

END-POINT ASSESSMENT MALPRACTICE & MALADMINISTRATION POLICY & PROCEDURE (v2.0222)

Introduction

We aim to take all reasonable steps to prevent the occurrence (and recurrence) of any malpractice or maladministration in the development, delivery, and award of End-point assessments; this is to prevent incidents which could have an Adverse Effect. To help us achieve this aim we have set up this Policy & Procedure.

All associated documents referred to in this Policy & Procedure are highlighted in bold, italic and underlined.

Scope

This policy and procedure applies to all of the RTITB workforce, Apprentices, their employers and training providers, and Proctors. It applies for RTITB End-point Assessment services only. Other RTITB services have their own malpractice and maladministration policy/procedures. This policy and procedure also provides the framework for investigations into potential EPA malpractice/maladministration.

Responsibility/Accountability

The Responsible Officer is accountable for monitoring the implementation and impact of this policy and procedure. The EPA Manager/Deputy Manager is responsible for implementing this procedure.

The Responsible Officer will notify Ofqual (and any other interested parties) within 5 working days if an incident of malpractice/maladministration (potential or actual) is identified that could affect another awarding organisation, invalidate an End-point Assessment or cause any other Adverse Effect.

Definitions

Malpractice – A *deliberate* act/practice that compromises or attempts to compromise the:

- integrity of the End-point Assessment process
- validity of the assessment result or certificate
- Reputation/credibility of RTITB
- Reputation/credibility of Apprenticeships/End-point Assessments

Maladministration – An *undeliberate* act/practice that compromises:

- integrity of the End-point Assessment process
- validity of the assessment outcome/certificate
- Reputation/credibility of RTITB
- Reputation/credibility of Apprenticeships/End-point Assessments

To be considered maladministration there must be no intent to do/cause harm.

A confirmed incident of maladministration/malpractice will always have an Adverse Effect.

Examples

The following are examples of **Malpractice**. The list is not exhaustive:

- Plagiarism
- Collusion
- Cheating
- Proving false identification
- Submission of falsified, fabricated, or incorrect portfolios, gateway or assessment evidence
- Failing to provide suitable venues or equipment for assessment
- Use of unauthorised material or devices during an assessment
- Discrimination

- Breaching assessment security/confidentiality
- Sharing apprentice personal data in an unsecure way
- Altering results
- Making fraudulent claims for certificates
- Failing to declare Conflicts of Interest in line with the **Conflicts of Interest Policy**

The following are examples of **Maladministration**. The list is not exhaustive:

- Accidental failure to follow processes/procedures that does not, or has not, impacted the assessment delivery and does not, or has not, had an adverse effect
- Avoidable delays
- Poor communication
- Poor record keeping
- Inadvertently giving misleading information about End-point assessments
- Misuse of our logo, or that of the ESFA, IfATE or Ofqual

Maladministration could become Malpractice if not rectified after identification.

Identifying/reporting potential and actual Maladministration/Malpractice

Suspected malpractice/maladministration could be identified by a wide range of people (including but not limited to) an employer, a training provider, an Apprentice, a supplier, a contractor, a regulator, an employee or by a third party such as a member of the public. It may also be identified via whistleblowing; where this occurs the **RTITB whistleblowing policy** will be used in conjunction with this policy.

Malpractice / maladministration can be identified or reported at any stage, for example, it could be identified at a quality assurance observation of an assessment, or it could be reported by an apprentice, assessor, employer, provider or staff member during gateway checks or during/after an assessment.

Anyone who discovers or suspects Maladministration/Malpractice must report it within 3 working days to RTITB's Responsible Officer using their company email address (Currently Ruth Edwards, Operations Director, ruth_edwards@rtitb.com).

Failure to report suspected malpractice and to engage with any follow up investigation can be construed itself, as malpractice.

All allegations must include (where possible):

- Employer and training provider name, address and contact details
- Apprentice's name (where applicable)
- RTITB staff member details (name, job role) if they are involved in the case
- Details of the end-point assessment activity affected or nature of the service affected
- Nature of the suspected or actual maladministration / malpractice and associated dates
- Details of any investigation that may have already take place, for example by an employer or training provider

Reports are split into 3 categories, all will be investigated in the same manner, the categories help with the allocation of the correct investigator and for monitoring and reporting purposes:

1. Malpractice or attempted malpractice by employer or training provider staff, or apprentice
2. Maladministration by employer or training provider staff
3. Malpractice or maladministration by any RTITB staff member involved in end-point assessment service delivery

A record of all potential and actual instances of malpractice and maladministration, along with investigation details and decisions will be maintained in RTITB's secure Quality Assurance Records System (Workbooks CRM). RTITB's Quality Assurance Manager is responsible for maintaining the records securely, accurately and in sufficient detail.

Immediate Actions following receipt of an allegation

If an allegation of malpractice is made against an Apprentice who is currently undertaking end-point assessment, their assessments will be frozen until the

investigation is concluded. Suspension of the employee (on full pay and benefits) may be necessary until the investigation is completed.

