



Malpractice and Maladministration Policy (Accredited Practitioner Register)

The Athena Herd Foundation looks to take all reasonable steps to prevent the occurrence of any “Malpractice” or “Maladministration” (as defined below). Specifically this is also the case in the development, delivery and award of qualifications and we look to correct any “Adverse Effect” (*an Adverse Effect includes situations in which learners are disadvantaged, an awarding organisation is unable to develop, deliver or award its qualifications appropriately, the standards of an awarding organisation’s qualifications are adversely affected or public confidence in qualifications is undermined*).

This Malpractice and Maladministration Policy is for all service users, clients, and members of the public engaging with registered Practitioners on the Athena Herd Register™. It is also for use by members of the Athena Herd Foundation to ensure that they deal with all malpractice and maladministration investigations in a consistent manner.

The Accredited Practitioner Register reflects the Athena Herd Foundation’s commitment to public protection and high professional standards, ensuring that the Practitioners on it are properly trained and qualified, and meet the standards required to minimise risk to service users, clients and members of the public.

What is Malpractice or Maladministration

Malpractice or Maladministration are two distinct but related concepts.

Broadly, Maladministration generally covers mistakes or poor process without any intention to do any harm. This may involve some degree of incompetence or ineptitude or may simply be as a result of carelessness or inexperience which may include for example:

- avoidable delay;
- mistakes from inattention;
- faulty procedures;
- failure to follow correct procedures;
- poor record keeping;
- inadvertent failure to take action;
- poor communication;
- misuse of Intellectual Property (logos, trademarks, material belonging to Jennifer and Brent Geach);
- misrepresentation for example of the relationship/status with the Athena Herd Foundation.

Whereas, Malpractice in context generally involves intention to do harm, mislead or misrepresent, or breach of Professional Standards and the Ethical bases of the Register in the provision of services of health care to service users and or clients. Specific actions might include:

- failure to comply with the Accredited Practitioner Registers™ Ethical basis of best practice, standards of professional practice and Ethical framework for the treatment of horses;



- a practitioner engaging in the inappropriate treatment, language or behaviour towards a service user or client;
- failure to appropriately engage with a service user's protected characteristics as defined in the Equality Act (2010).
- making false or inappropriate claims about the benefits of this practice;
- dismissing or denigrating the benefits or effectiveness of other recognised forms of healthcare provision or services;
- anything that compromises the reputation and credibility of the Athena Herd Foundation or the wider qualifications community including for example misuse of Intellectual Property (logos, trademarks, material belonging to Jennifer and Brent Geach /Ofqual/PSA);
- misrepresentation for example of the relationship/status with the Athena Herd Foundation/PSA.

Allegations and Suspicions of Maladministration and Malpractice

The Accredited Practitioner Register™ is in place to protect the interests service users, clients and members of the public engaging with Equine Facilitated Interactions and services. To facilitate this the register has defined ethical and professional standards.

Service users, clients and members of the public are able to raise complaints about registered Practitioners directly with the registered. Complaints can be raised in line with the Athena Herd Foundation Compliments and Complaints Policy. Any such allegation can be raised through the Athena Herd Foundation website. Allegations received will be considered by the Professional Conduct Review Committee ("PCRC"). If it is determined to continue with that claim, and where appropriate it shall be reviewed under the terms of this policy.

Publication of Professional Conduct Notices

The decisions of the PCRC will not be published if no allegations have been upheld, however where one or more allegations are upheld, and a decision is made to publish in accordance with the criteria below, we will publish on our website in list with the Professional Conduct Publication Policy.

Ways to prevent/minimise any Malpractice or Maladministration

Examples of reasonable steps to be taken to mitigate the risk of any Malpractice or Maladministration can be as follows:

- obligation to commit to ethical basis of best practice, standards of professional conduct and framework of ethical treatment of horses for those on the Accredited Practitioner Register™;
- checking and verification of applications and supporting documentation to be on the Athena Herd Foundation Accredited Practitioner Register™;
- annual declaration from individuals that are on the Athena Herd Foundation Accredited Practitioner Register™ and selective audit of this information.

