



## Malpractice and Maladministration policy

<b>Policy</b>	Malpractice and Maladministration policy
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\*Any reference in red italics refers to the Ofqual/CCEA General Conditions of Recognition (GCOR)

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## 1. Introduction

This policy sets out the steps to follow when reporting alleged cases of malpractice/maladministration such as academic misconduct and NEBDN's responsibilities in dealing with such cases. It also sets out the procedural steps NEBDN will follow when reviewing the cases.

## 2. Scope

This policy is aimed at NEBDN's Providers who are delivering and Learners who are registered on any NEBDN qualifications within or outside the UK and who are involved in alleged malpractice/maladministration and NEBDN staff or associates who are suspected of being involved in such cases. It is also for use by our NEBDN staff and other investigatory roles to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

## 3. Regulatory Requirements

This policy meets the regulatory requirements set out by the Ofqual (and CCEA) General Conditions of Recognition published in October 2017 and last updated on 4<sup>th</sup> December 2025:

**A5.1 - A5.2** Ensuring the ability to develop, deliver and award qualifications

**A6.1** Identifying risks

**A6.2** Preventing incidents or mitigating their effect

**A8.1** Preventing malpractice and maladministration

**A8.2** Investigating and managing the effect of malpractice and maladministration

**A8.3 – A8.7** Procedures relating to malpractice and maladministration

**B3.1** Notification where an event could have an Adverse Effect

The policy takes into consideration the following publications:

- JCQ Suspected Malpractice Policies and Procedures published September 2024
- JCQ AI Use in Assessments: Your role in protecting the integrity of qualifications published April 2025
- JCQ Plagiarism in Assessments guidance for Teachers/Assessors

## 4. Definitions

**Adverse Effect** - An act, omission, event, incident, or circumstance has an Adverse Effect if it –

1. (a) gives rise to prejudice to Learners or potential Learners, or
2. (b) adversely affects –
  1. (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,
  2. (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
  3. (iii) public confidence in qualifications.

**Learner** - A person who is registered with an accredited NEBDN Provider to take NEBDN qualification and to be assessed as part of that qualification.

**Maladministration** - The term relates to any unintentional activity, neglect, default, or other practice by an NEBDN accredited Provider that results in the Provider or its Learners not complying with the specified requirements for delivery of the qualifications. It may involve



some degree of incompetence or ineptitude or may simply be because of carelessness or inexperience and includes the application of persistent mistakes or poor administration by a Provider (e.g., inappropriate Learners' records) or on behalf of a Provider (e.g., Inappropriate invigilation of an assessments, incomplete assessments returned to NEBDN). By contrast, malpractice will generally involve some form of intent.

**Malpractice** - any deliberate activity or practice, which contravenes NEBDN regulations and compromises the integrity of the internal or external assessment process and/or the validity of the award of certificates. It covers any deliberate *failure to act appropriately*: actions, neglect, default, or other practice that compromises, or could compromise:

- the assessment processes.
- the assessment approach and/or delivery.
- the integrity of a regulated or unregulated qualification.
- the validity of a result or certificate.

Malpractice may include a range of issues from the deliberate failure to maintain appropriate records or systems to the deliberate falsification of records in order to claim certificates or gain Provider accreditation with NEBDN. Malpractice also covers all listed maladministration examples if they include an intentional element. For the purpose of this policy this term also covers any forms of discrimination or bias towards individuals or groups of Learners.

Failure by the Provider to deal with an identified issue may in itself constitute malpractice.

**Provider** - An organisation undertaking the delivery of a qualification and the assessment of a Learner on behalf of an awarding organisation. Providers are typically educational institutions, training providers, or employers.

**Regulators** - Independent bodies that are responsible for setting and enforcing standards, checking quality and protecting the public interest within their area of responsibility. For NEBDN these include: The Office of Qualifications and Examinations Regulation (Ofqual), Council for the Curriculum, Examinations & Assessment (CCEA), General Dental Council (GDC) and Information Commissioners Office (ICO).

