meet learner pre-requisites • Failure to comply with SEQ's requests for monitoring 	
13	SEQ Failure	<ul style="list-style-type: none"> • Failure to carry out development, monitoring or awarding activities in accordance with our policy and procedure requirements and/or regulatory requirements 	High

Appendix 2: Sanction Guide relating to Malpractice & Maladministration

Sanction Level	Examples	Sanction	Potential Action/s
1	ATC Sanction examples: <ul style="list-style-type: none"> • Appropriate resources required for delivery and assessment not in place • The ATCs use of the Swim England Qualifications logo does not comply with guidance provided by Swim England Qualifications • There is inadequate monitoring or review of policies and procedures • Recognition of prior learning is not effectively applied • Learners are not aware of their rights and responsibilities e.g., there is a lack of an appeals procedure for learners • Learner registrations are not submitted in line with deadlines set by Swim England Qualifications • Internal Quality Assurance (IV/IQA) procedures are not effectively implemented • Accurate records of learners, qualifications and achievements are not maintained and/or retained 	Written Warning ATC Devised Action Plan	<ul style="list-style-type: none"> • An electronic letter issued by email to the Key Centre Contact advising of the breach and warning of further sanctions and/or specific requirements that may be taken should there be a recurrence of this or subsequent breaches by the ATC • ATC develop an action plan, agreed by Swim England Qualifications. The ATC implements the action plan as a requirement of the continued acceptance of registration entries / certification requests • ATC risk rating increased
	Learner Sanction examples: <ul style="list-style-type: none"> • The inclusion of inappropriate isolated words, drawings, or obscene material in formal assessments, which are inappropriate and/or mildly offensive • Working collaboratively with other learners beyond what is permitted, but likely due to Educator advice with learners unaware of the consequences • Minor plagiarism • Lending work not knowing it would be copied • Minor deliberate destruction of work but which does not impair legibility 	Written Warning	<ul style="list-style-type: none"> • Learner (and Key Centre Contact) being issued an electronic letter with a warning that if the offence is repeated within a set period of time, further specified sanctions will be applied

Sanction Level	Examples	Sanction	Potential Action/s
2	ATC Sanction examples: <ul style="list-style-type: none"> • Potential/alleged malpractice/maladministration • Not responding to previously agreed actions within timescales specified • Appropriate policies and procedures required are still not in place • Learner registrations are not submitted in line with deadlines set by Swim England Qualifications 	Written Warning ATC Devised Action Plan	<ul style="list-style-type: none"> • An electronic letter issued by email to the Key Centre Contact advising of the breach and warning of further sanctions and/or specific requirements that may be taken should there be a recurrence of this or subsequent breaches by the ATC

	<ul style="list-style-type: none"> The ATC does not provide samples for Standardisation when requested Appropriate resources required for delivery and assessment are not in place Insufficient Internal Quality Assurers (IQA/IV) used Insufficient records to enable external quality assurance/external moderation Not responding in a timely or cooperative manner to requests for further information 		<ul style="list-style-type: none"> ATC develop an action plan, agreed by Swim England Qualifications. The ATC implements the action plan as a requirement of the continued acceptance of registration entries / certification requests Requirement to replace unlicensed Educator/s immediately or cancel courses Swim England Educator Training Team informed, if applicable Additional ATC monitoring activities/visits (at cost to the ATC) External Quality Assurance of full course/cohort (at cost to the ATC) ATC risk rating increased
	<p>Learner Sanction examples:</p> <ul style="list-style-type: none"> The inclusion of inappropriate frequent mild obscenities, drawings, strongly obscene material or isolated mild obscenities or offensive comments in formal assessments Working collaboratively with other learners, which affects the External Moderators' ability to determine a fair result for an individual learner Frequent plagiarism Sharing/showing formal assessments to other learners or permitting work to be copied Deliberate destruction of learner's own work Accepting/receiving real or fake assessment related information via social media without reporting it to the ATC and/or Swim England Qualifications 	<p>Written Warning</p> <p>Assessment evidence to be re-created</p>	<ul style="list-style-type: none"> Learner (and Key Centre Contact) being issued an electronic letter by email regarding the rationale and what assessment evidence is required to be re-created and within what time period

