

*Version 2 August 2011*



# **National Association of Licensed Paralegals**

## **Malpractice Policy**

*Version 2 August 2011*

## Introduction

This policy is aimed at centres and learners who are involved in the assessment of the following qualifications:

- NALP level 4 Diploma in Paralegal Studies
- NALP level 7 Diploma in Paralegal Practice

This policy includes learners who are undertaking the units and qualifications in a distance learning capacity.

The purpose of this policy is to set out the procedures that learners and centres should follow if they wish to contact us about any potential instances of malpractice. The policy also gives details of the service provided by the awarding organisation.

This policy is available on our website at [www.nationalparalegals.co.uk](http://www.nationalparalegals.co.uk) or can be obtained by calling 020 3176 0900.

This policy will be subject to review and monitoring by the awarding organisation and if necessary will be amended and updated following feedback from learners and centres. All future versions to this policy will be flagged and will be posted on our website.

Please note that we treat all correspondence with individuals who make complaints or inform us of suspected malpractice in confidence and will not make details available to any other parties.

### **What is malpractice?**

Malpractice is defined as any activity or practice which deliberately contravenes regulations and compromises the integrity of the assessment process and/or the validity of certificates. For the purpose of this policy this term also covers misconduct.

The categories listed below are examples of potential centre and learner malpractice. Please note that this is not an exhaustive list.

- Contravention of our centre and programme approval conditions
- Failure to satisfactorily implement conditions of approval within stated timescales
- Denial of access to resources (premises, records, information, learners and staff) by any authorised representative and/or the regulatory authorities
- Failure to adhere to our learner registration and certification procedures
- Failure to continually adhere to our course/centre approval criteria
- Failure to maintain auditable records, eg certification claims
- Fraudulent claim for certificates
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance
- Deliberate misuse of our logo
- Plagiarism of any nature by learners.

Contravention by centres and their learners of the regulations for external assessment, eg:

- Insecure storage of external assessment papers
- Non-adherence to our invigilation requirements by centre staff and learners
- Plagiarism of any nature by learners
- Unauthorised amendment, copying or distributing of external assessment papers
- Submission of false information to gain a proxy or a qualification
- Disruptive behaviour by learners
- Failure to adhere to the requirements of our *Reasonable Adjustments and Special Considerations Policy*.

Contravention by distance learners of NALP policies and procedures eg:

- Plagiarism of any nature by learners
- Submission of false information to gain a proxy or a qualification
- Fraudulent claim for certificates
- Intentional withholding of any information from us which is critical to maintaining the rigour of quality assurance.

### **What is maladministration**

Maladministration is defined as any activity or practice which results in non-compliance with regulations. Anybody identifying cases of maladministration should report them to The Chief Executive at the NALP.

We are obliged to investigate all cases of maladministration in liaison with the parties concerned. If an investigation results in evidence of maladministration, we will need to impose the appropriate sanction and take the necessary steps to ensure that the learners' interests are protected as far as is reasonably possible. This may include making arrangements for re-assessment or certification, as appropriate.

### **How to notify us of suspected or actual cases of malpractice**

Anybody who identifies or is made aware of suspected or actual cases of malpractice at any time must immediately report their findings to The Chief Executive by post, telephone or e-mail.

Postal address

The National Association of Licensed Paralegals  
Unit 3.08 Canterbury Court  
1-3 Brixton Road  
London SW9 6DE

E-mail: [info@nationalparalegals.co.uk](mailto:info@nationalparalegals.co.uk)

Tel: 020 3176 0900

Please send the report and any accompanying evidence to The Chief Executive by post or email. Reports must include:

- centre's name, address and number (not applicable for distance learners)
- learner's name and registration number
- centre personnel's details (name, job role) if they are involved in the case (not applicable for distance learners)
- title and number of the qualification affected
- date(s) suspected or actual malpractice occurred
- full nature of the suspected or actual malpractice
- contents and outcome of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- written statements from those involved in the case, eg witness statements
- date of the report and the informant's name, position and signature.

