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assessments

Malpractice
and
Maladministration
Policy

Malpractice and Maladministration Policy

Introduction

This policy applies to the Apprenticeship End Point Assessments (EPA) provided by In2assessments.

1. Summary and Scope

This policy applies to anyone involved in the development, delivery, and award of In2assessments approved qualifications or units, who identifies or suspects potential malpractice/maladministration. The policy provides definitions and the process by which a suspected or alleged instance of malpractice or maladministration can be reported. It also describes your responsibilities and the way In2assessments will manage such cases to ensure that all malpractice and maladministration investigations are conducted in a consistent manner.

2. Definition of Maladministration and Malpractice

Maladministration is any activity, neglect, default, incompetence, ineptitude, or other practice that results in the employer's staff or learner not complying with the specified requirements for the delivery of units or qualifications. This could include unintentional mistakes, poor processes or carelessness or inexperience of staff.

Examples of maladministration include but are not limited to:

- Employers issuing an incorrect certificate or incorrect results to learners
- Delays within the assessment process that were avoidable
- Mistakes that occur due to a lack of attention or overlooked
- Procedures that are in place that fail to address the situation they were designed for
- Persistent failure to adhere to our apprentice registration, gateway, and certification procedures.
- Inaccurate production of assessment records
- Unintentional failure to take action to mitigate a risk
- Negligent or uninformed destruction of assessment or qualification records
- Failure to keep unseen assessment papers or mark schemes secure prior to assessment
- Failure to keep learner data secure
- Failure to declare a conflict of interest
- Misuse of In2assessments logo and trademarks or misrepresentation of an employer/training provider's relationship with In2assessments

Malpractice is any deliberate activity, neglect, default, or other practice that compromises the integrity of the assessment process and/or the validity of certificates.

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

Examples of malpractice include but are not limited to:

- Incidences of bribery or fraud
- Denial of access to resources (premises, records, information, and staff) for any In2assessments authorised representative or regulatory authority.
- Cheating or facilitating cheating, in an assessment
- Actions required by external quality assurers not being met within agreed timescales.
- Deliberate failure to carry out EPA activities in accordance with the requirements of In2assessments.
- Deliberate failure to adhere to appropriate registration and certification procedures.
- Fraudulent claim for certificates
- Deliberate failure to maintain auditable records
- Persistent instances of maladministration
- The unauthorised use of inappropriate materials/equipment
- Intentional withholding of information from In2assessments, which is critical to maintaining the quality assurance rigor.
- Deliberate misuse of In2assessments logo or trademarks
- Apprentices still working towards an end point assessment after certification claims have been made.
- Creation of false records
- A loss, theft of, or breach of confidentiality, in any EPA assessment materials
- Unauthorised amendment, copying or distributing of EPA assessment papers
- Inappropriate assistance to apprentices
- Deliberate failure to adhere to the requirements of the Reasonable Adjustments and Special Consideration Policy and procedures
- Assisting learners in the production of evidence, to such an extent that the evidence is not authentic (i.e., does not represent the learner's own achievement)
- Actions compromising the credibility of In2assessments and its products and services
- Engaging in activities which undermine the integrity of our EPA such as sharing/posting our assessment material on social media
- Actions compromising the reputation of In2assessments regulators, or which bring the wider qualifications systems into disrepute

Examples of apprentice malpractice:

- Forgery of evidence
- Plagiarism of any nature by apprentice
- Collusion in an EPA or controlled exam
- Tampering with another apprentice assessment evidence
- Not adhering to the EPA exam or controlled assessment conditions
- Obtaining, receiving, exchanging, or passing on information relating to and during an EPA exam or controlled assessment
- Copying from other apprentices during an EPA exam or controlled assessment
- A loss, theft of, or breach of confidentiality, in any EPA assessment materials
- Destruction of another apprentice work

- Submission of false information
- False ID used in the registration process
- Making a false declaration of authenticity
- Impersonation of an apprentice for an internal or external assessment
- Disruptive behaviour during an EPA exam or controlled assessment
- Accessing prohibited websites during the EPA exam or controlled assessment
- Inappropriate use of technology during EPA assessments
- Cheating

3. Process for Reporting an Allegation of Suspected Malpractice or Maladministration

Malpractice/Maladministration may be discovered or suspected by employers, In2assessment staff or by others involved in our qualifications, including learners or members of the public. All suspected or alleged instances of malpractice/maladministration must be reported directly to In2assessments through the Head of In2assessments 07825 966 702 barry@In2assessments.co.uk or letter and should include details of the findings or suspicions. In order for In2assessments to fully investigate, please provide as much information as possible.

Please note - we may ask that you get in touch by email if your enquiry is complex or requires a more detailed response.

Where the reporting of the allegation implies the suspicion of malpractice or maladministration by the Head of In2assessments then this should be sent to contact@In2assessments.co.uk for the attention of Ellie Websdell or the Governing Committee members.

4. Reoccurring Instances of Maladministration

Repeated cases of maladministration within a 12-month period, relating to the same processes will be considered more seriously, as efforts to mitigate reoccurrence either have not been implemented or are deemed to be insufficient.

5. Investigation Stage

In2assessments will acknowledge all allegations within 2 working days of receipt of the information and aim to action, resolve, and conclude all stages of the investigation within 20 working days of receipt of the information. Or notify within those two days, whether an investigation is required on this occasion. Where an investigation is required, we will then communicate our findings and outcome in writing within a further 10 working days of the conclusion of the investigation. Please note that in some cases the investigation may take longer; for example, if a employer visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

All suspected cases of malpractice will be reviewed in accordance with In2assessments procedures and regulatory requirements, ensuring the investigation is carried out in a prompt and effective manner and in accordance with this policy. All reasonable steps will be taken to prevent an adverse effect from occurring.