What should I do if I either discover or suspect any 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 the Athena Herd Foundation Accredited



Practitioner Register™ (preferably in writing) as soon as is reasonably practicable of the nature of the alleged Malpractice and/or Maladministration and, if possible, the consequences of the same. We do recognise that you may wish to remain anonymous (Whistleblowing). Please do inform us if this is the case. Whilst we will always aim to keep a Whistleblower's identity confidential we can not guarantee this specifically if we need to inform the police or any third party such as a regulatory authority (for example the PSA or another accredited register). For more information, please see the Athena Herd Foundation Whistleblowing Policy.

For the avoidance of doubt, any of the following incidents would need to be notified:

- alleged, actual or attempted malpractice by an individual Practitioner on the Athena Herd Foundation Accredited Practitioner Register™;
- maladministration by any individual on the Athena Herd Foundation Accredited Practitioner Register™

All allegations must include (where possible) details of the:

- individual practitioner's name, address and number;
- affected Athena Herd Foundation qualification or service;
- suspected or actual malpractice including dates;
- initial investigation carried out or anybody else involved including outcome and any mitigating circumstances.

Please note that the person making the allegation must also declare any personal interest they may have in the matter to us at the outset.

If an initial investigation prior to formally notifying us has been carried out, any members involved in the initial investigation must be competent and have no personal interest in the outcome of the investigation.

How the Athena Herd Foundation investigates Malpractice or Maladministration

The Athena Herd Foundation is responsible for ensuring that all investigations are carried out in a prompt, rigorous and effective manner and in accordance with the procedures not only in this Athena Herd Foundation Malpractice and Maladministration Policy but also where applicable the Athena Herd Foundation Whistleblowing Policy and as appropriate the Athena Herd Foundation Sanctions Policy.

All of the Athena Herd Foundation Policies and Procedures link into the relevant commitments that underlie membership of the Accredited Practitioner Register™ and any complaint about potential breach of the same will be investigated under this policy where deemed appropriate by the Professional Conduct Review Committee (PCRC).

Allegations received will be assigned to PCRC who shall consider whether it is appropriate to proceed, as defined under the terms of reference for the PCRC.

At all times we will ensure that the Athena Herd Foundation personnel involved in the PCRC responsible for any 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

A member of the PCRC will advise the person who made the allegation who will be handling the matter, how they can contact them, what further assistance may be needed from them and agree a timetable for feedback in line with the Athena Herd Foundation policies and procedures (see also investigation timeline below).

In cases of suspected or actual malpractice or maladministration of an individual on the Athena Herd Foundation Accredited Practitioner Register™, we will advise the Practitioner that the complaint has been made. In all cases we may withhold details of the person making the allegation if to do so would breach a duty of confidentiality or any other legal duty.

Athena Herd Foundation will inform the appropriate regulatory authorities if we believe there has been an incident of malpractice or maladministration, which could either invalidate them being on the Athena Herd Foundation Accredited Practitioner Register™ or if it could affect accredited register. In particular, regular progress updates will be made in relation to large and/or complex cases.

Where the allegation may affect another body/awarding organisation and their provision we will also inform them in accordance with their regulatory requirements and obligations and/or seek to undertake a joint investigation with them if appropriate. If we do not know the details of organisations that might be effected we will ask that body to help us identify relevant parties that should be informed. If fraud is suspected or identified we may also notify the police.

Investigation Timeline

Where possible, we aim to advise all parties within 10 working days of receipt of the allegation. Practitioners will have 28 days to formally respond to the complaint. In their response the Practitioner can request consensual disposal, otherwise the PCRC shall continue with the review of the complaint and where necessary consider a formal hearing.

Investigation Scope

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:

- consider whether the allegation might appropriate for resolution through consensual disposal;
- decide upon whether there is public interest concern that might require the interim suspension of the Practitioner;
- review of the facts to determine whether there have been any irregularities;
- consider the cause and scale of the irregularities and those involved;
- establish whether other qualifications may be/have been affected;
- evaluate any action already taken;
- determine whether remedial action is required to reduce the risk to current registered individuals/learners and to preserve the integrity of the qualification;



- obtain clear evidence to support any sanctions to be applied to the Practitioner in accordance with the Athena Herd Foundation Sanctions Policy;
- to determine whether the publication of a Professional Conduct Notice is appropriate in context;
- identify any adverse patterns or trends.

