

Maladministration and Malpractice Policy for End-Point Assessment.

ENDPOINT

The Institution of Engineering and Technology
Futures Place,
Kings Way,
Stevenage,
SG1 2UA

Contents

- 1. Why we have this policy 3
- 2. Who this policy applies to 3
- 3. Overview of this policy..... 3
- 4. The Policy itself 3
- 5. Control Sheet 8



1. Why we have this policy

The purpose of this policy is to outline the framework for investigating and managing instances of maladministration or malpractice. This is important in situations which could result in a detrimental effect and could potentially compromise the integrity of our standards, systems and processes.

2. Who this policy applies to

This policy applies to End-Point Assessment Staff, Assessors, Apprentices, Employers and Providers.

It is the responsibility of the Quality Assurance Manager to ensure that this policy is reviewed annually and updated when necessary in line with feedback or regulatory requirements.

The Quality Assurance Manager will also monitor the adherence and compliance of this policy on a regular basis through internal quality assurance checks.

3. Overview of this policy

This policy sets out the types of maladministration and malpractice which could occur during the delivery of end-point assessment. This policy has been designed with reference to the Ofqual general conditions, to meet external quality assurance requirements of the Institute for Apprenticeship and Technical Education (IfATE).

4. The Policy itself

For the purposes of the policy, maladministration and malpractice may be defined as any activity or practice that is unethical or illegal that compromises, or could compromise, the integrity, reputation and or validity of the End-Point Assessment process.

Definition	Examples
Maladministration Maladministration is defined as an administrative activity or practice that results in non-compliance with EPA requirements.	<ul style="list-style-type: none">• The EPAO or a Provider fails to maintain and keep records about Apprentices EPAs• The EPAO or a Provider fails to provide accurate information about apprentices
Malpractice Malpractice is defined as an action deliberately intended to undermine the assessment process. Malpractice is more likely than maladministration to have greater implications for apprentices, EPA staff. As such we treat all cases of potential malpractice very seriously.	<ul style="list-style-type: none">• Providers, employers, or apprentices intentionally providing inaccurate or misleading submissions or declaration forms and/ or other evidence, within the Gateway process, or during the EPA• Undertaking the EPA on behalf of someone else• Deliberate destruction or tampering with work or assessment records• Deliberately providing false evidence, records, results and other documents relating to the EPA• Submission of plagiarised work which is not the apprentice's own work• Bribery

When printed this becomes an uncontrolled document and might not be at the current version

Where possible we will work with Employers and Providers in preventing maladministration from occurring. However, we expect Employers and Providers to have adequate systems in place and adhere to them. Reoccurring instances of maladministration may be considered as malpractice, and we reserve the right to investigate.

Plagiarism.

Plagiarism is defined as copying or stealing another individual's work. Any case of suspected plagiarism will be fully investigated. Where a case of plagiarism is proven and a certificate has been applied we will make contact with the ESFA to revoke the certificate. This is also in line with the requirements of Ofqual recognition. (*Condition: 114.2c ((c) revokes any certificate if the result on the certificate is false because of malpractice, maladministration, or because the result has been corrected under Condition H6).*)

5. Handling Incidents of Malpractice and Maladministration

Suspected Incidents of Malpractice or Maladministration should be reported immediately to the EPA Operations Manager via email: epa@theiet.org using the Maladministration and Malpractice form.

On the Maladministration and Malpractice form we will ask for basic information about the incident such as:

- The dates of alleged or suspected maladministration or malpractice;
- Employer/Provider details;
- The people involved;
- Details of the affected assessment; and
- The details of the alleged or actual maladministration or malpractice
- Any supporting evidence, for example statements, emails and copies of documents

6. Whistleblowing and Confidentiality

An individual can disclose information relating to an actual malpractice or maladministration. Whistle-blowers are protected in law by the Public Interest Disclosure Act in certain circumstances.

A whistle-blowers identity should remain confidential where asked to do so, although this cannot always be guaranteed as disclosure may need to be made to police or other law enforcement agencies. It should be recognised that a whistle-blower may be identified due to the nature of the disclosure. Where issues have been reported to us anonymously, we will try and investigate under a separate investigation before taking the matter up with those involved. On some occasions it is not always possible to investigate anonymous reports.

7. Investigating and managing allegations of maladministration and malpractice

Where serious incidents of maladministration and malpractice are reported to us, the Head of Accreditation and Awards will examine the information which has been provided on the form and decide whether to investigate.

