

OAL Malpractice and Maladministration Policy

Introduction

This policy is aimed at Occupational Awards Limited customers, including learners and apprentices, who are delivering/registered on Occupational Awards approved qualifications or units or undergoing an Apprenticeship End Point Assessment and are involved in suspected or actual malpractice/maladministration. It is also for use by Occupational Awards to ensure that the organisation deals with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps that centres, learners, apprentices or other personnel must follow when reporting suspected or actual cases of malpractice/maladministration and Occupational Awards responsibilities in dealing with such cases. It also sets out the procedural steps Occupational Awards will follow when reviewing the cases.

Scope of the policy

This policy applies to centres delivering OAL qualifications and organisations/employers using OAL's End Point Assessment Services.

A failure to report suspected or actual malpractice/maladministration cases, or have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on the centre delivering qualifications.

Each centre's compliance with this policy, and how it takes reasonable steps to prevent and/or investigate instances of malpractice and maladministration, will be reviewed by Occupational Awards periodically, through its ongoing centre monitoring arrangements for qualifications through our External Quality Assurance team and End Point Assessment and our Quality and Compliance Team.

For End Point Assessment 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 organisational staff and stakeholders involved in end point assessment services.

Centres involved in delivering OAL qualifications, and Employers/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.

Definition of Malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the internal or external assessment process and/or the validity of certificates/results. It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the rigour of assessment/quality assurance process;
- the integrity of a regulated qualification or apprenticeship standard or component;
- the validity of any result or certificate;
- the reputation and credibility of Occupational Awards; or the reputation of qualifications or End Point Assessment and the wider qualifications and apprenticeships stakeholders.

Malpractice in EPA is defined as an instance or act of improper or inappropriate practice by staff involved in the provision of EPA services.

Malpractice may include a range of issues from the failure to maintain appropriate records or systems, to the deliberate falsification of records in order to claim certificates.

Examples of Malpractice

The categories listed below are examples of centre and learner malpractice. Please note that these examples are not exhaustive and are only intended as guidance on the Occupational Awards definition of malpractice:

- Denial of access to premises, records, information, learners and staff to any authorised Occupational Awards representative and/or the regulatory authorities
- Failure to carry out internal assessment, internal moderation or internal quality assurance in accordance with our requirements for qualifications
- Deliberate failure to adhere to Occupational Awards learner registration, centre recognition, qualification approval and certification procedures.
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim(s) for certificates

- The unauthorised use of inappropriate materials / equipment in assessment settings (e.g. mobile phones)
- Deliberate misuse of the Occupational Awards logo and trademarks or misrepresentation of a centre's relationship with Occupational Awards and/or its recognition and approval status with Occupational Awards
- Collusion or permitting collusion in exams/assessments/EPA
- Persistent instances of maladministration within the centre
- Falsifying identity or authenticity or impersonation for candidates and apprentices
- Plagiarism
- Attempts to gain an unfair advantage over others in assessment
- Falsification of assessment evidence including; copying, third party work
- Obtaining, exchanging, passing and misuse of confidential/secure assessment material
- Bribing or offering bribes to OAL staff or representatives, employer/training provider staff
- Inappropriate conduct including; disruption, failure to adhere to instructions or attempts to undermine the EPA/qualification process or breach requirements.
- Specifically for End Point Assessment, inaccurate/incorrect declarations or submissions made in gateway or in EPA
- Carrying out EPA assessment on behalf of apprentices
- Inappropriately assisting apprentices in answers or evidence collation
- Misuse of assessment material or records
- Falsifying apprentice records, or not retaining records for required time.
- Unauthorised amendment, copying or distributing of exam/assessment papers/materials
- Inappropriate assistance to learners by centre staff (e.g. unfairly helping them to pass a unit or qualification)
- Deliberate submission of false information to gain a qualification or unit, or End Point Assessment result, or component result.

Definition of Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (e.g. inappropriate learner records).

Examples of Maladministration

The categories listed below are examples of centre, learner and EPA maladministration. Please note that these examples are not exhaustive and are only intended as guidance on the Occupational Awards definition of malpractice:

- Persistent failure to adhere to Occupational Awards learner registration and certification procedures or processing Gateway submissions incorrectly on a continual basis
- Persistent failure to adhere to Occupational Awards centre recognition and/or qualification requirements and/or associated actions assigned to the centre

- Late learner registrations/gateway submissions for apprentices (both infrequent and persistent)
- Unreasonable delays in responding to requests and/or communications from Occupational Awards
- Inaccurate claim for certificates for qualifications
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Withholding of information, by deliberate act or omission, from Occupational Awards which is required to assure Occupational Awards of the centre's ability to deliver qualifications appropriately

Application terms relating only to End Point Assessment:

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 or funding organisation.

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.

Investigation into suspected malpractice and/or Maladministration

OAL will investigate all allegations or suspicions of suspected malpractice and/or maladministration which apply for both EPA and qualifications. Any OAL member of staff or representative including Independent Assessors and Standards Quality Moderators that suspect malpractice in or during EPA or when reviewing an apprentice's assessment evidence, are required to make contact with the OAL Head of Quality & Compliance to outline the suspected malpractice. The Head of Quality & Compliance in consultation with the Chief Executive will decide how to proceed and who to involve in proceedings. Please read the OAL Investigations Policy (available on the website or via the secure online portal) for the details on how investigations will be carried out.

Where appropriate, delivery can and 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 and issued 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 or qualification results not being issued or awarded and/or the termination of the EPA service or approval for OAL qualifications for the organization involved.

Where malpractice is established OAL will conclude the necessary sanctions and actions to be taken to preserve the integrity of OAL 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 OAL contract.

Individuals found guilty of malpractice may be prevented from any future involvement in EPA or qualification awarding. 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.

Examples of sanctions and actions

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

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

Specifically for apprentices or candidates involved in malpractice

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

Confidentiality and Whistle Blowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. It is always preferable for an individual to reveal their identity and contact details to Occupational Awards, but if someone is concerned about possible adverse consequences they may request that Occupational Awards do not divulge their identity. For reassurance on this, Occupational Awards can confirm that it is not obliged (as recommended by the regulator Ofqual) to disclose information, if to do so would be a breach of confidentiality and/or any other legal duty.

While Occupational Awards is prepared to investigate issues which are reported anonymously, Occupational Awards will always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

Storage and Use of Information

All information and data collected regarding any malpractice or maladministration made to Occupational Awards Ltd will be stored securely on the database system. Depending on the nature of the malpractice or maladministration this information will be stored against either a centre, learner and/or relevant personnel. This information will only be made available to relevant persons. Information may be used to review associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected.