



**MALPRACTICE AND MALADMINISTRATION POLICY**

Document control

Audience	Internal colleagues, External colleagues, Customers, External Quality Assurance bodies and regulators.
Application	This policy applies to all Achieve+Partners personnel and bodies that work with it.
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Responsibility	The Operations Director is responsible for the implementation of the policy and maintenance of all controlled documents.

Document change record

Changes to specific sections of the document are listed below:

Page	Section	Change
None to date		



## SECTION 1: POLICY

### 1.1 Introduction

Achieve+Partners is committed to the fit-for-purpose provision of and valid outcomes for end-point assessment (EPA) and takes all reasonable steps to prevent malpractice or maladministration occurring in the development and delivery of its EPA services.

The Education and Skills Funding Agency has approved Achieve+Partners as a registered end-point assessment organisation (EPAO) to provide end-point assessment services for Apprenticeship Standards.

### 1.2 Purpose

This policy sets out the arrangements for how Achieve+Partners will manage suspected malpractice and maladministration in the development and delivery of EPA services for apprenticeship standards. It sets out how adverse effects will be prevented or mitigated, and how actions to prevent recurrence can be implemented.

### 1.3 Scope

This policy is designed for registered apprentices, customers (training/employer providers and employers, their staff and contractors), and all Achieve+Partners assessment and quality assurance staff involved in any aspect(s) of EPA service provision. It sets out the means by which Achieve+Partners can manage instances of suspected malpractice or maladministration in EPA, and the responsibilities of organisations and personnel involved.

Achieve+Partners cannot investigate suspected malpractice and maladministration during on-programme activity, such as teaching, learning and assessment in apprenticeships. Issues relating to on-programme activity should be directed to the training provider or employer concerned, or where a recognised qualification is used should be directed to the Awarding Organisation concerned. This policy applies following completion of the on-programme phase of apprenticeship delivery and the formal submission of apprentice gateway evidence to Achieve+Partners.

Where there are reasonable grounds for suspected or alleged malpractice or maladministration this will trigger an investigation to definitively establish if malpractice or maladministration has taken place. Where this is established all reasonable steps will be taken to prevent any adverse effect, and if an adverse effect does occur, mitigate this as best as possible.



Achieve+Partners will learn from malpractice or maladministration events and strive to prevent these from recurring by implementing quality improvements where appropriate. Action will be taken against those found responsible for malpractice or maladministration, such action will accord with the significance and circumstances of the events concerned.

### Examples of malpractice and maladministration

These examples are only intended to provide guidance and are not an exhaustive list.

#### 1. Apprentice malpractice may include:

- + Impersonation, false declaration of identity or authenticity of assessment evidence
- + Falsification of assessment evidence
- + Plagiarism or copying of any kind
- + Submission of assessment evidence purchased from a contracted service
- + Permitting collusion or actual collusion with others in assessment
- + Obtaining, attempting to obtain, tamper with or misuse secure assessment material
- + Use of unauthorised material in assessment
- + Bribing or offering bribes to assessment or quality assurance personnel
- + Inappropriate conduct during assessment including:
  - disruptive or offensive behaviour
  - inappropriate communication with others
  - any attempt to undermine the integrity of the assessment process
  - failure to act in accordance with EPA instructions/requirements.

#### 2. Customer (including staff and contractors) malpractice may include:

- + Falsification of gateway evidence requirements or provision of misleading gateway information
- + Withholding of information that contributes to maintaining standards in assessment
- + Misrepresentation of relationship with Achieve+Partners or unauthorised use of its logo
- + Producing assessment evidence on behalf of apprentice(s) including assisting or prompting beyond permitted requirements
- + Submission of assessment evidence purchased from a contracted service
- + Falsification of assessment evidence, records or other documentation
- + Obtaining, attempting to obtain, tamper with or misuse secure assessment material
- + Any action that provides apprentices with an unfair advantage over others in assessment
- + Non-compliance with EPA instructions or requirements, including reasonable adjustments or special considerations.