In carrying out any investigation the Athena Herd Foundation shall be sensitive to the effect on, and reputation of the individual Practitioner who may be the subject of any investigation. Investigations will be carried out as confidentially as possible and the Practitioner who is the subject of the allegation will have the opportunity to raise any issues about both the proposed approach and the conduct of the investigation with the investigator(s) during the investigation. The subject Practitioner may also, where deemed appropriate by the PCRC, be able to request handling via consensual disposal.

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. In any interviews carried out with the person(s) accused of malpractice/maladministration they can choose to be accompanied by a work colleague, trade union representative, or another 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 an individual Practitioner will be retained for a period of no less than five years. It is expected that all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to impose sanctions on the individual Practitioner (including interim suspension from the Register) in accordance with the Athena Herd Foundation Sanctions Policy in order to protect the interests of service users or clients and publish an appropriate Professional Conduct Notice.

The PCRC will be responsible for regularly reviewing the application and maintenance of sanctions to ensure they continue to be appropriate and proportionate to the incident(s) and risk of future incidents occurring. Throughout the investigation PCRC will be responsible for investigation and 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 the PCRC considers that there is sufficient evidence to implicate an individual/training centre in malpractice and/or maladministration s/he will:

- inform them (preferably in writing) of the allegation;
- provide the supporting evidence;
- inform them of the possible consequences;
- decide upon publication of findings in the form of a Professional Conduct Notice;
- outline that the information may be, or has been, shared with the regulators, other accredited registers and or other relevant bodies (e.g. police);



- provide them with an opportunity to consider and respond to the allegation and findings;
- inform them of the Athena Herd Foundation Appeals Policy and Form should they wish to appeal against the decision.

A draft Investigation Report will be provided by the PCRC for the parties concerned to check the factual accuracy of the same. Any subsequent amendments will be agreed between the parties. The report will, *inter alia*:

- identify where any breach, if any, occurred;
- outline the facts of the case (including any relevant mitigating factors);
- identify responsibility for any breach;
- contain any supporting evidence (e.g. written statements);
- confirm any appropriate level of remedial action to be applied.

The Athena Herd Foundation will make the final report available to the regulatory authorities and other external agencies as required. Furthermore, in the event that an independent/third party notified us of the suspected or actual case of malpractice, we may also inform them of the outcome of the investigation, normally within 10 working days of making our decision. We may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

Investigation Outcomes

In the event that a service user complaint is upheld, and or an investigation confirms that Malpractice or Maladministration has taken place, the Athena Herd Foundation shall look to:

- publish the outcome and decided sanctions on the website Professional Conduct Notices page in line with the supporting policy;
- reduce both current and future risk around integrity of registration and act to maintain public confidence in the Register;
- update or revise risk assessment if considered appropriate in the light of the findings;
- discourage others from carrying out similar instances of malpractice or maladministration;
- ensure there has been no gain;

The outcome that the Athena Herd Foundation may require, for example:

- actions with specific deadlines to address the instance of malpractice or maladministration so as to prevent it from reoccurring, including SMART objectives;
- additional visits to the Practitioners site to provide a greater level of support and/or monitoring depending on the malpractice or maladministration;
- sanction(s) imposed on an individual Practitioner (pursuant to the Athena Herd Foundation Sanctions Policy) along with the rationale for the sanction(s) selected;
- action against an individual Practitioner in relation to proven instances of maladministration or malpractice which may include some or all of the following (which may be communicated to the Practitioner by the Athena Herd Foundation):
 - issuance of a written warning outlining that if the offence is repeated further action may be taken;



- review or reconsideration of any previously issued interim suspension;
- suspension or removal from the Athena Herd Foundation Accredited Practitioner Register;
- notification of decision to any other declared accredited register

The Athena Herd Foundation shall amend aspects of admission to the Athena Herd Accredited Practitioner Register™ in the event that the malpractice or maladministration is in relation to the same. Athena Herd Foundation shall inform relevant third parties of findings in case action needs to be taken.

In proven cases of malpractice and/or maladministration by either an individual on the Athena Herd Accredited Practitioner Register™ Athena Herd Foundation reserves its right to charge the same for any re-application to join the Athena Herd Accredited Practitioner Register™

The fees for this will be the current Athena Herd Foundation prices for such activities at the time of the investigation.

Appeal

If the relevant party(ies) wishes to appeal against our decision to impose sanctions, please refer to the Athena Herd Foundation Appeals Policy.

Review

The Executive Committee will review this policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to any service user and/or learner feedback, changes in our practices, actions from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous allegations. In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.