

Equido Horsemanship Ltd

Malpractice and Maladministration

Policy Manual

EQUIDO HORSEMANSHIP LTD

Definition of Malpractice

Malpractice is defined as any deliberate activity, neglect, default or other practice that compromises the integrity of the internal or external assessment process and/or validity of certificates of a qualification awarded by Equido Horsemanship Ltd. It covers the deliberate actions, neglect, default or other practice that compromises, or could compromise the following:

- The assessment process
- Integrity of a regulated qualification
- The validity of a result or certificate
- The reputation and credibility of Safety Training Awards qualifications
- The qualification of the wider qualification's community.

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.

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

Examples of Malpractice

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

- Denial of access to premises, records, information, learners and centre personnel to any authorised Equido Horsemanship Ltd representative and/or the regulatory authorities
 - Deliberate misuse of our logo, brand, name and trademarks or misrepresentation of Equido Horsemanship Ltd.
 - Deliberate failure to continually adhere to Equido Horsemanship Ltd's centre recognition and/or qualification approval requirements.
 - Intentional withholding of information from Equido Horsemanship Ltd, which is critical to maintaining the rigour of quality assurance and standards of qualifications
 - Deliberate failure to carry out internal assessment, internal moderation or internal quality assurance monitoring in accordance with our requirements
 - The unauthorised use of inappropriate materials/equipment in assessment settings, e.g. All Assessors in Equido® are Level Four and as such they have signed a code of conduct with the organisation. An act of **malpractice** would come about if the code of conduct has been breached, this includes use of illegal equipment:-
- "There may be certain instances where a trainer has exhausted all other possibilities of remedying a problematic situation and can see no other way but to use force through gadgets. In this case an Instructor must consult with the other Senior Instructors before using such force as there may be other alternatives available. Only after serious consultation should any action be taken.
 - A failure to do this and the uninhibited use of force for the sake of it will not be tolerated within the organisation. This will be deemed a severe failure by an Instructor to understand the nature of the animals he or she is working with. Any Equido® Level 4 Instructor found to have used any of the devices listed below, after they have completed their Equido® training will undergo disciplinary action and if breaches continue to occur then they will automatically be removed from our listings and will no longer represent the organisation nor will they be allowed to teach Equido® to any other student. THIS WILL BE TAKEN AS A SERIOUS BREACH OF CONDUCT.

• Training must be done in accordance with Equido Horsemanship Ltd's ethos in mind and shall avoid the use of force such as:-

- Hobbles
- Tie downs
- Severe bits
- Physical Restraints
- Draw reins
- De Gogue
- Chambon
- Rolling Reins
- Abbot David Balancing Reins
- Pessoa
- Electric prods or stimulus
- Whips as punishment
- Spurs
- Buck Stop or Gum Lines (also known as war bridles)
- Muzzles (iron, to prevent biting)
- Prickle Pads
- Irritants such as ginger etc applied under the tail or instated into the anus
- Performance Enhancing Drugs
- Any other forms of excessive restraints or force used to obtain a "quick fix" or "quick result"

- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Insecure storage of assessment materials
- Inappropriate circulation/distribution of assessment materials
- Unauthorised amendment, copying or distributing of assessment papers/materials
- Inappropriate assistance/support to learners by Equido Horsemanship Ltd's personnel, e.g. unfairly helping them to pass a unit or qualification
- Deliberate failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy
- Cheating by learners or centre personnel
- Personation, assuming the identity of another learner or having someone assume their identity during an assessment
- Collusion or permitting collusion in assessments
- Deliberate contravention by learners of the assessment arrangements we specify for our qualifications
- Fraudulent claim for certificates and/or deliberate submission of false information to gain a qualification or unit
- False records
- Deliberate failure to adhere to our learner registration and certification procedures
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Learners still working towards qualification after certification claims have been made
- Selling certificates for cash
- Selling papers/assessment details
- Extortion
- Fraud
- Threatening or abusive behaviour that threatens the safety of centre personnel and/or staff and/or is intended to put undue influence on the outcomes of an assessment/award.

Definition of Maladministration

Maladministration is defined as any activity, neglect, default or other practice that results in the Equido Horsemanship Ltd's, tutor, assessor, learner or quality assurer not complying with Equido Horsemanship Ltd's requirements, the General Conditions of Recognition, or regulatory principles.

Maladministration is in effect any activity or practice which results to non-compliance with administrative requirements and regulations, this includes the application of persistent mistakes or poor administration within Equido Horsemanship Ltd including inappropriate learner records.

Maladministration:- would come about should an Assessor be found :-

Falsifying records in any way to the detriment or advantage of the Student.

