

Malpractice and Maladministration Policy.

Introduction

This policy is aimed at Bee Active's staff and their sub-contractors, who are delivering Bee Active's units/courses within the UK. It is used by staff to ensure they deal with all malpractice or maladministration in a consistent manner.

It sets out the steps personnel must follow when reporting suspected or actual cases of malpractice and maladministration and Bee Active's responsibilities in dealing with such cases. It also sets out the steps we will follow when reviewing the cases.

Bee Active's Responsibility

It is important that Bee Active staff involved in the management, assessment and quality assurance of Bee Active's units/courses, and all registered coaches, are fully informed of the contents of the policy. Bee Active will have in place arrangements to prevent and investigate instances of malpractice and maladministration.

Any failure to report suspected or actual malpractice and maladministration cases, or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed.

Bee Active's compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed annually.

Should an investigation be undertaken within a centre, the appointed member of staff must:

- Ensure the investigation is carried out by competent investigator(s) who have no personal involvement in the incident or interest in the outcomes;
- 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 that arrangements at the centre are appropriate for all;
- Respond quickly and openly to all requests relating to the allegation and/or investigation;
- Ensure their staff cooperate fully with any investigation and/or request for information.

Bee Active's responsibilities

Bee Active will make staff and sub contractors aware of the policy, through the process of induction and subsequently update training.

When occurrences of malpractice and maladministration are identified within internal processes and procedures these will be reviewed and revised as appropriate on the outcome of the investigation, in order to mitigate against the occurrence being repeated.

Review arrangements

Bee Active will review the policy annually as part of the self-evaluation arrangements and revise it as and when necessary in response to feedback, changes in internal practices, actions from the regulatory authorities or external agencies or changes in legislation.

In addition, this policy may be updated in light of operational feedback to ensure the arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

If Centres wish to feedback any views please contact Bee Active via the details provided at the end of this policy.

Definition of Malpractice

Malpractice is defined as "*any deliberate activity, neglect, default or other practice that compromises the integrity of the organisation.*" It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- Dealing with significant cases of suspected malpractice by those involved in the delivery of services;
- The process of the agreed activities;
- The integrity of qualified coaching staff;
- The validity of the results on delivery of the agreed activities and/or services;
- The reputation and credibility of Bee Active.

Malpractice may include a range of issues from the failure to provide appropriate activities or services to the deliberate falsification of staff qualifications particularly the coaching staff delivering the activities/services of Bee Active.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain members or groups of learners.

Definition of Maladministration

Maladministration is defined as *“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 a centre (e.g. inappropriate learner records).

Examples of Malpractice

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

Examples of Centre malpractice

- Denial of access to resources (premises, equipment, information, learners and staff) for any authorised Bee Active representative;
- Actions required by External Quality Assurers not being met within agreed timescales;
- Deliberate failure to carry out delivery of services;
- Deliberate failure to adhere to Bee Active’s procedures;
- Deliberate failure to continually adhere to centre recognition and/or qualification approval criteria;
- Persistent instances of maladministration;
- The unauthorised use of inappropriate materials/equipment in activity/service settings
- Intentional withholding of information from Bee Active which is critical to maintaining the quality assurance rigor;
- Deliberate misuse of Bee Active’s logo and trademarks;
- Misrepresentation of a centre’s relationship with Bee Active and/or its recognition and approval status with XXXXXXXXXXXXX.
- A loss, theft of, or a breach of confidentiality, in any centre;
- Inappropriate assistance to learners by centre staff;

Examples of maladministration

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

Centre examples

Persistent failure to adhere to centre recognition and/or qualification requirements and/or associated actions assigned to the centre;

- Failure to ensure that centre venues meet Bee Active’s qualifications requirements;
- Failure to maintain appropriate auditable records (5 years);
- Withholding of information, by deliberate act or omission, from Bee Active which is required to assure the Bee Active’s ability to deliver services appropriately;
- Misuse of Bee Active’s logo and trademarks;

Process for 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 Bee Active. In doing so they should put this in writing and enclose supporting evidence. All allegations should include (where relevant):

- The centre's name, address and telephone number;
- The name and position of any staff member(s) involved in the case;
- Details of the course affected or nature of the service affected;
- Nature of the suspected or actual malpractice or maladministration;
- Details of any initial investigation carried out or anybody else involved in the case, including any mitigating circumstances;
- Date of the report and the informant's name, position and signature.

If a centre has conducted an initial investigation prior to formally notifying Bee Active, the centre 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 the centre must immediately notify Bee Active if they suspect malpractice or maladministration has occurred, as Bee Active has a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

In all cases of suspected malpractice or maladministration reported to Bee Active the organisation will; protect the identity of the 'informant' in accordance with the duty of confidentiality and/or any other legal duty.