**Sanction** - A corrective action that can be applied to NEBDN accredited Providers and/or Learners that fail to comply with NEBDN policies, processes, or instructions. Sanctions may be applied to any Provider, Provider staff and or a Learner for any action(s) that may pose a risk to and/or threaten the integrity of our awarding activity or compliance with our Regulators. See NEBDN Sanctions Policy for details.

**Whistleblowing** - is defined as 'raising a wrongdoing within an organisation when there is a genuine issue or concern about a crime, criminal offence, miscarriage of justice, dangers to health and safety and the environment – and of the cover up of these'.

**Whistleblower** - is a person who raises an issue or concern about wrongdoing in their workplace

## 5. Examples of Maladministration

Maladministration by Provider/Provider Staff can occur at any stage of an engagement with NEBDN starting from achieving accreditation status up to withdrawal of recognition or termination of the contract and it may include:

- not submitting Learner work for marking or moderation within a reasonable timescale of that work being completed (and, where relevant, marked and internally verified)



- taking fees from individuals but not registering those individuals with NEBDN within 12 weeks (when the reasonable expectation and understanding of the individual was that this was to happen)
- providing incorrect or inaccurate information to Learners regarding the NEBDN qualification, progress within a qualification or similar
- incorrectly claiming a unit or qualification for a Learner
- knowingly presenting a Learner's work for assessment or moderation when it is not the work of that individual.
- Failure to adhere to the requirements of our Reasonable Adjustments and/or Extenuating Circumstances Policies

\*Please note that this is not an exhaustive list. NEBDN reserves the right to apply this policy in any situation where there is deemed to be a risk to the integrity of an NEBDN qualification.

## **6. Types of Malpractice**

### Provider Malpractice

- Insecure storage of assessment materials and/or marking guidance.
- Misuse of assessments, including inappropriate adjustments to assessment decisions.
- Failure to comply with requirements for accurate and safe retention of Learner evidence, assessment, and internal verification records.
- Failure to comply with Awarding Organisation procedures for managing and transferring accurate Learner data.
- Deliberate falsification of records to claim certificates.
- Deliberate falsification of records or misuse of data to gain NEBDN Provider approval.

The above would normally be attributable to the failure of the systems and processes operated by the Provider, rather than the fault of individuals.

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### Provider Staff Malpractice

This means malpractice committed by a current (or former) member of staff (or contractor) at an NEBDN Provider. It can arise through, for example:

- A breach of security (e.g., failure to keep material secure, tampering with coursework etc.)
- Excessive direction from assessors to Learners (e.g., prompting Learners in assessments by means of signs or verbal or written prompts)
- A breach of confidentiality (e.g., failure to maintain confidentiality of assessment materials or personal data)
- Deception (e.g., manufacturing evidence of competence, fabricating assessment, or internal verification records)
- The provision of improper assistance to Learners (e.g., permitting the use of a reasonable adjustment over and above the extent permitted by NEBDN policy)
- Provision of inaccurate or misleading information by Provider staff about NEBDN qualifications
- Failure to adhere to regulations/NEBDN requirements as stated in the Standards for Providers to deliver an accredited NEBDN qualification.



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### Learner Malpractice

Malpractice by a Learner in internal or external assessment could occur in:

- presentation of practical work
- preparation and authentication of portfolio
- delivery of witness statements
- conduct during an internal assessment
- conduct during an external assessment.

Examples of Learner malpractice could include:

- Plagiarism - failure to acknowledge sources properly and/or the submission of another person's work as if it were the Learner's own
- Use of internet sources and/or use of AI to generate content that is required to be generated by the Learner based on their knowledge of the subject
- Collusion with others when an assessment must be completed by individual Learners and/or evidence must relate to that individual Learner
- Copying from another Learner (including using ICT to do so)
- Impersonation - assuming the identity of another Learner or a Learner asking another person to assume their identity during an assessment
- Inclusion of inappropriate, offensive, discriminatory, or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism, and homophobia)
- Inappropriate behaviour during an internal assessment that causes disruption to others. This includes shouting and/or aggressive behaviour or language and having an unauthorised electronic device that causes a disturbance in the examination room face to face or virtual i.e., online
- Possession of unauthorised materials and/or electronic devices during the examination
- The procurement of evidence from a third party which is submitted as the Learner's own work
- The use of social media during a live assessment to obtain information relating to exam questions

\*Please note that this is not an exhaustive list. NEBDN reserves the right to apply this policy in any situation where there is deemed to be a risk to the integrity of an NEBDN qualification.