Should the Assessor pretending to be someone else, this is highly unlikely in Equido® as all Assessors are known by the candidates and assigned to them on starting the course.

Should an Assessor or a Student cheat during an assessment, again highly unlikely due to the nature of the examination process in Equido®.

Loss of student material and records, which are stored both paper and electronically on the Equido® system.

Making changes to assessment materials without prior approval from Equido®.

Amending test papers after the end of the test.

Should an incident as outlined above occur then Equido® will carry out an investigation process into the allegations. This will take approximately 14 days from reporting of the incident and all information regarding the matter will be sent to LANTRA during the investigation and once it has been concluded what the results were.

Should someone be found guilty at the end of the investigation they have the right to appeal and this would be passed to LANTRA as a third party to review the evidence provided and make a decision. This process should take around 30 days from appeal.

The investigation will cover any impact that the action may have caused to other Assessors or students and a record of such will be stored on the database along with procedural actions put in place to prevent any future incident.

Examples of Maladministration

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

- Persistent failure to adhere to learner registration and certification procedures
- Persistent failure to adhere to centre approval criteria and/or qualification requirements and/or associated actions assigned to Equido Horsemanship Ltd.
- Late learner registrations (both frequent and persistent)
- Unreasonable delays in responding to requests and/or communications from LANTRA Awards
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding or the delaying of information, by deliberate act or omission, from us which is required to assure LANTRA of Equido Horsemanship Ltd's ability to deliver qualifications appropriately

- Misuse of our logo and trademarks or misrepresentation of Equido Horsemanship Ltd's relationship with LANTRA Awards
- Poor administration arrangements and/or records
- Persistent mistakes in relation to our delivery arrangements
- Failure to adhere to, or to circumnavigate, the requirements of our Reasonable Adjustments and Special Considerations Policy

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 LANTRA. In doing so they should put this in writing/email and enclose appropriate supporting evidence.

All allegations must include (where possible):

- Learner's name and Equido reference number
- Equido Horsemanship Ltd's personnel's details (name, job role) if they are involved in the case
- Details of the course/qualification affected, or nature of the service affected
- Nature of the suspected or actual malpractice or maladministration and associated dates
- Details and outcome of any initial investigation carried out by Equido Horsemanship Ltd or anybody else involved in the case, including any mitigating circumstances.

In addition, we ask that the person making the allegation declares any personal interest they may have in the matter to us at the outset.

If Equido Horsemanship Ltd has conducted an initial investigation, they should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation. We would expect that such investigations would normally involve the centre co-ordinator however, it is important to note that in all instances the centre must immediately notify us if they suspect malpractice or maladministration has occurred as we have a responsibility to the regulatory authorities to ensure that all investigations are carried out rigorously and effectively.

Responsibility for the Investigation

In accordance with regulatory requirements all suspected cases of malpractice and/or maladministration will be examined promptly by Equido Horsemanship Ltd to establish if malpractice or maladministration has occurred and we will take all reasonable steps taken to prevent any adverse effect from occurring as defined by the regulators.

All suspected cases of malpractice and maladministration will be passed to our Managing Director and we will acknowledge receipt, as appropriate, to external parties within 48 hours.

We will ensure 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 (e.g. a member of our centre management team/escalated to compliance and assurance) to lead the investigation and establish whether or not the malpractice or maladministration has occurred, and review any supporting evidence received or gathered by Equido Horsemanship Ltd.

At all times we will ensure that Equido Horsemanship Ltd's 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 we will tell the person who made the allegation who will be handling the matter, how they can contact them, what further assistance we may need from them and agree a timetable for feedback.

In cases of suspected or actual malpractice and/or maladministration at Equido Horsemanship Ltd, we will notify the centre co-ordinator involved in the allegation (except when the centre co-ordinator or management is under investigation) that we will be investigating the matter.

We may engage and communicate directly with centre personnel who have been accused of malpractice if appropriate and/or communicate directly with a learner or their representative.

Where applicable, Equido Horsemanship Ltd's Managing Director will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification, or if it could affect another awarding organisation. In particular we will keep them informed of progress in large and/or any complex cases.

Where the allegation may affect another awarding organisation and their provision we will also inform them in accordance with the regulatory requirements and obligations imposed on Equido Horsemanship Ltd by the regulators and/or seek to undertake a joint investigation with them if appropriate. If we do not know the details of organisations that might be affected, we will ask the regulators to help us identify relevant parties that should be informed.

If fraud is suspected and/or identified, we may also notify the police.

Investigation Timelines and Summary Process

Once Equido Horsemanship Ltd has received an allegation of malpractice or maladministration you will be sent an acknowledgement of receipt within 7 working days. The allegation will be reviewed in line with our policies and procedures and an investigation will be conducted where necessary. To ensure a fair and thorough process is followed the duration of the investigation will depend on the nature and severity of the allegation we receive at this stage, or the complexity of the response required.

