



ASSOCIATION OF HEALTH PROFESSIONS IN OPHTHALMOLOGY

AHPO Malpractice and Maladministration Procedure

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 and is regulated by Ofqual, the qualification regulator for England and Northern Ireland. AHPO is also a Training Organisation that provides a distance-learning programme of study for the qualifications that it awards.

Regulations require AHPO to establish and maintain procedures 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.

Purpose

This procedure applies to all stakeholders of the Association of Health Professions in Ophthalmology (AHPO). It should be read in conjunction with AHPO's Policy on Malpractice and Maladministration. 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/maladministration are dealt with quickly, thoroughly and effectively.

This document:

- Defines malpractice and maladministration in the context of delivery and assessments
- Sets out what the rights and responsibilities are of AHPO, AHPO approved staff and learners in relation to such matters
- Describes how suspected cases of malpractice and maladministration are reported and dealt with

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.

Identifying suspected or actual cases of malpractice and maladministration

Suspected incidents of malpractice or maladministration may be identified from a number of areas. Incidents may be reported from the workplace or may be found through AHPO's own quality assurance procedures. Occasionally incidents may be reported to AHPO by a third party.

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 learners

Reporting suspected malpractice or maladministration

Delivery of AHPO education, training and assessment

AHPO is required to adhere to set procedures in the management, delivery, assessment and awarding of AHPO qualifications. AHPO staff including administration staff, assessors and mentors should be fully aware of AHPO's procedures for preventing malpractice and maladministration. They should also be aware that they must report any such cases to AHPO immediately. They should complete the Report of Suspected Malpractice Form (this form can be found at the end of this document for this purpose) and send it to AHPO enclosing any supporting evidence.

Guidance may be given on how to prevent, investigate or deal with any cases of suspected malpractice or maladministration.

Staff or persons involved in the assessment, delivery and awarding of qualifications

Moderators, Markers, Quality Managers, or Learners who suspect cases of malpractice or maladministration should report their suspicions immediately to AHPO. This should be followed with a full written account and any supporting evidence within 5 working days.

Third Parties and Confidentiality

If a suspected case of malpractice or maladministration is brought to AHPO's attention by a third party or 'whistleblower', AHPO will take reasonable steps to establish the facts of the alleged case.

Where suspected malpractice/maladministration is brought to the attention AHPO verbally (e.g. by telephone) then AHPO will request that the allegation is presented in writing (including by email) before instigating a full investigation.

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:

- Establish 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 a case of suspected malpractice or maladministration AHPO staff will review the information presented and, if there are reasonable grounds, will decide on the most appropriate course of action. The action taken will depend on the nature and severity of the case.

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.

Investigation Outcomes

Once the investigation has been concluded the report will be considered by the Secretary of the AHPO Examinations Committee and a decision made on any remedial or preventative actions to be taken and of any sanctions or penalties to be implemented.

If the report confirms that malpractice or maladministration took place AHPO will first consider:

- How to minimise any risk to the integrity of the certification now and in the future
- How to maintain public confidence in its delivery and awarding of qualifications
- How to ensure a similar incident will not re-occur

Actions they may take could include:

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 training centre or workplace the sanction may include:

- Specific actions within set timescales to address the findings of this case
- Additional visits including spot checks
- Additional training for staff and/or removing specific staff from their role in delivery or assessment
- Reviewing confidentiality and/or security arrangements
- Reviewing and amending AHPO systems and procedures if required

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

Maintaining Records

All material collected during this process including the original information and any documents relating to the investigation will be kept secure. Information will be retained for up to 5 years. If the outcome leads to invalid certificates, criminal or civil prosecution materials will be held until such time as the case is completed and time allowed for any appeals to take place.

Alerting other awarding bodies

Regulations require that AHPO notify other Awarding Bodies of cases of malpractice or maladministration where these cases are likely to impact on other Awarding Body(s). In dealing with cases of malpractice or maladministration AHPO must pay due regard to this requirement and notify other Awarding Bodies, as appropriate. This will usually be appropriate where:

- The AHPO Centre where the malpractice or maladministration has occurred (or is suspected) is also approved with another Awarding Body (for the same or different qualifications) and the (suspected) malpractice could potentially impact on the activities undertaken on behalf of that other Awarding Body
- The AHPO Centre where the malpractice/maladministration has occurred (or is suspected) is also approved with another Awarding Body for the same qualifications and there is the potential for the AHPO Centre to move their operations to the other Awarding Body in an attempt to avoid sanctions and continue sub-standard practices
- The AHPO Centre where the malpractice/maladministration has occurred (or is suspected) has indicated that they are seeking approval with another Awarding Body (for the same or different qualifications)

Notifying the Regulators

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

In cases where there could be an adverse effect (e.g. cases with alleged fraud or serious threat to the integrity of AHPO qualifications or AHPO as an organisation), AHPO is required to inform the appropriate regulatory bodies immediately after this becomes apparent. AHPO is required to co-operate in full, providing information and taking any appropriate action.

Monitoring and Review

Progress of all cases of suspected malpractice or maladministration will be monitored by the Quality Managers, Senior Quality Manager and Head of Awarding Body & Compliance at its monthly meetings. Reports on progress will be provided to the Compliance Committee for review.

All cases using this procedure will be reviewed annually to ensure the appropriateness and approach is fit for purpose.

Appeals against Malpractice/Maladministration 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*

ASSOCIATION OF HEALTH PROFESSIONS IN OPHTHALMOLOGY
Report of Suspected Malpractice Form

This form must be completed when reporting an incident to AHPO

Name of AHPO Training unit	
Contact Name	
Contact address, phone number and email	

AHPO Qualification Code	Qualification Title:

AHPO Unit Code	Unit Title

Learner Number	Learner Name

Please give nature of the incident including to whom it was reported to and dates

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Describe the actions the action by the centre

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If there are any other details you feel are relevant to this incident including mitigating circumstances, please give further information below.

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