



ASSOCIATION OF HEALTH PROFESSIONS IN OPHTHALMOLOGY

AHPO Malpractice and Maladministration Policy

Introduction

The Association of Health Professions in Ophthalmology (AHPO) is a professional organisation that promotes the practice, education, training and research in the field of ophthalmology and vision science throughout the United Kingdom, by promoting high standards of care and treatment of patients with disease or disability affecting the eyes or vision, advancing public education in ophthalmology and vision science, and representing the needs and interests of ophthalmology and vision science in the provision and advancement of health care.

The Association of Health Professions in Ophthalmology (AHPO) is an Awarding Body for Certificates and Diplomas in Ophthalmic and Vision Science. AHPO is also a Training Organisation that provides a distance-learning programme of study for the qualifications that it awards.

Regulations requires AHPO to establish and maintain procedures and policies for dealing with malpractice and maladministration on the part of all stakeholders including learners, AHPO approved staff or any others involved in providing the qualifications, and to take appropriate action to maintain the integrity of AHPO qualifications. This document fulfills that requirement and should be read in conjunction with AHPO's malpractice and maladministration procedure document.

Policy Statement

This policy applies to all stakeholders of the Association of Health Professions in Ophthalmology (AHPO). AHPO will take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications, which it makes available or proposes to make available. Where it has not been possible to prevent this, it is in everyone's interest to ensure that all cases of suspected or actual malpractice or maladministration are dealt with quickly, thoroughly and effectively.

Purpose

This document:

- Defines malpractice and maladministration in the context of course delivery and assessments
- Provides examples as to the types of incidents that may occur
- Sets out what the rights and responsibilities are of AHPO, AHPO approved staff and learners in relation to such matters
- Provides details on preventing and reporting instances of malpractice or maladministration

Scope

- This policy covers the whole of AHPO and relates to all of its qualifications
- This policy applies to all stakeholders and includes: the Trustees of AHPO, AHPO administrative staff, members of AHPO Council, members of the AHPO Examinations and Education Committees, AHPO examiners and external examiners, assessors, tutors, workplace mentors and learners.

Definition of Malpractice and Maladministration

Malpractice

The term malpractice 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 a result or certificate
- The reputation and credibility of AHPO
- The qualification or the wider qualifications community
- The confidentiality of assessment materials

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.

Maladministration

The term maladministration relates to any activity, neglect, default or other practice that results in the learner not complying with the specified requirements for delivery of the qualifications as set out in the relevant codes of practice, where applicable.

Types of Malpractice

The following list some examples of the types of incident that may occur; however the list is not exhaustive

Malpractice in AHPO delivery of assessments

Examples of AHPO malpractice could include:

- Insecure storage of assessment instruments and marking guidance
- Misuse of assessments, 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 body procedures for managing and transferring accurate Learner data
- Excessive direction from assessors to Learners on how to meet national standards
- Deliberate falsification of records in order to claim certificates

'AHPO staff malpractice' means malpractice committed by a current (former) member of staff responsible for assessments. It can arise through, for example:

- A breach of security (e.g. failure to keep material secure, tampering with coursework etc.)
- A breach of confidentiality (e.g. failure to maintain confidentiality of assessment materials)
- 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 AHPO policy, prompting Learners in assessments by means of signs or verbal or written prompts)
- Failure to adhere to regulations/AHPO stated requirements

Learner Malpractice

Malpractice by a learner could occur in:

- The compilation of portfolios
- The presentation of practical work
- The preparation and authentication of coursework
- Conduct during an internal or external assessment

Examples of Learner malpractice could include:

- Plagiarism
- Collusion with others when an assessment must be completed by the individual
- Copying from another learner
- Impersonation
- Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence.
- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behavior or language and having an unauthorised electronic device that causes a disturbance in the examination room
- Frivolous content – that is producing content that is unrelated to the question
- Deliberate destruction of another learner's work
- Providing false information to obtain a certificate or diploma

Irrespective of the underlying cause or the people involved, all allegations of malpractice in relation to delivery and assessment need to be investigated in order to protect the integrity of AHPO's qualifications and to be fair to all AHPO stakeholders.