### 3. Achieve+Partners' assessors and quality assurance personnel

- + Undeclared conflict of interest
- + Producing assessment evidence on behalf of apprentice(s)
- + Inappropriate assistance or prompting of apprentices during assessment
- + Falsification of assessment evidence, marks, grades, records or quality assurance documentation
- + Unauthorised copying, amendment or supply of assessment materials
- + Permitting collusion or actual collusion with others in assessment
- + Use of unauthorised material in assessment
- + Accepting bribes to falsify assessment and quality assurance outcomes
- + Any action that provides apprentices with an unfair advantage over others in assessment
- + Failure to maintain and retain accurate assessment and quality records in accord with requirements
- + Non-compliance with EPA requirements.

#### 1.4 Definitions

##### Malpractice:

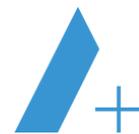
Is any incompetent or negligent practice, activity or omission that deliberately contravenes regulatory and EPA requirements. It is an occurrence of improper or non-compliant practice by personnel (that can include maladministration) which compromises the integrity of:

- + Assessment processes, judgements or decisions
- + Quality assurance processes and outcomes
- + The validity of a result
- + Achieve+Partners' credibility and reputation.

##### Maladministration:

Is any administrative practice, activity or omission by personnel which leads to non-compliance with administrative regulations and EPA requirements. For example:

- + Inaccuracies and/or persistent mistakes in assessment records
- + Inability to provide timely assessment or quality assurance records
- + Failure to keep apprentice assessment records.



## 1.5 Arrangements

Achieve+Partners will investigate all allegations or suspicions of malpractice and maladministration which are identified at gateway submission and during EPA of an apprenticeship standard. This action will ensure transparency and fairness to apprentices and customers and will protect the integrity and credibility of the EPA services provided.

### 1.5.1 Reporting suspected malpractice and maladministration

All Achieve+Partners personnel, involved at whatever level in the provision of EPA services, have a contractual duty to report suspected malpractice and maladministration as soon as this is discovered in EPA or related quality assurance activity. Reports must be sent to the Quality Director or an appropriate member of the quality team. The suspicion will be discussed and recorded in detail in order to inform a subsequent investigation.

Customers and their staff, training provider or other contractor personnel are required to report suspected malpractice and maladministration in EPA promptly, to Achieve+Partner's Quality Director or an appropriate member of the quality team. They must co-operate fully with discussions and any investigations into suspected or actual malpractice and maladministration, and failure to do this will be considered as malpractice. Customers using EPA have a responsibility to ensure that they are conversant with this policy, and if they require more information, they must contact Achieve+Partners.

All allegations, suspicions or incidents of malpractice and maladministration must be reported promptly to Achieve+Partner's Quality Director or a member of the quality team:

By post

Quality Director/Team

Achieve+Partners

50 Holdings Road

Sheffield

S2 2RE

By email

[info@achievetpartners.co.uk](mailto:info@achievetpartners.co.uk)

By telephone

see website for contact numbers

Members of the public, apprentices or customers' staff who feel it is inappropriate or dangerous to raise concerns directly with an employer or training provider regarding potential malpractice and maladministration in EPA, should contact Achieve+Partners. This should be done under the auspices of the Achieve+Partners Whistleblowing Policy, which is available on the website.



### 1.5.2 Investigating suspected or alleged malpractice and maladministration

There is the potential for an adverse effect to be identified and have occurred as a result of alleged or suspected malpractice or maladministration. In these circumstances the Incident Log will be completed, including the location of any reporting and discussion notes, investigation details completed and any communication with EPA regulators/external quality assurance bodies and subsequent actions. The Incident Log will be completed for all allegations and suspicions, even if no action is taken, so that information is recorded should any additional evidence emerge.

Achieve+Partner's Quality Director will consider initial information from any allegation, suspicion or incidents of malpractice and maladministration, and a decision will be made as to how to best proceed with an investigation. Investigations will normally be led by the Quality Improvement Manager, but in the most serious cases may be led by one of the senior management team. An investigation will aim to establish the full circumstances and facts of any potential malpractice or maladministration resulting from a report and discussion or disclosure. It will determine if the validity of an EPA or a component(s) has been compromised and if so, what action is required.