We do aim to provide this as soon as the outcome is available or within a maximum of 28 days. Please note that in some cases the investigation may take longer; in such instances, we 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 underpinned by terms of reference and 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 and whether other qualifications may be affected
- To evaluate any action already taken by Equido Horsemanship Ltd
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification
- To ascertain whether any action is required in respect of certificates already issued
- To obtain clear evidence to support any sanctions to be applied to Equido Horsemanship Ltd, and/or to centre personnel, in accordance with our sanctions policy
- To identify any adverse patterns or trends.

The investigation may involve a request for further information from relevant parties and/or interviews with centre personnel involved in the investigation. In any interviews carried out with the person(s) accused of malpractice or maladministration they can choose to be accompanied by a representative, this could be a colleague, trade union representative, or other third party.

In addition, we will:

- Ensure all material collected as part of an investigation is kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against Equido Horsemanship Ltd will be retained for a period of no less than five years. If an investigation leads to invalidation of certificates, or 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 co-operate with us.

If appropriate, we may find that the complexity of a case means that we are unable to complete an investigation. In such circumstances we will consult the relevant regulatory authority in order to determine how best to progress the matter.

Where a member of Equido Horsemanship Ltd's staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation our Managing Director will be responsible for overseeing the work of the investigation team 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.

Investigation Report

If we believe there is sufficient evidence to implicate an individual/Equido Horsemanship Ltd in malpractice and/or maladministration we will:

- Inform them (preferably in writing) of the allegation
- Inform them of the evidence we found to support our judgment
- Inform them that information in relation to the allegation and investigation may be, or has been, shared with the regulators and other relevant bodies (e.g. police)
- Provided them with an opportunity to consider and respond to the allegation and our findings
- Inform them of the appeals policy should they wish to appeal against the decisions.

After an investigation, we 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 ourselves. The report will cover the following areas:

- Identify where the breach, if any, occurred
- Confirm the facts of the case (and any mitigating factors if relevant)
- Identify who is responsible for the breach (if any)
- Contain supporting evidence where appropriate (e.g. written statements)
- Confirm an appropriate level of remedial action to be applied.

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

If it was an independent/third party that notified us of the suspected or actual case of malpractice and/or maladministration we may also inform them of the outcome, normally within 7 working days of making our decision. In doing so we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our staff the Managing Director will agree the report with the relevant internal managers and appropriate internal disciplinary procedures may be implemented. In some circumstances the police or other external authorities may need to be alerted.

Investigation Outcomes

If the investigation confirms that malpractice or maladministration has taken place, we will consider what action to take to:

- Minimise the risk to the integrity of certification now and in the future
- Maintain public confidence in the delivery and awarding of qualifications
- Discourage others from carrying out similar instances of malpractice or maladministration
- Ensure there has been no gain from compromising our standards.

The action we may take includes (this list is indicative only and is not meant to form an exhaustive list):

- Impose actions in relation to Equido Horsemanship Ltd with specified deadlines in order to address the instance of malpractice/maladministration and to prevent it from reoccurring such as:
 - Requiring specific centre personnel to undergo additional training and/or scrutiny by Equido Horsemanship if there are concerns about their ability to undertake their role in the delivery of Safety Training Awards qualifications effectively
 - Not permitting specific centre personnel to be involved in the delivery or assessment of Equido Horsemanship Ltd qualifications (e.g. not permitting an individual to invigilate assessments)
 - Altering the way, and the period in which, centres receive assessment materials from Safety Training Awards if there are concerns around their ability to maintain the security and confidentiality of such materials
- Take action against a learner in relation to proven instances of malpractice and/or maladministration such as some or all of the following (which may be communicated to the learner Equido Horsemanship Ltd):
 - Issuing a written warning that if the offence is repeated further action may be taken
 - Loss of all marks/credits for the related work/unit
 - Disqualification from the unit(s)/qualification
 - Placing a ban from taking any further qualifications with us (e.g. for a set period of time).
- In cases where certificates are deemed to be invalid, inform the regulatory authorities why they are invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We will also let the affected learners know the action we are taking and that their original certificates are invalid. We will also amend our database so that duplicates of the invalid certificates cannot be issued,
- Implementing disciplinary or dismissal procedures against Equido Horsemanship Ltd staff if they have been found to be responsible/involved in the malpractice and/or maladministration
- Amend aspects of our qualification development, delivery and awarding arrangements and if required assessment and/or monitoring arrangements and associated guidance to prevent the issue from reoccurring