### Learners Malpractice in online assessments

Learners must be reminded that online assessments are subject to a range of continually evolving electronic and human checks to ensure that Learner work is authentic and indicative of their own knowledge and experience; the GDC also requires appropriate ethical standards of dental professionals.

## **7. Responsibilities**

NEBDN is responsible for:

- Taking all reasonable steps to prevent any malpractice or maladministration.
- Ensuring it has written up to date procedures in place for the investigation of suspected or alleged malpractice or maladministration
- Overseeing Provider's investigations of suspected malpractice/maladministration cases



- Carrying out malpractice and maladministration investigations that fall under their remit (see NEBDN Investigation section)
- Promptly taking all reasonable steps to prevent (or mitigate) any adverse effects arising from the malpractice/maladministration. (A8.2(b))
- Keeping under review the arrangements put in place by accredited Providers for preventing and investigating malpractice and maladministration
- Providing advice and guidance to accredited Providers as to how best to prevent, investigate, and deal with malpractice and maladministration. (A8.5) and (C2.5(a))
- Taking steps to prevent any malpractice or maladministration from recurring. (A8.6(a))
- Taking appropriate and proportionate action against those who are responsible for the malpractice/maladministration
- Applying appropriate sanctions in line with its published Sanctions Policy (A8.6(b))
- Informing accredited Providers and other Awarding Organisations of the malpractice/maladministration, as appropriate (A8.7)
- Notifying Regulators where there is the potential for an Adverse Effect or strong grounds for suspected malpractice and maladministration
- Reporting the matter to the police, where they believe a criminal act has been committed (especially where the malpractice has led to fraud)
- Identifying suspected malpractice and maladministration and reporting this appropriately within organisational structured meetings, such as incident and issue panel meetings.

**NEBDN's Board of Trustees** has overall accountability for this policy and its implementation via the **Education and Standards Committee (ESC)**. The Board will ensure:

1. There is a fair and consistent approach to dealing with malpractice and maladministration incidents, and to the application of this policy.
2. All malpractice and maladministration incidents are reviewed and monitored to ensure any organisational improvements are made where needed.

Day to day responsibility for overseeing the adherence to NEBDN Malpractice & Maladministration Policy and its effective operation is delegated to the **Head of Regulation**.

**Internal Quality Manager** is responsible for implementation and application of aligned Malpractice and Maladministration Management Procedure across all operational teams involved.

**All NEBDN staff, External Examiners and volunteers** are responsible for ensuring any information received which may refer to alleged malpractice and/or maladministration is brought to the attention of NEBDN Internal Quality Manager immediately.

NEBDN Providers and their approved staff are responsible for:

- Developing and regularly reviewing their own malpractice and maladministration procedures
- Adhering to their own procedures in the management, delivery, assessment and award of NEBDN qualifications
- Investigating any potential malpractice and maladministration issues identified in line with their own procedures
- Immediately notifying NEBDN of any incidents, or suspected incidents, of malpractice/maladministration as required by NEBDN's policies.



- Notifying Learner that they are suspended under investigation (if applicable)
- Complying with NEBDN's malpractice procedures, including the reporting of such incidents through the malpractice and maladministration form.
- Logging the occurrence internally of malpractice and maladministration occurrences for open review during monitoring activities
- Taking reasonable steps to prevent malpractice/ maladministration from arising.
- Advising Learners of the Provider's and NEBDN's policy on malpractice/maladministration and the consequences of non-adherence during their induction
- Being vigilant to possible instances of malpractice and maladministration
- Assisting with any NEBDN requests for information
- Co-operating with NEBDN malpractice/maladministration investigations
- Implementing any actions required during and after investigation into a case of malpractice and/or maladministration.
- Taking action as required to prevent the recurrence of malpractice/maladministration
- Supporting NEBDN monitoring activities that prevent and/or allow early identification of malpractice/maladministration (C1.1)

It is important that Provider staff involved in the management, assessment and quality assurance of the qualifications, and the Learners, are fully aware of the contents of the policy and that the Provider has arrangements in place to prevent, investigate, and report instances of alleged malpractice and maladministration.

