

## MALPRACTICE AND MALADMINISTRATION POLICY

### Introduction

This policy sets out to define the procedures to be followed in the event of any dispute or allegation regarding malpractice or maladministration for End Point Assessment. It applies to each process - registration, booking, Gateway, End Point Assessment delivery, results and post results processes – and to anyone involved in the EPA process- apprentices, employers, training providers, independent end point assessors (IEPA) and lead independent end point assessors LIEPA), Suffolk County Council centre staff.

It is important that you comply with this policy as this is part of your EPA service agreement with us.

### What is malpractice?

Malpractice is taken to mean any deliberate act, default or practice that compromises the integrity of the assessment or quality assurance, the validity of any results and certificates, or the reputation and credibility of Suffolk County Council's EPA service.

### For example:

- Providers, employers, or apprentices intentionally providing inaccurate or misleading submissions of declaration forms and/or other evidence, within the Gateway process, or during the EPA.
- Providers or employers helping apprentices to answer assessment questions or producing assessment evidence, beyond what EPA requirements allow.
- Undertaking the EPA on behalf of the apprentice.
- Submitting or plagiarising work that is not the apprentice's own original work (such as using a project writing service to buy work and submit it as their own).
- Deliberate destruction or tampering with work or assessment records.
- Giving a false declaration of authenticity of assessment evidence.
- Deliberately giving false assessment evidence, records, results and other documents relating to the EPA.
- Intentionally accessing or trying to access and share confidential assessment material.
- Apprentices offering a bribe of any type to their employer or provider staff or independent end-point assessors or internal quality assurers.
- Use of unauthorised material or devices during the assessment.
- Anyone failing to cooperate with an investigation or act as requested by Suffolk County Council

### What is maladministration?

Maladministration includes any actions, neglect, default or other practice that compromises the assessment or quality assurance process, including the integrity of the EPA, the validity of any results or certificates, or the reputation and credibility of Suffolk County Council

For example:

- Failing to maintain and keep accurate records about apprentices EPAs.
- Failing to provide accurate records about apprentices to Suffolk County Council
- Any actions that lead to apprentices having an unfair advantage or disadvantage.

## Malpractice and Maladministration Procedure

Investigations into allegations will be coordinated by the County Careers Lead (Centre Manager) who will ensure the initial investigation is carried out within ten working days. The investigation will involve establishing the full facts and circumstances of any alleged malpractice. It should not be assumed that because an allegation has been made, it is true.

You must report any incident of reported, suspected or actual:

- Malpractice or attempted malpractice by employer or provider staff, assessors or IQA.
- Maladministration by employer or provider staff, assessors or IQA.
- Malpractice or attempted malpractice by apprentices.

Incidents of apprentice malpractice should be reported to us using the Form M1

Incidents of employer or provider staff malpractice should be reported to us using the Form M2

Incidents should be reported to us using the following email address [EPA@suffolk.gov.uk](mailto:EPA@suffolk.gov.uk) with the header MALPRACTICE or MALADMINISTRATION.

The Centre will email to confirm receipt of these documents.

Upon receipt, the centre manager will liaise with the Governing body and will confirm the next steps and how the matter should be investigated.

When reporting incidents, try to include as much information as possible, as a guide this should include:

- The dates of the alleged or suspected malpractice/maladministration.
- Employer or provider details.
- The people involved and whether other apprentices have been affected.
- The details of the alleged malpractice/maladministration, including locations.
- Any supporting evidence, for example statements, emails or copies of documents.

Where appropriate, the person concerned and any potential witnesses will be interviewed and their version of events recorded on paper.

The Person(s) concerned will be:

- informed in writing of the allegation made against him or her.
- informed what evidence there is to support the allegation.
- informed of the possible consequences, should malpractice be proven.
- given the opportunity to consider their response to the allegations.
- given the opportunity to submit a written statement given the opportunity to seek advice (as necessary) and to provide a supplementary statement (if required).
- informed of the applicable appeals procedure, should a decision be made against him/her.
- informed of the possibility that information relating to a serious case of malpractice will be shared with the relevant awarding body and may be shared with other awarding bodies, the regulators Ofqual, the police and/or professional bodies.
- If work is submitted is not the candidate's own work, the awarding body may not be able to give that candidate a result.

Anyone wishing to anonymously report actual or suspected malpractice can do so by contacting us by email at [EPA@suffolk.gov.uk](mailto:EPA@suffolk.gov.uk). Where requested, we will not disclose an informant's identity, unless legally obliged to do so. As our investigations are confidential, we will not be able to disclose to the informant details of the outcome of the investigation or what action has been taken.

### **How we will investigate suspected maladministration and malpractice**

We may need to carry out an independent investigation and it is important that you support us with the investigation.

When dealing with alleged malpractice or maladministration in a centre we will deal mostly with the key personnel named within your end-point assessment services agreement.

As part of the investigation, we retain the right to:

- Involve the apprentice and others in the investigation process
- Contact the apprentice (and/or the apprentice's representative) directly; and
- Contact staff members directly.

This may occur, for example, when an apprentice's account of events is different with that of the employer or provider. Anyone being interviewed can be accompanied by another person.

During the investigation period, we may:

- Refuse apprentice bookings
- Request that ESFA withhold the release of certificates

If malpractice or maladministration is suspected by a Suffolk County Council representative (for example end point assessors) or has been reported directly to us by a third party, we will investigate it in a form appropriate to the nature of the alleged malpractice/maladministration. Such an investigation will require the full support of the key personnel named within your end-point assessment agreement, and all staff linked to the allegation.

Any alleged incident of malpractice or maladministration brought to our attention after the issue of certificates will result in a full investigation by us. Depending on the outcome of the investigation, certificates may be recalled by ESFA and declared invalid.

We may need to access any documents you store in relation to alleged malpractice or maladministration. In some incidents, such as provider or employer staff malpractice, we may be required to:

- Report the incident to the External Quality Assurance organisation and other stakeholders, including the action that has been taken by the key personnel named within your end-point assessment agreement, or employer, governing body or the responsible employer.
- Notify or share information with fellow EPAOs or other organisations.

### **Penalties and sanctions for proven maladministration or malpractice**

Where malpractice/maladministration is proven, we will consider whether the integrity of our End Point assessments might be at risk if the provider or employer staff member/apprentice in question were to be involved in future Suffolk County Council End-Point assessments and so we may act to protect the integrity of our EPA service. This action may include:

- Refusing to accept assessment registrations and/or bookings from a provider or employer in cases where malpractice is proven for specific apprenticeship standards.
- Stopping access to an EPA or suspending delivery of an EPA.

- Termination of the EPA Service agreement.
- Refusing to issue EPA results.
- Invalidating claims for an apprenticeship certificate.
- Debarring an employer or provider staff member from involvement in the delivery of our endpoint assessments for several years/life.
- Disqualifying an apprentice from taking any component of the EPA.
- Suspending or removing assessors and IQAs from our register and informing other EPAO and awarding bodies.

### **Appeals**

Appeals will be conducted in line with the organisation's Appeals Policy.

### **Regulatory references**

UK regulators require all awarding organisations to establish and maintain their compliance with regulatory conditions and criteria. This guide addresses the following regulatory criteria and

conditions: [Ofqual Regulation/Qualifications General Conditions of Recognition](#)