

# **MALPRACTICE AND MALADMINISTRATION POLICY**



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# Introduction

This policy is aimed at all End Point Assessment (EPA) stakeholders, including assessors, invigilators, administrators and apprentices, who are participating in the partnership between the Institute of School Business Leadership (ISBL) and Serco Education and who are involved in suspected or actual malpractice/maladministration. It is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps that must be followed when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

## Our partnership's responsibility

It is important that all staff involved in the management, delivery and quality assurance of the EPA services, and apprentices, their employers and training providers are fully aware of the contents of the policy and we have arrangements in place to prevent and investigate instances of malpractice and maladministration.

## Definition of malpractice

Malpractice is essentially any activity or practice which deliberately contravenes regulations and compromises the integrity of the EPA process and/or the validity of apprenticeship certificates.

It covers any deliberate actions, neglect, default or other practice that compromises, or could compromise:

- the EPA process
- the integrity of an EPA activity
- the validity of a result or the apprenticeship certificate
- the reputation and credibility of our partnership
- the apprenticeship brand
- the Institute for Apprenticeships and Technical Education (IfA&TE)

Examples include (please note that this list is not exhaustive and is only intended as guidance):

- Denial of access to premises, records, information, apprentices and staff to any authorised representative of our EPA team

- Deliberate failure to: adhere to our EPA registration and certification procedures; adhere to EPA requirements; maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence
- Fraudulent claim for certificates
- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones)
- Intentional withholding of information from our EPA partnership that is critical to maintaining the rigour of quality assurance and standards of EPA
- Deliberate misuse of our logos and trademarks or misrepresentation of a relationship with either member of our partnership
- Collusion or permitting collusion in questioning/assessments
- Persistent instances of maladministration
- Deliberate contravention by an employer/training provider/technical expert and/ or its apprentices of the EPA rules specified for the apprenticeship, in accordance with the assessment plan
- A loss, theft of, or a breach of confidentiality in, any assessment materials
- Plagiarism by apprentices/staff

## 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.

Examples of maladministration:

- Persistent failure to adhere: to our EPA registration and certification procedures; to EPA requirements; to the need to schedule activities in enough time to allow our EPA team to source appropriate assessors and invigilators for their role in EPA; to the requirements of our Reasonable Adjustments Policy
- Late apprentice registrations
- Unreasonable delays in responding to requests and/or communications from our EPA Admin team
- Inaccurate claim for certificates
- Failure to maintain appropriate auditable records
- Withholding of information, by deliberate act or omission, from us that is required to assure our EPA team of the ability to deliver appropriately
- Infringements identified at audit of EPA delivery

# Process for making an allegation of malpractice or maladministration

Anybody who identifies or is made aware of suspected or actual cases of malpractice or maladministration at any time must immediately notify the EPA Programme Manager via one of the following methods:

Phone: 024 76 231221  
Email: [epa@isbl.org.uk](mailto:epa@isbl.org.uk)

All allegations must include (where possible):

- Employer and training provider name, address and contact details
- Apprentice's name (where applicable)
- EPA team member's name and job role – if they are involved in the case
- Details of the element of EPA affected or nature of the service affected
- Nature of the suspected or actual malpractice and associated dates, details and outcome of any initial investigation carried out by the employer or training provider or anybody else involved in the case, including any mitigating circumstances

If the employer or training provider has conducted an initial investigation, prior to formally notifying our partnership, the employer or training provider should ensure that staff involved in the initial investigation are competent and have no personal interest in the outcome of the investigation.

However, it is important to note that, in all instances, the employer or training provider must immediately notify the EPA Programme Manager if they suspect malpractice or maladministration has occurred, as we have a responsibility to ensure that all investigations are carried out rigorously and effectively.

## Confidentiality and whistleblowing

Sometimes a person making an allegation of malpractice or maladministration may wish to remain anonymous. Although it is always preferable to reveal your identity and contact details to us, you may request that your identity is not divulged if you are concerned about possible adverse consequences.

While we are prepared to investigate issues that are reported to us anonymously, we shall always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the allegation relates.

# Responsibility for the investigation

In accordance with regulatory requirements, all suspected cases of malpractice and maladministration will be examined promptly by our partnership to establish if malpractice or maladministration has occurred, and we will take all reasonable steps to prevent any adverse effect from the occurrence.