A failure to report suspected or actual malpractice/maladministration cases or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on Provider (see the NEBDN's Sanctions Policy for details of the sanctions that may be imposed).

Provider compliance with this policy and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration will be reviewed by NEBDN periodically through ongoing monitoring arrangements.

### Learners

All Learners working towards and/or registered for NEBDN qualifications are responsible for reporting any suspected malpractice and/or maladministration cases to their Provider.

## **8. Reporting and investigating suspected malpractice or maladministration**

Incidents of alleged malpractice and/or maladministration may be brought to the attention of NEBDN via various routes including but not limited to:

- Providers
- Learners
- Learners' Employers
- Whistle-blowers
- Regulatory authorities
- Other awarding organisations
- NEBDN Staff
- Board of Trustees



Irrespective of the underlying cause or the people involved, all allegations of malpractice and maladministration in relation to delivery and assessment need to be investigated in order to protect the integrity of NEBDN qualifications and to be fair to Providers and all Learners.

(A8.2)

All NEBDN staff, associates and third-party providers involved in the assessment, delivery and awarding of NEBDN qualifications who suspect cases of malpractice or maladministration must report their suspicions immediately to their line manager. This should be followed with a full written account and any supporting evidence within 3 working days.

#### Providers Reporting and Investigation

Providers must report any suspected malpractice and/or maladministration cases to NEBDN within 24 hours via M&M form on the Hub.

NEBDN will review the notification within 3 working days and confirm that we:

- allow the Provider to carry out the investigation in line with Provider's procedures, but we may give advice and guidance on what to include as part of their investigation.
- deem it appropriate to take over the investigation

For Provider led investigations, Providers must submit regular updates to the malpractice and/or maladministration via relevant form on TheHub and include information about investigation timeline and conclusion deadline.

On receipt of an allegation of suspected malpractice or maladministration at a Provider, NEBDN may suspend the Learner pending investigation. This may include i.e. preventing access to the Portfolio or suspend certifications, where appropriate. This action may be taken to prevent any possibility of an Adverse Effect and will remain in place until the outcome of the investigation is known, if required. The Learner's Provider will be informed and will be responsible to inform the Learner that:

- they have been suspended pending investigation
- they will have no access to their portfolio during the suspension period (if applicable)
- they will not receive their exam results (if applicable)
- they will not receive their certification (if applicable)

Once under investigation, the Provider must also inform the Learner that they are not allowed to change their Provider and/or register for any NEBDN qualifications with a different Provider whilst under investigation.

Guidance may be given by NEBDN to Providers on how to prevent, investigate or deal with any cases of suspected malpractice or maladministration but the investigation must be completed and concluded by the Provider.

The Provider must feedback to NEBDN with regular updates on the progress of the investigation and confirm the details of the outcome, once concluded.

#### Third Parties and Confidentiality

All suspected malpractice/maladministration must be brought to the attention of NEBDN in writing to the Internal Quality Manager. Where suspected malpractice/maladministration is brought to the attention of NEBDN verbally (e.g., by telephone) then NEBDN will request that the allegation is presented in writing to the Internal Quality Manager before instigating a full investigation.



If a suspected case of malpractice or maladministration is brought to NEBDN's attention by a third party or 'whistleblower', NEBDN will take the below steps to establish the facts of the alleged case.

1. Seeking permission to use the reporting person's name, to communicate the details of the allegation with the relevant Provider, and to find out whether the Provider's internal procedures have been exhausted.
2. If the permission is not granted, and the allegation still merits investigation, NEBDN will advise the third party that the scope of the investigation may be impaired and that NEBDN will strive to preserve their anonymity in bringing the matter to the attention of Provider's staff responsible for the overall quality and delivery of NEBDN's qualifications. NEBDN will always aim to keep a whistle-blower identity confidential where asked to do so although this cannot be guaranteed; we may need to disclose their identity should the complaint lead to issues that need to be taken forward by other parties. For example:
  - 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)
  - other third parties such as the relevant regulatory authority (e.g., Ofqual in England).

