

Malpractice and Maladministration Policy

Introduction

This policy is aimed at ICME's customers where ICME are the End-point Assessment Organisation (EPAO), providing End-point Assessment services (EPA) for an Apprenticeship Standard including Apprentices, employers and training providers.

For all customers it is important that any staff involved with the Apprentice are aware of the contents of this policy. As part of this policy we must have arrangements to prevent and investigate all instances of malpractice and maladministration. For example, if there was an allegation of an Apprentice plagiarising another Apprentice's work.

This policy is also for use by ICME staff to ensure they deal with all forms of malpractice and maladministration in a consistent manner. This policy applies to all processes associated with End-point Assessment such as registration, booking assessments, gateway, delivery of EPA, results and post result processes.

Our policy sets out the steps that Apprentices, employers and training providers must follow when reporting any suspected or actual malpractice or maladministration. It is ICME's responsibility to deal with such incidents. If ICME fail to promptly report suspected, or actual malpractice/maladministration incidents, or having insufficient arrangements in place to prevent such incidents this could lead to sanctions or removal of ICME's EPA service.

If you wish to receive guidance / advice from us on how to prevent, investigate and deal with malpractice and maladministration, please contact us and we will happily provide you with such advice and / or guidance.

This policy will set out the procedural steps we will follow when reviewing such incidents.

Review arrangements

At ICME we shall review the policy annually as part of our self-evaluation arrangements to ensure that it is fit for purpose and that it continues to reflect the requirements of End Point Assessment.

However, a review will be commissioned earlier should any issues arise in relation to any findings through review processes or changes to legislation.

Any review of policies are signed off by Finance and General Purposes committee (F&GP) before being issued.

Document Version History

Issue Date	Author	Summary of Changes	Date of next Review
11/11/20	A Worrallo	Creation of Policy	November 2021

What is the definition of Malpractice and Maladministration?

Malpractice

Malpractice is any activity or practice defined as a deliberate act, default or practice that comprises the integrity of the End-point assessment or quality assurance, the validity of any results and certificates. Malpractice could involve ICME staff, apprentices, Independent End-point Assessor (IEPA) and other EPAO staff or contractors.

For the purpose of the policy, malpractice also covers misconduct and forms of unnecessary discrimination or bias towards an Apprentice.

has policies and procedures in place to minimise the possibility of malpractice or maladministration occurring within the EPAO

The examples below are examples of Apprentice, employer and Training Provider malpractice. This list is not exhaustive and is only guidance to support the definition of malpractice;

- Breaching EPA requirements including Service Level Agreements, letters of intent and EPA Declarations
- Engaging in activities which undermine the integrity of our EPA such as sharing / posting our assessment material on social media. Including intentionally accessing or trying to access/share confidential assessment materials.
- Not allowing access to resources such as premises/sites, records, information, Apprentices and ICME staff representatives
- Apprentices, providers and/or employers intentionally providing inaccurate or misleading submissions of declaration forms and/or other evidence, within the Gateway process, through authentication declarations, during the EPA or during the re-sit/re-take process
- Providers or employers helping Apprentices to answer assessment questions or producing assessment evidence, beyond what the EPA requirements allow
- Any staff or Apprentices undertaking an EPA on behalf of someone else
- Submitting and/or plagiarising work that is not the Apprentice's own work
- Intentionally giving or submitting false assessment evidence and other documents relating to EPA
- The intentional withholding of information from ICME which is critical to maintaining the rigorous quality assurance processes and standards of assessments. For example, moving an Apprentice to another part of the business that is not related to their EPA
- submission of false information to gain a pass mark in an assessment
- Deliberately failing to adhere to the requirements of our reasonable adjustments and special considerations policy
- Forgery of evidence for an EPA
- Collusion by Apprentices / employers and training providers
- Collusion or permitting collusion in an assessment such as inappropriate assistance provided to the Apprentice by staff. For example, unfairly helping the Apprentice to pass an EPA
- Apprentices still working towards a mandatory qualification after certification claims have been made prior to Gateway
- Use of unauthorised material or devices during the assessment such as mobile phones, smart watches etc.
- Non-adherence to the EPA invigilation requirements including inappropriate behaviour and communicating with another Apprentice during the EPA
- Plagiarism of any nature by the Apprentice or a substantial amount of material from published work (including the internet) not referenced and presented as an Apprentice's own work
- Apprentices, employers or training providers offering a bribe to any type of invigilators, employer/provider or ICME staff
- Failing to co-operate with an investigation or act as requested by ICME
- Persistent instances of maladministration
- Failure to maintain and provide accurate records relating to Apprentices EPA including the retention of these documents
- Misleading an ICME IEPA or ICME representative relating to an Apprentice's competence relating to their EPA
- Altering, falsifying or interfering with ICME EPA assessment documentation
- Deliberately destroying, manipulating or tampering with work or EPA assessment records