Achieve+Partners requires all personnel and contractors, customers (their staff, providers and contractors) to disclose all necessary information and show complete transparency in working collaboratively to conclude an investigation. Customers must consider any conflict of interest arising and ensure that those who collaborate have no personal interest in the outcome of the investigation and have the relevant level of authority to represent the customer. Most investigations will involve the collection of statements from apprentices and/or staff/contractor members, and it may be necessary to visit customers. Reasonable attempts will be made to contact any individuals that have left their employment or contractor, but if the individual is uncontactable the investigation will proceed on best available evidence. Any individuals alleged to be implicated in malpractice or maladministration will be informed before a request for a statement is made, by appropriate communication with the customer or individual. This will detail:

- + Nature of the allegation or suspicion
- + Evidence of potential malpractice or maladministration
- + The potential consequences if malpractice or maladministration is proven.

To protect the integrity of EPA, Achieve+Partners may halt or suspend an EPA service at any time, if potential malpractice or maladministration is suspected. No assessment decisions or issue of results will be completed relating to apprentices where investigations are active. Failure to co-operate with an investigation can be considered malpractice and may lead to results being withheld, and suspension or termination of EPA services.



The interests of apprentices will be safeguarded where through no fault of their own they are involved in a malpractice or maladministration incident. However, where the validity of EPA has been compromised and it is not possible to establish responsibility for the incident, then results may be withheld or withdrawn.

The customer will be informed of the outcome of an investigation when it is formally concluded.

### **1.5.3 Concluding the investigation and applying penalties and corrective actions**

Achieve+Partners will review and evaluate all available evidence to establish the root cause and nature of any malpractice or maladministration that has occurred, and the individuals responsible.

If malpractice or maladministration is established and has occurred, Achieve+Partners will take proportionate action against those responsible to prevent it from recurring. Where members of staff or contractors have been implicated, disciplinary procedures may be implemented, or contracts terminated in accordance with contractual conditions. Where a customer, their staff, provider or contractor are implicated then appropriate corrective actions will be required, that could include suspension of EPA registrations, or the termination of the EPA service agreement. Ultimately the severity of any penalties or actions taken will be dependent upon and commensurate with the level of risk to the EPA. See Annex 1.

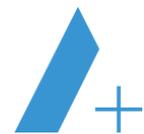
Achieve+Partners will notify the relevant external quality assurance body or regulator on confirmation of an event or the likely occurrence of an event which could have an adverse effect on EPA. The notification will encompass corrective actions and identified improvements used in mitigation of the adverse effect. Other partners including training providers or employers that may be affected will also be notified.

Customers wishing to appeal against a penalty or action resulting from an investigation can appeal in accordance with the Achieve+Partners Appeals Policy, within 21 working days of the decision to apply the penalty or action.

### **1.5.4 Monitoring malpractice and maladministration and quality improvement**

The incident log and relevant records of actual or suspected malpractice and maladministration will be maintained and reviewed by the quality improvement group. The group will report to the senior management team and the board and identify any emerging themes or issues, and any recommendations for improvement that might be considered as a contribution to the self-evaluation process.

This policy will be reviewed and updated as required in response to regulatory requirements, guidance and best practice developments.



## SECTION 2: PROCEDURE

This section of the policy sets out the procedural steps for reporting, investigating, concluding and applying penalties and actions where malpractice or maladministration has occurred.

Ref	Step	Owner	CCP
1	An individual identifies potential malpractice or maladministration about Achieve+Partners EPA products or services as described in section 1 of this policy.	Reporter	
2	Individual contacts and reports allegation/suspicion/incident to the Quality Director at Achieve+Partners providing any supporting evidence as required.	Reporter	
3	Operations Director to log allegation/suspicion/incident in the Incident Log and update this as required	Operations Director	
4	Quality Director reviews the allegation/suspicion/incident and Quality Improvement Manager or Quality Director carries out any necessary investigations. This may involve further contact with the reporter submitting the allegation/suspicion/incident.	Quality Director	X
5	The Quality Director will agree with the Achieve+Partners Senior Management Team the appropriate response and associated actions and penalties.	Quality Director	
6	Quality Director will send Achieve+Partners response within 15 working days of the acknowledgement of receipt to the reporter, this may involve a phone call to run through the detail of findings.	Quality Director	X
7	Agreed actions and/or quality improvement will be added to the Achieve+Partners Quality Improvement Plan and implemented according to its business priority.	Quality Director	
8	The Quality Director will carry out any further notifications to external quality assurance organisations, regulators, customers or apprentices as required.	Quality Director	
9	Should the reporter remain dissatisfied they can contact the regulator and/or external quality assurance organisation responsible for the apprenticeship standard.	Reporter	