We will acknowledge receipt, as appropriate, to external parties within 2 working days.

The EPA Programme Manager will be responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy and will allocate a relevant member of staff to lead the investigation and establish whether or not the malpractice or maladministration has occurred and review any supporting evidence received or gathered by the EPA team.

# Notifying relevant parties

Where applicable, the EPA Programme Manager will inform the IfA&TE or Education and Skills Funding Agency (ESFA) if we believe that there has been an incident of malpractice or maladministration which could invalidate the award of the apprenticeship.

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 IfA&TE or ESFA to help us identify relevant parties that should be informed.

# Investigation timelines and summary process

We aim to action and resolve all stages of the investigation within 10 working days of receipt of the allegation. Please note that, in some cases, the investigation may take longer, for example if a visit is required. In such instances, we will advise all parties concerned of the likely revised timescale.

The fundamental principle of all investigations is to conduct them in a fair, reasonable and legal manner, ensuring that all relevant evidence is considered without bias. In doing so, investigations will be based around the following broad objectives:

- To establish the facts relating to allegations/complaints in order to determine whether any irregularities have occurred

- To identify the cause of the irregularities and those involved
- To establish the scale of the irregularities
- To evaluate any action already taken
- To determine whether remedial action is required to reduce the risk to current EPA registered apprentices and to preserve the integrity of our partners and the qualification
- To identify any adverse patterns or trends

The investigation may involve a request for further information from relevant parties and/or interviews with personnel involved in the investigation. Therefore, we will:

- ensure all material collected as part of an investigation is kept secure
- if an investigation leads to invalidation of certificates, or criminal or civil prosecution, retain all records and original documentation relating to the case until the case and any appeals have been heard and for five years thereafter
- expect all parties, who are either directly or indirectly involved in the investigation, to fully cooperate with us.

Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, we reserve the right to withhold an apprentice's results for EPA.

Where a member of our EPA team is under investigation, we may suspend them or move them to other duties until the investigation is complete.

Throughout the investigation, the EPA Programme Manager will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed and for liaising with and keeping informed relevant external parties.

## Investigation report

After an investigation, we will produce a draft report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned and ourselves. The report will:

- identify where the breach, if any, occurred
- confirm the facts of the case
- identify who is responsible for the breach (if any)
- confirm an appropriate level of remedial action to be applied.

We will make the final report available to the parties concerned and to the regulatory authorities and other external agencies as required.

If it was an independent/third party that notified us of the suspected or actual case of malpractice, we'll also inform them of the outcome – normally within 10 working days of making our decision. In doing so, we may withhold some details if to disclose such information would breach a duty of confidentiality or any other legal duty.

If it is an internal investigation against a member of our team, the report will be agreed by senior management along with the relevant internal managers, and appropriate internal disciplinary procedures will be implemented.

# Investigation outcomes

If the investigation confirms that malpractice or maladministration has taken place, we will consider what action to take in order to:

- minimise the risk to the integrity of certification now and in the future
- maintain public confidence in the delivery of EPA and the award of the apprenticeship certificate
- discourage others from carrying out similar instances of malpractice or maladministration
- ensure there has been no gain from compromising our EPA team standards.

The action we take may include:

- Impose actions in order to address the instance of malpractice/maladministration and to prevent it from recurring
- In cases where certificates are deemed to be invalid, inform the ESFA and the IfA&TE why they're invalid and any action to be taken for reassessment and/or for the withdrawal of the certificates. We'll also let the affected apprentices know the action we're taking and that their original certificates are invalid and ask – where possible – to return the invalid certificates to our EPA admin team
- Review and if necessary, amend aspects of our EPA and certification arrangements and if appropriate, assessment and/or monitoring arrangements and associated guidance to prevent the issue from recurring
- Inform relevant third parties (e.g. funding bodies) of our findings in case they need to take relevant action

In addition to the above, the EPA Programme Manager will record any lessons learnt from the investigation and pass these on to relevant team members to help prevent the same instance of maladministration or malpractice from reoccurring.

If the relevant party(ies) wishes to appeal against our decision to impose sanctions, please refer to our Complaints Procedure.