When conducting the investigation, we will ensure it is carried out fairly, reasonably, and that all relevant evidence is considered without bias. Our investigations will be based around the following objectives:

1. Establish key facts relating to the allegation
2. Determine extent of the risk
3. Identify the cause of the concern
4. Evaluate action taken by the Employer/Provider
5. Establish if any preventative or corrective action is required to mitigate risks
6. Determine if any action needs to be taken in respect of certificates already issued
7. Obtain evidence to support any sanctions that need to be applied to employer or training provider or assessors

8. Identify and capture any trends

As part of our investigation we may also need to contact relevant parties such as:

- The apprentice
- The apprentice (and/or the apprentice's representative) directly; and
- Assessors
- End - Point Assessment Staff

As part of the investigation we will ensure:

- Any information collected as part of the investigation is kept secure and in line with the General Data Protection Act (GDPR)
- If the outcome of the investigations leads to invalidation of certificates, all records and documentation will be retained for business needs in line with the IET Retention Policy

During the notification of a suspected or actual case of malpractice or maladministration, we have the right to impose sanctions on the Employer/Provider to protect the interests of apprentices and the integrity of the apprenticeship.

Whilst an investigation is being conducted, we may introduce the following measures such as:

- Refuse apprentice bookings
- Request that the Education and Skills Funding Agency (ESFA) withhold the release of certificates

Where any alleged incidents of maladministration and malpractice are brought to our attention after the issue of the apprenticeship certificate, the certificates may become invalid after an investigation and we may need to withdraw the certificate by contacting the [apprenticeship service](#).

9. Notifying Relevant Parties

Where applicable, the Quality Assurance Manager will:

- Report the incident to external regulatory bodies such as Ofqual and other stakeholders, and any action that we have taken by key personnel named within the end- point assessment agreement
- Notify or share information with other End-Point Assessment Organisations (EPAOs). If we are unable to identify other EPAO's with whom we need to inform we will liaise with Ofqual to help us to identify them.

10. Investigation Report

Once the investigation has been completed, a report will be produced for the relevant parties to check the factual accuracy.

The report will contain the following information:

- Identify where the breach occurred
- Agree the facts of the investigation
- Agree remedial actions to be taken

11. Investigation outcomes- actions

Where instances of maladministration or malpractice are confirmed, we will need to consider if the integrity of our End-Point Assessment delivery is at risk if the relevant Employer/Provider/Staff Member/Apprentice were to be involved in future End-Point Assessment. In this case, we may act to protect the integrity of the delivery of End-Point Assessments.

These actions may include the following:

- a) Stopping access to EPA or suspending delivery of an EPA
- b) Refusing to accept assessment registration and/ or bookings from an employer/provider in cases where malpractice is proven for specific apprenticeship standards
- c) Termination of the EPA service agreement
- d) Refusing to issue EPA results
- e) Invalidation of apprenticeship certificates
- f) Prohibiting an employer/provider of staff member from involvement in the delivery of the end-point assessments for several years
- g) Disqualification of apprentice from taking any component of the EPA

12. Training

EPA Staff and Assessors will undertake training on a regular basis which will include Maladministration and Malpractice.

13. Supporting Documentation

This policy should be used in conjunction with the following supporting documentation:

Reference	Name of Document
FOR-MAL-0006	Malpractice and Maladministration Form
POL-COM-0004	Complaints Policy
POL-APP-0003	Appeals Policy

14. Regulatory Requirements

Under the regulatory requirements of Ofqual we are required to establish and comply with the conditions and criteria as set out in the <https://www.gov.uk/guidance/ofqual-handbook/section-a-governance> under Condition A8 Malpractice and Maladministration.

15. Related Legislation

[Public Interest Disclosure Act](#) – this act protects individuals who make certain disclosures of information in the public interest.

Maladministration and Malpractice Form	
Name of organisation who is making alleged or suspected:	
Name of person who is making alleged or suspected	
Names of persons involved:	
Date of alleged or suspected maladministration or malpractice:	Click or tap to enter a date.
Details of the affected assessment:	
Details of the alleged or actual maladministration:	
Action Taken:	

When printed this becomes an uncontrolled document and might not be at the current version

Control Sheet

Sponsor: Head of Accreditation and Awards
Document reviewer: Quality Assurance Manger
Document adopted on: 1 January 2021
Next review date: 1 January 2023

Review/change history

Date of Review/Change	Summary of changes	Version no.
January 2021	New policy for Maladministration and Malpractice	1.00
September 2022	Updated the Next review date	2:00
	Included a section on Plagiarism	3.00