After an initial investigation, cases of malpractice which have a potential or proven Adverse Effect will undergo formal review and official notification to the regulator, where required. At all times we will ensure that In2assessments personnel assigned to the investigation have the appropriate level of investigation training and competence, and they have had no previous involvement or personal interest in the matter.

As soon as there is a judgement that the issue of malpractice is serious, the Governing Committee will be informed and if the level of concern is confirmed at Committee level the regulators will be informed. The responsible officer will carry out an investigation based on verifiable evidence as to the cause of the incident and report this to the Committee. If the responsible officer is unavailable or implicated, another qualified person will carry out the work directly reporting to the chair of the Governing Committee.

At any time during an investigation In2assessments reserves the right to impose sanctions on a employer in accordance with our Sanctions Policy; to withhold a learner's and/or cohort's results for all In2assessments qualifications and/or units they are registered on and/ or apply appropriate restrictions in order to protect the interests of learners and the integrity of our qualifications.

In the event that an In2assessments member of staff is under investigation we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation In2assessments Head 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 that all relevant external parties are informed.

Where the investigation involves members of the Governing Committee of In2assessments, then the involvement of the HR team will be drawn upon to investigate the malpractice or maladministration. Where required they will draw upon internal and external qualified support to aid their findings and decisions.

6. Investigation Outcomes & Reporting

Where malpractice has been proven, In2assessments will consider whether the integrity of its assessments have been jeopardised and will take action to protect and ensure the integrity of assessments now and in the future. We will agree with you the actions to be taken. In accordance with the regulatory requirements any action taken will be commensurate with the gravity of the malpractice.

An investigation report (if required) will be produced for the parties concerned to check the factual accuracy. Reports may be made available to the regulator(s) and other external agencies as required. 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 there has been an internal investigation against a member of In2Assessment's staff, the report will be agreed by In2assessments Head and HR and appropriate internal procedures will be applied.

Following an investigation outcome, In2assessments will consider one or all of the following:

- Offer advice on how to mitigate reoccurrence.
- Maintain positive and productive lines of communication.
- Assist with necessary In2assessments processes and administration.
- Review the issues raised, record any lessons learned and update policies and procedures as necessary with the aim of preventing further malpractice or maladministration.

In2assessments reserves the right to charge the employer for any cases of malpractice / maladministration, examination resits, reissuing of certificates and/or additional external quality assurance visits.

We will discuss and agree this with you in advance of any charges being made.

If you wish to appeal against our decision or act as recommended in the investigation report, please refer to In2assessments Appeals Policy.

7. Notifying Relevant Parties

In all cases of suspected or actual malpractice/maladministration, In2assessments will notify the employer and any employees or learners involved in the allegation. We may withhold details of the person making the allegation(s) solely if to do so would breach a duty of confidentiality or any other legal duty.

In relation to suspected or actual cases of malpractice, In2assessments will inform the appropriate regulator(s) of any investigation according to their requirements where there is evidence that a result or certificate may be invalid, or where an adverse effect is likely to occur. In exceptional cases, the regulator may lead the investigation. Where In2assessments believes the allegation(s) may affect another awarding organisation, we will inform them in accordance with the regulatory requirements.

Where the incident of malpractice has had an adverse effect on the results of learners from one centre/employer and the assessors' records show that they have been involved in assessments within another centre/employer, this centre/employer should be informed of any serious findings from the investigation and records of previous samplings should be investigated for possible infringements. Where there has been a serious offence of malpractice that has led to dismissal or barring from assessments for In2assessments, then In2assessments will contact those EPAO's where it is known they were also contracted too.

8. Confidentiality

In2assessments recognises that the decision to report a concern can be a difficult one to make; all allegations of malpractice or maladministration will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 2018 and any subsequent data protection regulations.

When raising a concern, it is always preferable to reveal your identity and contact details to us. However, if you wish to remain anonymous, please inform us that you do not wish for us to divulge your identity. We are not obliged (as recommended by the regulator) to disclose information if to do so would be a breach of confidentiality and/or any other legal duty. If you wish to remain anonymous, we will investigate such complaints in accordance with our Whistleblowing policy.

9. Privacy Statement

It is necessary for us to collect and hold personal information about you in order to investigate your concern(s) relating to malpractice and maladministration.

We will hold the information you provide to us securely and use it to help us to investigate your concerns. For more information, please access our In2assessments Privacy Policy.

10. What Personal Data We Collect and Who Has Access to It.

We will ask for your name and contact details. We may also for your organisation's name, although these are not mandatory. If you are worried about being identified, you can make a disclosure to In2assessments anonymously. We treat anonymous disclosures just as seriously as those made openly. However, if you do make a disclosure anonymously, we may not be able to investigate your concerns as effectively.

We will also ask for further information so that we can investigate your concerns, such as the qualifications affected, centres/employers involved, number of learners affected and your report of the incident, along with any supporting documents or evidence.

To ensure In2assessments deals with your allegation equally and fairly, all disclosures, including those sent to other departments in IL, including the Responsible Officer or board members, will be forwarded to the In2assessments Head for action.

Your information will be shared internally with limited In2assessments staff in relevant departments in order that we can handle, investigate, and respond to your disclosure.

We may also share your information with other organisations, such as the regulators, government departments, enforcement agencies and the police if we think it is necessary to do so. There may also be certain circumstances where we are required, by law, to share your information.

11. Contact Us

If you have any queries about the contents of the policy or wish to receive guidance/advice from In2assessments on how to prevent malpractice or maladministration, please contact the

Head of In2assessments

Tel: 07825 966 702

Email: barry.kaufman-hill@In2assessments.co.uk

Or by post to:

In2assessments, Skern Lodge, Appledore, Bideford, Devon EX39 1NG