Confidentiality and whistle blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details, if you are concerned about possible adverse consequences you may request that Bee Active do not divulge your identity. If it helps to reassure you on this point, Bee Active can confirm that the organisation is not obliged to disclose information if to do so would be a breach of confidentiality and/or any other legal duty. While Bee Active is prepared to investigate issues that are reported anonymously, the organisation shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates. For example, where appropriate:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud);
- The courts (in connection with any court proceedings).
- At all times Bee Active will investigate such allegations from whistle blowers in accordance with relevant whistle blowing legislation.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of malpractice and maladministration will be examined promptly by Bee Active to establish if malpractice or maladministration has occurred and all reasonable steps will be taken to prevent any adverse effect from occurring.

All suspected cases of malpractice and maladministration will be passed to the Director of Bee Active who will acknowledge receipt, as appropriate, to external parties within 2 working days. The Director will advise the Managing Director of suspected cases of malpractice and maladministration.

The Director will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Bee Active.

At all times Bee Active will ensure that personnel 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.

Notifying relevant parties

In all cases of suspected or actual malpractice or maladministration, Bee Active will notify the Head of the centre involved in the allegation that the organisation will be investigating the matter and/or in the case of malpractice, may ask centres to investigate the issue in liaison with Bee Active personnel – in doing so details of the person making the allegation may be withheld if to do so would breach a duty of confidentiality or any other legal duty. We will only ask the centre to investigate the matter where we have confidence that the investigation will be prompt, thorough, independent and effective.

Where applicable, the Director will inform the appropriate regulatory authorities promptly if it is believed there has been an incident of malpractice or maladministration. In particular we will keep them informed of the progress.

Investigation timelines and process

Bee Active aims to action and resolve all stages of the investigation within 20 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, Bee Active will advise all parties concerned of the likely revised timescale. The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred;
- To identify the cause of the irregularities and those involved;
- To establish the scale of the irregularities;
- To evaluate any action already taken by the centre;
- To obtain clear evidence to support any sanctions to be applied to the centre, and/or to members of staff;
- To identify any adverse patterns or trends.
- The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, Bee Active will:
 - Ensure all material collected as part of an investigation must be kept secure. All records and original documentation concerning a completed investigation that ultimately leads to

sanctions against a centre be retained for a period of not less than five years. If an investigation leads to criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for five years thereafter;

- Expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with the organisation;

If appropriate, Bee Active may find that the complexity of a case or a lack of cooperation from a centre means that it is unable to complete an investigation. In such circumstances the organisation will consult the relevant regulatory authority in order to determine how best to progress the matter;

Where a member of Bee Actives' staff is under investigation the organisation may suspend them or move them to other duties until the investigation is complete.

If Bee Active believes there is sufficient evidence to implicate an individual or centre in malpractice and/or maladministration it will:

- Inform them (in writing) of the allegation;
- Provide them with details of the evidence found to support the judgment;
- Inform them of the possible consequences;
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with other relevant bodies (e.g. police);
- Provided them with an opportunity to consider and respond to the allegation and findings;
- Inform them of the Appeals policy should they wish to appeal against the decision.
- After an investigation, Bee Active will produce a draft report for the parties concerned to check the factual accuracy.

Throughout the investigation the Director will be responsible for overseeing the work of the investigation to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.

Allegations involving Bee Active's staff

Where allegations of malpractice and/or maladministration relate to a member of staff of Bee Active an investigation will be undertaken by the Director, in accordance with the investigation procedure. In cases where the allegation relates to the Director the investigation will be undertaken by the Senior Coach. The report will be agreed with the relevant internal managers and appropriate internal disciplinary procedures will be followed in accordance with Bee Active's Disciplinary, Grievance and Appeals Policy. In the event that an allegation is against the Managing Director an appropriate Senior Manager will investigate and agree the appropriate actions.

Investigation report

After an investigation, Bee Active will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and Bee Active. The report will:

- Identify the breach of the conditions, (if any) that occurred;
- Confirm the facts of the case;
- Identify who is responsible for the breach (if any);
- Confirm an appropriate level of remedial action to be applied.

Bee Active will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified Bee Active of the suspected or actual case of malpractice or maladministration, the organisation will also inform them of the outcome – normally within 10 working days of making the decision - in doing so some details may be withheld if to disclose such information would breach a duty of confidentiality or any other legal duty.

Investigation outcomes

If the investigation confirms that centre malpractice or maladministration has taken place Bee Active will consider what action to take to;

- Minimise the risk to the integrity of Bee Active now and in the future;
- Maintain public confidence in the delivery of services;
- Discourage others from carrying out similar instances of malpractice and maladministration;
- Ensure there has been no gain from compromising Bee Actives' standards;
- Impose actions with specified deadlines in order to address the instance of malpractice or maladministration and to prevent it from reoccurring.
- Inform relevant third parties of the findings in case they need to take relevant action in relation to the centre.

The Designated officer is Ben Mills:

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