If a centre conducts its own investigation before submitting its report to us, it should:

- ensure that staff leading the investigation are independent of the staff/learners/function being investigated
- inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes
- submit the findings of your investigation to us with the report.

## **Reviewing suspected or actual cases of malpractice**

### **The review timescales at each stage of the process**

Your report will be acknowledged by The Chief Executive within 5 days of receipt.

When we receive the report, we will pass it on to the Appeals Panel who will review the report and decide whether to recommend further investigation. Should the Committee decide to conduct an investigation, we will appoint a team of personnel who are not involved with the centre or have any previous dealings with centre personnel or learners. We will endeavour to finish our investigations no longer than 30 working days from the receipt of the report. Please note that in some cases the investigation may take longer; for example, if a centre visit is required. In such instances, we'll advise all parties concerned of the likely revised timescale.

We will advise all interested parties of the outcome of our investigation within 10 working days of making our decision.

### **The investigation process**

We expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us. In instances where a centre, its learners or an individual learner do not co-operate, we may have no alternative but to permanently or temporarily remove the centre's approval status or withdraw its

learners from the programme, withdraw the individual learner from a programme and may also inform the regulatory authorities.

During the investigation the review process may involve:

- a request for further information from the centre or personnel involved (not applicable for distance learners)
- interviews (face to face or by telephone) with personnel or learner involved in the investigation
- arranging for authorised personnel to carry out a centre or individual visit

Where a decision is referred to the Appeals Panel, the majority vote will apply.

In the case of centre malpractice, we will offer support and guidance to help us investigate the matter and reach the appropriate conclusions.

In the case of learner malpractice, we will ask centres to investigate the issue in liaison with our own personnel. Where the learner malpractice is related to an individual undertaking distance learning, we will carry out the investigations ourselves.

Where applicable, we will inform the appropriate regulatory authorities of any investigation into suspected or actual cases of serious malpractice and will agree the appropriate course of remedial action with them. Please note that in exceptional cases, the regulatory authorities may lead the investigation.

In cases where certificates for qualifications approved by the regulatory authorities are deemed to be invalid, we will inform the centre, the learner and the regulatory authorities of the reasons why they are invalid and provide details of action to be taken for reassessment and/or certification.

Either at notification of a suspected or actual case of malpractice or at any time during the investigation, we reserve the right to suspend any claims for learner certification submitted by the centre involved.

### **The outcome of the investigation**

We will consider all factors put forward by the centre or the learner in determining the appropriate sanctions.

### **Centre malpractice**

If the investigation confirms that centre malpractice has taken place, we will have to impose one or more of the following sanctions on the centre

- Suspension of centre approval status for all our qualifications
- Suspension of learner registration and/or certification service for the qualification

It is the centre's responsibility to inform its personnel and learners affected of the implications of the sanctions.

### **Learner malpractice**

If the investigation confirms that learner malpractice has taken place, we will have to impose one or more of the following sanctions on the learner.

- Disallowing all or part of the learner's external assessment marks
- Not issuing the learner's certificate(s)
- Disqualification from the qualification.

In cases of malpractice by learners, where applicable it is the centre's responsibility to make learners aware that their final results may be void if the case is proven and any certificates which have already been issued may be deemed to be invalid and will need to be returned to us. Where a learner is undertaking a distance learning programme, we will make learners aware individually and request the return of certificates where necessary.

**Reporting the outcome**

After an investigation, we will produce a draft report for the centre/learner to check for factual accuracy. Any subsequent amendments will be agreed between the centre/learner and us.

We will make the final report available to the centre/learner and to the regulatory authorities and other external agencies as required.

If an independent/third party notified us of the suspected or actual case of malpractice, we will inform them of the outcome.

**Appeals against our decision to impose sanctions**

If you wish to appeal against our decision to impose sanctions, please refer to our *Appeals Policy* available from our website at [www.nationalparalegals.co.uk](http://www.nationalparalegals.co.uk).