

End-Point Assessment Malpractice Policy

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Ofqual General Conditions of Recognition	
Relevant for	<ul style="list-style-type: none"> OAL centres and customers OAL learners and apprentices Internal development and quality team Internal delivery, assessment and moderation team External quality assurance organisations

1. Scope of the policy

This policy is applied following the submission of gateway evidence to OAL via the OAL Portal. It sets out the management arrangements for dealing with instances of suspected malpractice in the delivery of end point assessment services. It also deals with the responsibilities of the personnel and stakeholders involved in end point assessment services.

Employers and Training Providers involved in apprenticeship training have a responsibility to ensure that they have quality assurance arrangements in place that are sufficiently robust and risk-based to manage and control malpractice including maladministration. This may involve regular audits and internal monitoring arrangements that are effective in providing adequate levels of assurance.

OAL is an end point assessment organisation (EPAO) approved by the Education and Skills Funding Agency (ESFA) to provide end point assessment services for Apprenticeship Standards listed in the register of end point assessment organisations.

2. Malpractice in end point assessment (EPA)

Malpractice in EPA is defined as an instance or act of improper or inappropriate practice by personnel involved in the provision of EPA services. The term malpractice includes maladministration activity. Maladministration is any practice, activity or omission which deliberately or negligently results in non-compliance with administrative EPA requirements. This may include poor record keeping, continuing errors and inadequate administration practice.

Malpractice is a practice, activity or an omission which deliberately or negligently results in non-compliance with EPA requirements and compromises:

- the credibility and reputation of OAL
- the rigour of assessment/quality assurance processes
- the integrity of an assessment component(s)
- the validity of an assessment outcome/result.

OAL provides end point assessment services which are independently assessed by Independent Assessors (IAs) and quality assured by Quality Assurance Moderators (QAMs). EPA results are awarded accurately, reliably, consistently and fairly in a high-quality service for apprentices, employers and training providers. All those personnel involved in the design, implementation, delivery, assessment and quality assurance moderation of EPA are required to uphold high standards of professional conduct including honesty, integrity and reliability.

a) Apprenticeship Standards where no OAL qualification is applied on-programme

As this policy applies following the submission of evidence at gateway, then OAL will not investigate potential malpractice relating to on-programme teaching, learning, assessment or quality assurance of apprenticeship delivery by employers or training providers. Any concerns in these instances should be taken up with the relevant employer or training provider.

b) Apprenticeship Standards where a qualification is applied on-programme

OAL will investigate potential malpractice in the on-programme assessment and internal quality assurance of an OAL qualification. In these instances OAL policies that apply to the performance of an approved centre will apply.

Examples of malpractice are listed in section 4.

3. Investigation into suspected malpractice in EPA

OAL will investigate all allegations or suspicions of suspected malpractice which apply post gateway and/or during EPA.

3.1 Reporting suspected malpractice in EPA

Any OAL member of staff or representative including Independent Assessors and Quality Assurance Moderators that suspect malpractice in or during EPA or when reviewing an apprentice's assessment evidence, are required to make contact with the OAL Responsible Officer to outline the suspected malpractice. The Responsible Officer in consultation with the Standards and Quality Group will decide how to proceed and who to involve in proceedings.

OAL expects employers, training providers and their staff involved in the delivery of apprenticeship standards to report suspected malpractice in or during EPA, to the OAL Responsible Officer to outline the suspected malpractice. The Responsible Officer in consultation with the Standards and Quality Group will decide how to proceed and who to involve in proceedings. Furthermore OAL expects employers, training providers and their staff to co-operate with investigations. Failure to report suspected malpractice or co-operate with investigations is considered malpractice.

Any apprentice, employer/training provider staff or any other person that suspects malpractice in or during EPA, but have a fear of reprisal if they raise concerns with an employer or training provider may wish to contact OAL at info@oawards.co.uk. Anonymous disclosures will always be considered, but will not always be investigated. Confidentiality will be respected where this is requested.

OAL is unable to disclose the outcome of any investigation to an informant.

3.2 Investigations into suspected malpractice in EPA

Reports and allegations of suspected malpractice from any source are considered by the OAL Standards and Quality Group. The Responsible Officer in consultation with the Standards and Quality Group will decide how to proceed and who to involve in proceedings.

Following the identification of suspected malpractice in EPA the complete information regarding the circumstances and facts of the potential malpractice aim to be established. The focus is to understand whether the validity of the EPA has been compromised in any way and what action if any is needed.

The full co-operation of those implicated and any relevant persons responsible in apprenticeship provision to provide truthful information is necessary to both investigate and resolve the potential malpractice allegation. As a key part of the investigation, apprentices, employer/training provider staff and any relevant OAL personnel will be asked to provide statements on request.

Those implicated in malpractice will be informed directly or indirectly through an employer/training provider, prior to a request for a statement, of:

- the nature of the allegation
- evidence that the allegation is based upon
- possible sanctions or actions imposed by OAL if malpractice is proven.

Where individuals have left employment, OAL will normally request that the employer makes contact to obtain a statement. If no contact can be made or the individual declines to make a statement, the investigation will be based upon available evidence. OAL reserves the right to visit employers/training providers to facilitate investigation and collate information.

Where appropriate EPA delivery will be suspended or stopped should malpractice be suspected or identified. This may happen at point of notification of malpractice or during an investigation. This action is designed to prevent the possibility of results being issued erroneously or incorrectly. No assessment decisions will be concluded whilst evidence or records are under review in malpractice investigations.

Where individuals fail to co-operate with an investigation or take follow up action requested by OAL, this can be considered malpractice. It may lead to EPA results not being issued or awarded and/or the termination of the EPA service for the employer/ training provider. Investigations will be concluded in as short as time as possible and the employer/ training provider will be informed of the outcome. OAL will inform other parties e.g. Institute for Apprenticeships, ESFA, should this be important to the invalidation of an apprenticeship award.

Where malpractice is established OAL will conclude the necessary sanctions and actions to be taken to preserve the integrity of the EPA service and reduce risks of reoccurrence. Employers/training providers are expected to comply with the requirements of any sanctions and actions imposed by OAL. Failure to comply may lead to the suspension or termination of the EPA service contract.

Individuals found guilty of malpractice may be prevented from any future involvement in EPA. Malpractice by OAL staff or representatives OAL will attempt to safeguard the interests of any apprentice caught up in a malpractice event through no fault of their own. However where the integrity of the assessment has been compromised assessment results may be withheld or cancelled.

The sanctions and actions resulting from investigations of malpractice will be dependent upon the level of risk posed to the EPA, see section 5.

4. Examples of malpractice

4.1 Apprentice malpractice:

- falsifying identity or authenticity or impersonation
- plagiarism
- attempts to gain an unfair advantage over others in assessment
- inappropriate collusion with other persons
- falsification of assessment evidence including; copying, third party work
- obtaining, exchanging, passing confidential/secure assessment material
- misuse of assessment material or records
- use of unauthorised material in assessment
- bribing or offering bribes to OAL staff or representatives, employer/training provider staff
- inappropriate communication with others
- inappropriate conduct including; disruption, failure to adhere to instructions
- attempts to undermine the EPA process or breach requirements.

4.2 Employer/Training provider staff/contractor malpractice:

- inaccurate/incorrect declarations or submissions made in gateway or in EPA
- carrying out assessment on behalf of apprentices
- inappropriately assisting apprentices in answers or evidence collation
- attempts to gain an unfair advantage over others in assessment
- falsification of assessment evidence including; copying, third party work
- obtaining, exchanging, passing confidential/secure assessment material
- misuse of assessment material or records
- attempts to undermine the EPA process or breach requirements
- falsifying apprentice records, or not retaining records for required time.

4.3 OAL staff/representatives including IAs and QAMs:

- permitting false identity or authenticity or impersonation
- allowing plagiarism

- facilitating unfair advantage over others in assessment
- inappropriate collusion with other persons
- falsification of assessment evidence including; making incorrect assessment judgements, incorrect grading decisions, falsifying assessment records
- obtaining, exchanging, passing confidential/secure assessment material
- misuse of assessment material or records
- facilitating use of unauthorised material in assessment
- receiving bribes from apprentices, employer/training provider staff
- inappropriate communication with others
- inappropriate conduct
- attempts to undermine the EPA process or breach EPA requirements

5. Examples of sanctions and actions

Determining the most appropriate sanction and action will take a risk based approach.

5.1 Medium/high risk sanctions/actions

Medium/high risk sanctions or actions to employer/training provider staff/contractors may include:

- written warnings
- improvement actions
- suspension of EPA bookings
- withdrawal from an apprenticeship standard
- individuals barred from future involvement
- termination of EPA contract.

High risk malpractice examples include:

1. Inaccurate/incorrect declarations or submissions made in gateway or in EPA
2. Inappropriately assisting apprentices in answers or evidence collation and/or attempts to gain an unfair advantage over others in assessment
3. Carrying out assessment on behalf of apprentices
4. Falsification of assessment evidence including; copying, third party work.

Medium risk malpractice examples include:

1. Breach of invigilation procedures
2. Breach of involvement in presentation/interview assessment component.

5.1 High risk sanctions/actions

High to the apprentice may include:

- assessment evidence disallowed
- assessment outcome declared as fail, and resit allowed at employer's cost
- disqualification from all EPA components

Medium/low risk sanctions/actions to the apprentice may include:

- written warnings
- assessment evidence disallowed
- assessment outcome declared as fail, and resit allowed at employer's cost
- disqualification from all EPA components

High risk malpractice examples include:

1. falsifying identity or authenticity or impersonation
2. obtaining, exchanging, passing confidential/secure assessment material

Medium risk malpractice examples include:

1. inappropriate conduct or communication with others
2. attempts to undermine the EPA process

Low risk malpractice examples include:

1. breach of EPA requirements
2. falsification of assessment evidence including; copying, third party work
3. plagiarism