

## **Swift Training Academy**

### **Malpractice Policy**

#### **What is Malpractice**

Malpractice is an act, omission default or practice that breaches our rules or compromises:

- The process of internal and external assessments
- The integrity of Swim England qualifications or awards
- The validity of results or qualifications
- The reputation and credibility of Swim England

Malpractice includes maladministration, which is any act, omission or practice that results in an approved training centre, approved training centre or candidate failing to comply with our administrative regulations and requirements. Malpractice and maladministration can be deliberate or the result of negligence.

#### **Introduction and Scope**

This policy is aimed at all those, including Approved Training Centre/Provider(s) and candidates, who are delivering, assessing, or are registered on Swim England or Non-regulated Qualifications and Awards and may be involved in suspected or actual cases of malpractice.

This policy also applies to Swift Training Academy staff who are suspected of being involved in such cases. It is also used to ensure Swift Training Academy staff deal with all malpractice investigations in a consistent manner.

This policy sets out the steps the ATC/Ps, learner or other personnel must take when reporting suspected or actual cases of malpractice. This policy also sets out the steps Swift Training Academy will take when responding to such cases.

It is important that ATC/Ps under their own responsibilities in complying with this policy and make all individuals/organisations fully aware of the contents of this policy and have arrangements in place to prevent and investigate instances of malpractice in accordance with Swim England and Swift Training Academy policies and procedures.

Incidents of malpractice can potentially lead to candidates being disadvantaged. Where it is not possible to prevent this, incidents of suspected or actual malpractice must be dealt with promptly and thoroughly in accordance with Swim England and Swift Training Academy policy and procedures contained and/or referred to within this document.

Failure to report suspected or actual malpractice or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on ATC/Ps, and the individuals involved.

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We intend to resolve reports of malpractice informally where possible, at the earliest possible stage. There may be occasions where complainants would like to raise their concerns formally.

### Examples of Malpractice by a Candidate

- Altering or falsifying results documents, including certificates
- Copying from another candidate or allowing work to be copied
- Plagiarism of any nature
- Bringing unauthorised material or instruments into an examination room or assessment
- Failure to abide by the instructions of a Trainer or Assessor
- Making inappropriate or offensive written comments in an examination or test

### Examples of Malpractice by an ATC/P

- Providing awarding bodies with incorrect information during the onboarding process
- Falsifying or fabricating candidates' marks, assessment evidence, observation records, certification claims or results documentation
- Providing assistance to candidates, beyond that which is permitted by the relevant guidance and syllabus or where applicable an assessment adaptation, which results in a potential or actual advantage during an examination and/ or assessment
- Breaching the confidentiality of question papers or materials
- Failing to report any instances of malpractice or suspected malpractice

### How to report suspected malpractice

Reports of malpractice should be made in writing via email within 10 working days of occurrence, or within two weeks of an unsatisfactory outcome of a complaint to an ATC/P.

Reports of malpractice should detail:

- A full description of the incident (including dates, times and, context where appropriate)
- Names of other involved
- Copies of any evidence, e.g. letters, completed forms, witness testimony
- Contact details (in accordance with Data Protection legislation. e.g. name and contact email or phone number)

If the report is excessively long or complex, we may ask you to provide a summary so that we are clear what the issues are.

### What will happen to my report?

Where possible, we would like to deal with your report of malpractice informally and may do so over the telephone or via email. In such cases, we will confirm in an email the action we will take. Sometimes a more formal approach is required and in these cases your report

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must be put in writing directly to [training@swiftswimmers.co.uk](mailto:training@swiftswimmers.co.uk) who will forward it to the relevant awarding body.

If the report cannot be put in writing, a member of the Compliance Team will relay any verbal conversation via email, to ensure the details around the incident have been understood.

We will acknowledge all reports within three working days, investigate and provide a response within 10 working days where necessary. If the report of malpractice is not resolved informally, it will be escalated to our formal proceedings.

All reports of malpractice will be logged as soon as they are received. When a report of malpractice needs to be treated more formally, the case will be assigned to a member of the Compliance Team who will start the initial investigation.

If the report is from a candidate who has exhausted the ATC/Ps own malpractice procedure, the RLSS will contact the ATC/P Co-ordinator for the outcome of the incident.

### Contacting us

Swift Swimmers will only review the original appeal and your dissatisfaction with how it was handled. Further consideration of your appeal will only be made if the review considers the complaint was not handled according to our procedures or failed to take into account critical evidence.

### When we cannot investigate

Sometimes candidates or parents contact us because they are unhappy with the decisions that have been made. Unless the decision involves malpractice, as explained above, you will need to follow our appeals and complaints policy.

### Principles for investigation

When investigating malpractice, we will try to clarify:

- What has happened
- Who was involved
- Where this happened
- When this happened
- Names of witnesses (where possible)

We attend to address any reports of malpractice as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action once the necessary details of the incident have been received. Where further investigation is necessary, new time limits will be set, and the complainant will be provided with new deadlines with an explanation for the delay.

We expect that reports of malpractice will be made as soon as possible after an incident arises and no later than 10 working days afterwards. We will consider exceptions to this time

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frame in circumstances where there were valid reasons for bringing the report of malpractice at that time, and the complaint can still be investigated in a fair manner for all involved.

### Appeals

For all ATC/p's learners, TA's and other personnel have the right to make an appeal against the governing body's decision to impose a sanction. Please refer to our appeals policy.

### Confidentiality and Whistleblowing

To enable a full investigation to take place, it will be necessary for complainants to provide their name and contact details. However, in some instances a complainant may wish to remain anonymous.

We also aim to keep a whistle-blower's identity confidential and were asked to do so, although this cannot be guaranteed. There may be situations where we have a duty to disclose identity for example to:

- The police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- The courts (court proceedings)
- Relevant authorities where there are safeguarding concerns
- RLSS UK as part of any investigations into issues around qualification delivery
- Other third parties. Eg-Regulators.



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