Preventing and Dealing with Malpractice

Roles and Responsibilities

AHPO is responsible for:

- Providing guidance to stakeholders as to how best to prevent and deal with malpractice or maladministration
- Taking reasonable measures to prevent malpractice or maladministration
- Promptly taking all reasonable steps to prevent (or mitigate) any adverse effects that may arise from the malpractice/maladministration
- Ensuring it has up to date procedures in place for dealing with alleged malpractice or maladministration
- Carrying out investigations of suspected cases of malpractice/maladministration to establish whether it has occurred
- Taking steps to prevent recurrence of any malpractice or maladministration
- Taking appropriate action against those who are responsible for the malpractice or maladministration
- Applying appropriate sanctions in line with its published sanctions policy
- Informing stakeholders of the malpractice or maladministration
- Reporting the incident to the Regulators, where appropriate
- If appropriate, reporting the matter to the police especially where the malpractice has led to fraud

AHPO approved staff are responsible for:

- Immediately notifying AHPO of any incidents, or suspected incidents, of malpractice or maladministration
- Complying with AHPO's policies
- Taking reasonable measures to prevent malpractice or maladministration
- Advising learners of the AHPO policy on malpractice or maladministration
- Assisting AHPO with any requests for information
- Co-operating fully with AHPO malpractice or maladministration investigation

- Implementing any actions required after an investigation into a case of malpractice or maladministration

Learners are responsible for:

- Complying with AHPO's policies
- Taking reasonable measures to prevent malpractice or maladministration

How to report any actual or suspected incidents of Malpractice or Maladministration

There are a number of ways to identify suspected and actual malpractice and maladministration and include:

- Monitoring through the assessment process
- Invigilation
- Complaints or feedback received from staff or other learners

Incidents of actual or suspected malpractice or Maladministration should be sent in writing (staff can use the "Suspected Malpractice Form" to the Chairperson of the Examinations Committee to info@ahpo.net or by post to:

Chairperson of the Examinations Committee
 AHPO, Bretby House, Stanhope, Burton on Trent, DE15 0PT

Procedure, Investigation and Outcome

On receipt of the written complaint, the Secretary of the Examinations Committee will acknowledge it and consider its admissibility. If the complaint is established to be vexatious or frivolous, it will be rejected and the complainant informed in writing as to the reasons for doing so. If the complaint is considered admissible the Secretary of the Examinations Committee will investigate and will ensure the investigation is carried out in a prompt and fair manner in accordance with the procedures outlined in this policy.

The Secretary of the Examinations Committee will:

- Establish the facts, circumstances, and extent of the alleged malpractice or maladministration
- Identify those involved
- Appraise any action already taken
- Determine what further action is required to preserve the integrity of the qualification
- Determine if there is a pattern or trend
- Obtain evidence to support any sanction that is to be applied
- Recommend any sanction to be made
- Identify if changes to the policy are needed

The Secretary of the Examinations Committee will address the issues raised and deliver a verdict on the complaint. In doing so, the Secretary of the Examinations Committee will:

- Establishes all the facts either verbally or in writing and retain all documents and evidence
- Keep accurate records and notes and demonstrate that they have acted appropriately at all times
- Will keep all documents and evidence secure and confidential
- Will conduct interviews in accordance with the relevant codes for interviewing
- Will be courteous and will respect the rights of individuals. Where an individual is suspected of malpractice they should be informed of the allegation in writing with an outline of the evidence that supports the allegation
- Where an individual is to be interviewed they are allowed to bring a friend
- Those being interviewed should be informed that they do not have to answer questions

- Once the Secretary of the Examinations Committee has gathered and reviewed all relevant evidence, they will make a decision is made on the outcome

In all cases of suspected or actual malpractice or maladministration AHPO will inform the appropriate regulatory authorities promptly.

AHPO will make appropriate redress to the complainant and apply sanctions where appropriate, and will follow internal procedures to address any matters requiring further attention.

Sanctions

The level of sanction imposed will be commensurate with the level of non-compliance identified during the investigation.

In the event of malpractice by AHPO staff the sanction may include:

- A written warning
- A requirement to undergo training
- Suspension from involvement in the assessment or examination process

In the event of malpractice by a learner the sanction may include:

- Loss of marks for a component of the assessment or examination
- Disqualification from a unit or from the whole qualification

Whatever the decision, individuals will be informed of the result in writing within 28 days and will be provided with a written report detailing the reasons for the outcome.

Appeals Against Malpractice Decisions

Where a case of malpractice has been upheld, AHPO has an internal appeals process, which can be followed. Please refer to our Appeals Process.

Should the learner or staff member be dissatisfied with the outcome of the complaint, he or she should write to the Chair of the Examinations Committee re-stating the complaint and the reasons for the continued dissatisfaction. This will be reviewed personally by the Chair of the Examinations Committee or will be referred to the AHPO Council for further consideration.

Complaints

Anyone wishing to contest the administration of the malpractice and Maladministration process should refer to the AHPO Complaints Procedure and AHPO Appeals Policy

Ofqual Reference

This policy relates to the Ofqual criteria for recognition: *A.8: Malpractice and Maladministration*