Please see NEBDN's Whistleblowing Policy for further information.

#### NEBDN Investigation

Once the suspected malpractice/maladministration is brought to the attention of NEBDN in writing, NEBDN may determine that it is more appropriate for NEBDN to undertake the investigation instead of a Provider. Should this be the case, the Provider notification will be issued and NEBDN will work with the Provider to collect evidence required.

NEBDN may decide to investigate suspected malpractice and/or maladministration cases related to:

- Provider/ Provider's staff conduct
- Learner's witness statements validation
- Learner's misconduct during external assessments invigilated by NEBDN
- Any cases that may have a major impact on the assessment delivery and/or award of NEBDN qualifications.

In these cases, NEBDN may require the Provider to gather the evidence, share the information and records or provide further support. In more complex cases it may be necessary for an identified member of staff at the Provider to carry out the initial investigations on behalf of NEBDN and to support NEBDN with any further action. The Provider will be given clear guidance to ensure they follow the same procedure.

If the investigation involves a Learner, NEBDN may suspend the Learner pending investigation in the same way as during Provider investigation.

The NEBDN investigation will be carried out in line with NEBDN's Incident and Issues Management Policy and Procedure by a person, who is independent of the normal day to day working relationship with the Provider and who is competent to do so. NEBDN aims to conclude all investigations and provide an outcome letter within 60 days. The timescale will depend on the scale of the case but will be as soon as is practically possible. Where circumstances dictate that the investigation is not able to be concluded within the 60 days, NEBDN will inform all parties and set out a timescale for the decision to be made.



## **9. Investigations Monitoring and Review**

Progress of all cases of suspected malpractice or maladministration will be monitored by the Internal Quality Manager and overseen by the Head of Regulations at regular review meetings.

Reports on progress will be provided to the Education and Standards Committee (ESC) for review.

## **10. Investigation Outcomes**

Once the investigation (whether it be carried out by the Provider or by NEBDN) has been concluded, the outcome report must be provided. For investigations completed by the Provider, it has to be issued by the Provider and for investigations completed by NEBDN it will be issued by NEBDN.

If the report confirms that malpractice or maladministration took place NEBDN will first, consider:

- How to minimise any risk to the integrity of the certification now and in the future
- How to maintain public confidence in its delivery and awarding of qualifications
- How to prevent the same or similar incident from re-occurring.

Should any additional evidence that may influence the outcome reached, be brought to NEBDN's attention after the outcome letter is issued, NEBDN reserves the right to reopen the investigation to review the decision made, in light of this new evidence.

## **11. Actions NEBDN may take as a result of an investigation**

NEBDN may take various actions, which could include:

- Specific actions within set timescales for the Provider to take to address the findings of this case
- Additional visits to the Provider including spot checks.
- Additional training for Provider staff and/or removing specific staff from their role in delivery or assessment
- Imposing sanctions
- Instigating a Provider Withdrawal process
- Taking action against Learners, such as disqualification – for example if found guilty of cheating, plagiarism or fraud
- Reviewing confidentiality and/or security arrangements
- Reviewing and amending NEBDN systems and procedures if required
- Expanding the original investigation to look at other NEBDN qualifications or Providers
- Report the individual to the General Dental Council (GDC).

Please see NEBDN Sanctions Policy for details of all sanctions applicable for Providers, Provider staff and Learners.

## **12. Appeals against Malpractice/Maladministration decisions**

A Provider or individual has the right to appeal against any decision made following the outcome of an investigation relating to Malpractice/Maladministration on the basis that NEBDN did not apply procedures consistently and/or that procedures were not followed properly and fairly.

The appeal will review that processes taken have been in accordance with the policy. Please refer to the NEBDN Appeals Policy for more information.



### 13. Maintaining Records

All material collected during this process including the original information and any documents relating to the investigation will be kept secure on NEBDN's CRM TheHub in line with NEBDN's Information Management Policy.