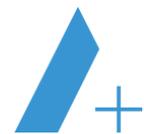
**SECTION 3: PENALTIES**

The examples below are provided solely for information.

Achieve+Partners will determine penalties on a case-by-case basis, by considering risk-based factors such as the number of apprentices and employers affected and including the potential risk to:

- + The integrity and credibility of the EPA
- + Apprentices if essential performance standards and competence are at question
- + Any adverse impact on apprentices
- + Employers or the public.

Malpractice or maladministration example	Possible penalties
<b>High risk to EPA examples</b>	
<ol style="list-style-type: none"> <li>1. Inappropriate assistance or prompting of apprentices during assessment</li> <li>2. Producing assessment evidence on behalf of apprentice(s)</li> <li>3. Falsification of assessment evidence, marks, grades, records or quality assurance documentation</li> <li>4. Falsification of gateway evidence requirements or provision of misleading gateway information</li> </ol>	<p>Assessor/quality assurer written warning and actions to improve, or additional sanctions such as a ban on EPA involvement, or termination of contract.</p> <p>Customer staff/contractor – suspension from further registrations/bookings in a specific standard, may be banned from further EPA involvement/activity or termination of agreement with customer.</p>
<ol style="list-style-type: none"> <li>5. Obtaining, attempting to obtain, tamper with or misuse secure assessment material</li> <li>6. Impersonation, false declaration of identity or authenticity of assessment evidence</li> </ol>	<p>Assessment evidence declared void, EPA result declared as fail, apprentice to resit at customer cost, or disqualification from all EPA components. May be termination of agreement with customer.</p>



Malpractice or maladministration example	Possible penalties
<b>Medium risk to EPA examples</b>	
<p>1. Inappropriate conduct during assessment:</p> <ul style="list-style-type: none"> <li>+ disruptive or offensive behaviour</li> <li>+ inappropriate communication with others</li> <li>+ any attempt to undermine the integrity of the assessment process</li> <li>+ failure to act in accordance with EPA instructions/requirements</li> </ul>	<p>Written warning communicated to and via customer, assessment evidence declared void, EPA result declared as fail, apprentice to resit at customer cost, or disqualification from all EPA components.</p> <p>Suspension from further registrations/bookings in a specific standard.</p>
<p>2. Failure to maintain and retain accurate assessment and quality records in accord with requirements</p>	<p>Assessor/quality assurer written warning and retraining, actions to improve, or additional sanctions such as a ban on EPA involvement, or termination of contract.</p>
<p>3. Non-compliance with EPA requirements</p>	<p>Implementation of independent invigilators if customer/contractor provided, suspension from further registrations/bookings in a specific standard. May be termination of agreement with customer.</p>
<b>Low risk to EPA examples</b>	
<p>1. Falsification of assessment evidence, records or other documentation</p>	<p>Assessor/quality assurer written warning and retraining, actions to improve, or additional sanctions such as a ban on EPA involvement, or termination of contract.</p>
<p>2. Plagiarism or copying of any kind</p>	<p>Assessor/quality assurer written warning and retraining, actions to improve, or additional sanctions such as a ban on EPA involvement, or termination of contract.</p>
<p>3. Submission of assessment evidence purchased from a contracted service</p>	<p>Assessor/quality assurer written warning and retraining, actions to improve, or additional sanctions such as a ban on EPA involvement, or termination of contract.</p>
<p>4. Permitting collusion or actual collusion with others in assessment</p>	<p>Written warning communicated to and via customer, assessment evidence declared void, EPA result declared as fail, apprentice to re-sit at customer cost, or disqualification from all EPA components.</p>