Sanction Level	Examples	Sanction	Potential Action/s
3	<p>ATC Sanction examples:</p> <ul style="list-style-type: none"> Persistent non-compliance with Swim England Qualifications ATC SLA, policies and/or procedures Inadequate evidence of complying with standard requirements and legislation, such as insurance and ICO registration Malpractice/maladministration identified Assessment records demonstrate serious inconsistencies in assessment decisions/poor assessment practice/poor assessment records Internal assessment methods/tasks insufficient to allow Learners to achieve Inaccurate Learner registrations and/or certification claims An increased likelihood of a potential/actual adverse effect occurring Refused access to premises and/or records to the Swim England Qualifications staff, representatives or the regulators Lower-level sanction has not been adequately addressed 	<p>Written Warning</p> <p>SEQ Devised Action Plan Progress Meetings</p>	<ul style="list-style-type: none"> An electronic letter issued by email to the Key Centre Contact advising of the breach and warning of further sanctions and / or specific requirements that may be taken should there be a recurrence of this or subsequent breaches by the ATC Swim England Qualifications develop an action plan with the ATC and progress is monitored via regular meetings and evidence Swim England Educator Training Team informed Temporary suspension of registration and/or certification for specific qualification/s Additional ATC monitoring activities/visits (at cost to the ATC) Support/Advisory visit (at cost to the ATC) Review/re-approval of ATCs own internal assessment tasks (at cost to the ATC) ATC risk rating increased Regulator/s informed Consideration as to whether other Awarding Organisations should be informed

	<p>Learner Sanction examples:</p> <ul style="list-style-type: none"> • The inclusion of inappropriate offensive comments, obscenities, or lewd drawings, which are homophobic, transphobic, racist or sexist • Learner work reflects extensive similarities and identical passages due to shared work • Plagiarised text makes up the majority of the formal assessment • Borrowing work with the intention of coping or copying from another learner • Significant deliberate destruction of another learner's work • Misuse of real or fake assessment material including attempting to gain or gaining prior knowledge of assessment information via social media, improper disclosure of real or fake assessment information, passing or distributing real or fake assessment related information to others • Impersonating another individual • Entering a qualification via altered or falsified documents including existence documentation and pre-requisite certificates • 	<p>Disqualified from undertaking the qualification and receiving any results</p>	<ul style="list-style-type: none"> • Learner (and Key Centre Contact) being issued an electronic letter by email regarding the disqualification, rationale and any time for such disqualification to remain on Swim England Qualifications records
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Sanction Level	Examples	Sanction	Potential Action/s
4	<p>ATC Sanction examples:</p> <ul style="list-style-type: none"> • Malpractice / maladministration identified • Investigation, action planning and improvement arising from malpractice/maladministration is not an effective preventative measure • Continued failure to meet assessment standards • ATC not complying with requests for monitoring and investigation • Permanent loss of integrity of assessment decisions leading to learner disadvantage • Failure to comply with actions/respond to communications • Significant concerns/lack of confidence with ATC quality assurance • Inaccurate learner registrations and/or certification claims • Significant concerns over storage and use of learner information and data • Likelihood of a potential/actual adverse effect occurring • Refused access to premises and/or records to the Swim England Qualifications staff, representatives or the regulators • Lower-level sanction has not been adequately addressed 	<p>Withdrawal of approval for specific qualification/s</p>	<ul style="list-style-type: none"> • An electronic letter issued by email to the Key Centre Contact advising of the breach and warning of further sanctions and / or specific requirements that may be taken should there be a recurrence of this or subsequent breaches by the ATC • Swim England Qualifications develop an action plan with the ATC and progress is monitored via regular meetings and evidence • Swim England Educator Training Team informed • Temporary suspension of registration and/or certification for specific qualification/s • Additional ATC monitoring activities/visits (at cost to the ATC) • Support/Advisory visit (at cost to the ATC) • Review/re-approval of ATCs own internal assessment tasks (at cost to the ATC) • ATC risk rating increased • Regulator/s informed • Consideration as to whether other Awarding Organisations should be informed

Sanction Level	Examples	Sanction	Potential Action/s
5	<p>ATC Sanction examples:</p> <ul style="list-style-type: none"> • Significant adverse effects occurred • Total breakdown of communications with ATC • Significant malpractice/maladministration identified • Significant failure of ATC management to address issues • Persistent failure to pay for services / respond to outstanding debts • Failure to comply with actions • Proven fraudulent activity • Lower-level sanctions not acted on/actions set not adhered to/corrective measures consistently not put in place over a period of time 	Withdrawal of ATC approval status	<ul style="list-style-type: none"> • Swim England Educator Training Team informed • Removal of ATC approval and termination of ATC Service Level Agreement • Regulator/s informed • Other Awarding Organisations informed • Any other appropriate stakeholders/authorities informed • The ATC understands that ATC re- approval will not be treated as a formality, would be a full approval process and incur all standard costs (including any previous unpaid debts) and could be subject to initial increased monitoring activities (at cost to the ATC)