If the outcome leads to invalid certificates, criminal or civil prosecution, materials will be held until such time as the case is completed and time allowed for any appeals to take place.

Learners' images, video and other personal data is captured and used by NEBDN for identification and investigation of suspicious behaviour. In addition, any images, video, or data showing criminal activity, indecent images or raising safeguarding issues may also be passed to regulators and/or Law Enforcement Agencies (e.g., Police) as required and following NEBDN's Issues and Incidents Management Policy.

### 14. Notifying the Regulators

**(B3.1)** In cases where there is the potential for an Adverse Effect or strong grounds for suspected

malpractice and maladministration (e.g., cases with alleged fraud or serious threat to the integrity of NEBDN qualifications or NEBDN as an organisation), NEBDN is required to inform the appropriate regulatory bodies immediately after this becomes apparent. NEBDN and the accredited Provider are required to co-operate in full, providing information and taking any appropriate action.

Ofqual has to be notified of certain events in accordance with Condition **(B3.1)**, or as soon as possible thereafter. The notification must be completed using an 'Event Notification' which should include information of any steps that have been taken, or intended to be taken, to prevent the event having an Adverse Effect or to correct or mitigate the Adverse Effect if it occurred.

GDC requires appropriate ethical standards of dental professionals. Learners engaged in any form of cheating such as inappropriate communication or working with other Learners/individuals to benefit themselves could require disclosure to the GDC quality team or result in a Fitness to Practice issue, either at Provider or GDC level.

### 15. Alerting other Awarding Organisations

Regulations require that NEBDN notifies other Awarding Organisations of cases of malpractice/maladministration where these cases are likely to impact on the other Awarding Organisations. **(A8.7.(b))**

In dealing with cases of malpractice/maladministration NEBDN must pay due regard to this requirement and notify other Awarding Organisations, as appropriate. This will usually be appropriate where:

- The Provider where the malpractice/maladministration has occurred (or is suspected) is also approved with another Awarding Organisation and the (suspected) malpractice could potentially impact on the activities undertaken on behalf of that other Awarding Organisation
- The Provider where the malpractice/maladministration has occurred (or is suspected) is also approved with another Awarding Organisation and there is the potential for the Provider to move their operations to the other Awarding Organisation to avoid sanctions and continue sub-standard practices
- The Provider where the malpractice/maladministration has occurred (or is suspected) has indicated that they are seeking approval with another Awarding Organisation



- The Provider where the malpractice/maladministration has occurred (or is suspected) may seek approval to deliver qualifications for another Awarding Organisation.

## **16. Policy Review arrangements**

NEBDN will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary, in response to Provider and 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 considering operational feedback to ensure NEBDN arrangements for dealing with alleged malpractice and maladministration remain effective.

## **17. Reference Materials**

The following documents should/may be used in conjunction with this procedure:

NEBDN Issues and Incidents Management Policy

NEBDN Sanctions Policy

NEBDN Complaints Policy

NEBDN Appeals Policy

NEBDN Information Management Policy

NEBDN Whistleblowing Policy

NEBDN Raising Concerns Policy

NEBDN Provider Agreement

NEBDN Toolkit for Malpractice and Maladministration Interviews (available on TheHub)

NEBDN Toolkit for Incident Management and investigations (available on TheHub)

NEBDN Provider Investigation Report (Malpractice and Maladministration Template) (accessible via TheHub)

Ofqual General Conditions of Recognition (Ofqual Handbook)

CCEA General Conditions of Recognition (General Conditions of Recognition | CCEA)

General Dental Council – Standards for the Dental Team ([www.gdc-uk.org](http://www.gdc-uk.org))

Data Protection Act 2018, (GDPR (General Data Protection Regulation)) including any replacements or additions

## **18. Questions**

If employees or staff at Providers are in any doubt as to their responsibilities or if they have any questions about this policy, in the first instance, they should speak to their line manager, or a member of their Senior Management Team. Should further guidance be required please contact [iqa@nebdn.org](mailto:iqa@nebdn.org)