If the allegation of malpractice is made against an assessor, they will be allowed to continue any in-progress assessment, unless the allegation is serious enough to warrant an immediate halt to their assessing activity until the investigation is completed

Where the allegation may affect another organisation, we will also inform them. If we do not know the details of organisations that might be affected, we will ask the IfATE/ESFA to help us identify parties that should be informed.

Depending on the nature of the report/allegation, the Responsible Officer, in co-operation with the EPAO sub-committee, may also decide to stop an end-point assessment activity or suspend end-point assessment delivery whilst the allegation is investigated, in order to protect the integrity of end-point assessment. In such circumstances, the regulator, Ofqual will be notified of the potential Adverse Effect.

Investigations

RTITB will act quickly, and investigate promptly any potential, reported or identified, malpractice or maladministration. Individuals with a personal interest in the investigation outcome will play no part in conducting the investigation.

Any investigation will aim to confirm if an incident has taken place and what has happened. Investigations will be conducted confidentially and will respect the rights of all those involved. Investigation outcomes will be reported to the EPA sub-committee by the Responsible Officer in the monthly report.

Concerns about malpractice/maladministration will be investigated by one of the following (determined by their personal interest, ability to investigate the incident, and their available capacity to undertake an investigation):

- Managing Director
- Operations Director
- EPA Manager
- Quality Assurance Manager

In serious cases, and where appropriate, the matter may be escalated to the EPA Subcommittee.

Any individual alleged to be involved in malpractice will be informed of the allegation that has been made and the evidence that supports that allegation. The individual will be given the opportunity to submit a written statement, and will be informed of the investigation process, and the consequences should the allegation be proven.

The investigation may include (but is not limited to) the following:

- Requests for written statements
- Interviews (phone, video call or face to face)
- Requests for additional paperwork, information and data

The investigation will:

- Establish the facts and cause(s) of the situation
- Obtain evidence
- Determine the scale of the alleged maladministration/malpractice and who was involved
- Determine what sanctions, if any, needs to be applied
- Decide what action is required (if any) to reduce the risk of recurrence now and in the future
- Decide what action is required (if any) to protect the integrity of End-point Assessment
- Identify patterns and trends
- Identify if changes are needed to this policy

If an apprentice or member of staff has left RTITB, we may still attempt to contact them to gain a statement so that we can make a fair decision based on all evidence available to us.

Investigation report and decision

On conclusion of the investigation a full report will be produced. The report will confirm if malpractice or maladministration has been proven. If it is proven, the report will also:

- Establish the cause and scale of the malpractice and maladministration, including any Adverse Effects
- Identify if there are, or have been any failings in RTITB policies, procedures and processes that led to the malpractice / maladministration
- Recommend any remedial action to preserve the integrity of an assessment, reduce the risk to current apprentices
- Identify how to mitigate against the risk of the same incident occurring in future
- Recommend the sanctions to be applied to any individual proven to have been involved in malpractice or maladministration.

The individual subject to the allegation and investigation will be informed in writing within 10 days of the decision. The letter will:

- outline the findings of the investigation and the action / sanctions we intend to take, if any. These will be in line with our **Sanctions Policy**.
- include their right to appeal and details of our **EPA Appeals process**; available at www.rtitb.com/epa-forms.

Actions and Sanctions following an investigation

If the investigation confirms that malpractice or maladministration has taken place there are a range of potential actions that could be taken. In deciding on actions following an investigation, we would take the following into account to determine the level of risk before deciding on the consequences for those involved:

- Risk to the integrity of the EPA assessment

- Adverse impact on apprentices
- The scope and range of those affected by the malpractice incident
- Risk to the employer, training provider and others

Low Risk	Medium Risk	High Risk
<ul style="list-style-type: none"> • Written warning • Disallowing all or part of the assessment evidence • Assessment decision recorded as a Fail and a resit required • Set an action and training plan for improvements in practice 	<ul style="list-style-type: none"> • Suspension of the assessor from any involvement in the delivery of EPA • Refusal to claim a certificate 	<ul style="list-style-type: none"> • Carry out RTITB staff disciplinary process • Terminate agreement to deliver EPA services

In proven cases of malpractice / maladministration, that does not involve RTITB staff or procedures, we reserve the right to charge for any re-assessment.

If at any stage of the investigation, we identify errors within our assessment tools, policies, procedures, processes or paperwork, we will take immediate action to review, amend and retest our tools to ensure they remain fit for purpose.

Should the allegation or investigation identify malpractice or maladministration which may impact upon another End-point Assessment Organisation, we will notify the organisation accordingly, maintaining data protection where required.

Feedback & Further Advice

To provide feedback on this policy or for further advice and guidance please contact the Responsible Officer.

Regular Review

The Responsible Officer will review this policy & procedure (including any associated documents) no less than annually. The policy & procedure will be revised as necessary and in line with feedback from stakeholders, changes in legislation or identified trends.

The next review of this policy and procedure must be completed by the Responsible Officer no later than end of March 2023.

Procedure