Maladministration

Maladministration is defined as any action, activity or practice that compromises the the integrity of the End-point assessment or quality assurance, the validity of any results and certificates. Examples of maladministration can include;

- non-compliance of administrative regulations and requirements
- Persistent administration mistakes such as not keeping accurate records about an Apprentices EPA
- Poor administration by a Training provider or employer such as not following invigilation guidance or incomplete apprentice records.
- Failing to provide accurate records to ICME
- Actions that can lead to an Apprentice having an unfair advantage or disadvantage

How to report suspected Malpractice or Maladministration

In the instance that Apprentices, training providers and employers suspect or are aware of an actual incident of malpractice or maladministration they must report this to ICME immediately.

When reporting the incident or concerns, these must be put into writing to ICME via the contact details at the bottom of the policy. You should include all evidence to support the report of suspected or actual incident.

When reporting an incident, it is important to include as much information as possible, such as;

- The details of the suspected or actual malpractice/maladministration (Dates/Location)
- Apprentice/Employer or Training Provider details – Names, addresses and contact details including telephone number
- Apprenticeship Standard details – Standard number and name affected
- People involved – both your staff and ICME staff if involved and other Apprentices if they have been affected
- Supporting Evidence – Such as witness statements, emails, copies of documents etc.
- Reporting individuals name, job title, contact details and date report is filed

If ICME staff find or suspect malpractice/maladministration when carrying out EPA activities including Quality Assurance, this should be reported to the EPA Quality Manager immediately.

Confidentiality and Whistleblowing

Confidentiality and whistleblowing is used to describe an individual who discloses information relating to actual malpractice/maladministration and/or the covering up of those practices.

In certain circumstances, a whistle-blower has protection under the law (Public Interest Disclosure Act 1998 – PIDA). Should staff wish to make a whistleblowing disclosure to someone outside of their organisation, they should normally do so to the relevant Training Provider. If the issue is about the EPA itself, the disclosure should be made directly to ICME.

ICME will always make every effort to keep a whistle-blower's identity confidential where requested to do so, however, we cannot guarantee this as we may need to disclose the identity of the individual to the police or other law enforcement agencies (courts etc.) or another person we are required to disclose your identity to by law.

A whistle-blower should recognise that he or she may be identifiable by others due to the nature or circumstances of the disclosure. Whilst we will consider investigating issues which are reported to us anonymously, we shall always try to clarify the allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates to. However, it is not always possible to investigate or substantiate anonymous disclosures.

How will we investigate allegations of malpractice or maladministration

All reported incidents, whether suspected, alleged or actual incidents will initially be reviewed promptly by the Quality Team to establish if there are reasonable grounds for the suspicion or allegation.

Following this initial review, if it is deemed possible that malpractice or maladministration has occurred, or could occur, then the ICME Quality Team will try to establish the facts and ensure all reasonable steps are taken to prevent any adverse effect. Should an adverse effect have already occurred, we will mitigate this as far as possible with suitable and correct measures.

The EPA Quality Manager will be responsible for ensuring the investigation is carried out both promptly and effectively in line with this policy. As part of the procedure for this policy, we will acknowledge a report of malpractice/maladministration via email within **2 working days** of receiving it. At this point an individual will be allocated from the Quality Team to lead the individual investigation to establish if malpractice/maladministration has occurred.

When allocating an individual to the investigation, competence, qualification and conflict of interest (no previous involvement or personal interest in the outcome) will be reviewed to ensure the appropriate individual is allocated.

Investigation contact will mostly be with the identified parties in the EPA Service Level Agreement unless requested to be otherwise in the report.

During the investigation ICME may;

- Visit the premises to complete an investigation
- Involve the Apprentice(s), employers staff and training provider staff in the investigation in forms of meetings/witness statements etc
- Contact the Apprentice directly
- Contact staff members (provider and employer) directly
- Request a meeting or additional evidence to review

If anyone is being interviewed during the investigation, they may be accompanied by another person.

During the investigation ICME may;

- Refuse to take Apprentice EPA bookings
- Request that the ESFA withhold releasing certificates
- Withhold any test papers should the security of a test be in question

Should a member of ICME staff be in the malpractice/maladministration incident suspected, we will investigate this in the same format of an external individual. Such investigation will require support of the names personnel in your EPA Service Level Agreement, as well as all staff linked to the allegation report. We do however, expect full cooperation with the investigation.

Should an allegation be raised to ICME after certification has been completed (the issuing of a certificate) this will trigger a full investigation from the beginning.

If malpractice/maladministration is identified in the initial review

If malpractice/maladministration is identified, then ICME will inform the Training Provider and employer of the allegation, and that ICME will be investigating the report received.

A point of contact will be assigned, and will likely be the EPA Quality Manager or Office Manager.

At this point, the assigned point of contact will need to inform external parties, such as the EQA, ESFA, Ofqual and IFA. If evidence of an adverse effect has been identified ICME will be required to

provide details of the remedial actions taken to mitigate the adverse effect. In exceptional cases the external party may complete an external investigation or take the lead in the investigation.

How long will the investigation take?

ICME aim to complete the initial review, investigation and resolve the investigation within **20 working days** of receipt of the allegation. If, however, your allegation is a more complex issue, or will take longer than our planned timescale, we may extend this period, but will inform you if this is the case.

What happens after the investigation?

Following an investigation ICME will provide a report for the parties concerned. The report will be made final once any amendments or adjustments are completed and agreed by all parties including external parties. Should the allegation have come from a third party, we may also inform them of the outcome. In this report to the third party we may withhold some details, such as those that would breach confidentiality, GDPR or any other legal duty.

The outcome report is normally completed within **10 working days** of making our final decision.

Should the investigation be about a member of ICME staff, the report will be agreed by the Finance and General Purposes Committee (F&GP). Where appropriate, disciplinary procedures will be implemented.

Outcome of results of proven malpractice/maladministration

Where malpractice/maladministration is proven, we will consider the integrity of our End-point assessments, if we consider them to be at risk should the provider/employer, Apprentice or staff member be involved in future ICME End-point Assessments. This may result in us acting to protect the integrity of our EPA provision and service.

Such results can include sanctions in accordance with our external regulation requirements, where we reserve the right to withhold Apprentice results from an EPA. Other actions may include;

- Refusing to accept End-point assessment registrations and/or bookings from a provider or employer
- Stopping or limiting access to EPA
- Suspending delivery of an EPA
- Terminate the EPA Service Level Agreement
- Withhold Apprentice EPA results
- Invalidate claims for an Apprenticeship certificate
- Debarring an employer or provider staff member from involvement in the delivery of our End-point Assessment for a specified period of time
- Disqualify an Apprentice from taking any component of EPA

ICME reserves the right to charge the employer/training provider for any resits and/or additional IEPA visits. The fee will be at the current ICME prices for such activities outlined in our Fees and Charges policy.

Appeals

Should an Apprentice, employer or training provider wish to appeal against any decision or action to be taken following an investigation, please see our Appeals Policy.

Record Retention

Records will be retained for six years after the date the complaint was closed.

Contact us

To submit a malpractice/maladministration allegation, please email it to epainfo@icme.org.uk, call the EPA Manager on 0121 752 1810 or post it to:

ICME EPA
The National Foundry Training Centre
ECMS
Tipton Road
Tipton
West Midlands
DY4 7UW

GDPR

We may need to access confidential information, ICME will ensure that such information is kept secure and only used for the purposes of the investigation in line with relevant GDPR legislation. ICME will not normally disclose the information to third parties unless required to do so in instances such as with regulators/awarding bodies or law enforcement. For more information, please access our Privacy Statement at our website or view our Privacy Policy.

Contact us and guidance

If you have any queries about the contents of this policy or wish to gain further guidance or give feedback please contact 0121 7521810 or email epainfo@icme.org.uk