



ENERGY & UTILITIES
INDEPENDENT
ASSESSMENT SERVICE

Skills for a greener world

Malpractice and Maladministration Policy

Version 8.2
September 2023

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Purpose

This policy sets out our approach to detecting and preventing malpractice and maladministration, investigating it when it is detected and taking the appropriate action. This document is for Centres including Employer Centres working with us.

Scope

The policy applies to the development, delivery and award of qualifications, including end-point assessments (EPA), by our Centres and covers:

- Key points for Centres
- What is malpractice and maladministration?
- Identifying risk and preventing malpractice and maladministration
- Supporting centres in their approach to malpractice and maladministration
- Detecting malpractice and maladministration
- Notifying Ofqual
- Procedure for investigating malpractice and maladministration
- Taking the appropriate action where malpractice or maladministration is suspected or alleged
- Taking the appropriate action once malpractice or maladministration is established
- Review of decisions relating to malpractice and maladministration

Key points for Centres

- Malpractice or maladministration can occur through the actions or inactions of Centre staff or through the actions of learners. These may be two separate sets of circumstances and Centres must be prepared to report them to us if suspected or detected.
- If malpractice or maladministration is suspected or detected this must be reported to us straight away using the enquiries@euia.co.uk email address or by phone at 0121 713 8251
- Centres must have their own written policy and procedures for dealing with both Centre and learner malpractice and maladministration. The policy and

procedures will be reviewed by us as part of the Centre approval process.

The written policy should cover:

- Steps to prevent malpractice and maladministration
- Identification of malpractice and maladministration
- Notifying EUIAS
- Investigating suspicions and allegations of malpractice and maladministration

What is malpractice and maladministration?

Maladministration generally covers mistakes or poor processes where there has been no intention on the part of the person responsible to do any harm. It may involve some degree of incompetence or ineptitude or may result from carelessness or inexperience. Whilst not an exhaustive list, the following are some examples of maladministration:

- Failure to maintain sufficient staff trained in the administration of end-point assessments or qualifications or assessments;
- Failure to maintain accurate records e.g. for assessors or quality assurers not keeping records of their competence, CPD and standardisation up to date;
- Poor communication with the learner e.g. failing to explain the requirements of an assessment;
- Poor communication with the employer, e.g. regarding the location of an assessment;
- Failure to inform us of the need for reasonable adjustments;
- Failure to supply Gateway eligibility documents for end-point assessment when required;
- Failure to support the learner in the administrative preparation of assessment such as a portfolio of evidence;
- Failure to provide an appropriate environment for carrying out knowledge assessments;
- Failure to notify us of suspected malpractice or maladministration;
- Failure to provide all relevant information.

Malpractice will generally involve some form of intent on the part of individuals at a Centre. It may also include circumstances where an individual has been negligent or reckless as to the consequences of their actions. Malpractice could comprise of a conscious decision to do anything covered in the list above. Bias or discrimination could also lead to malpractice.

Two of the clearest examples of malpractice are:

- cheating, or facilitating cheating, in an assessment;
- intentionally attempting to manipulate a result or grade so it does not reflect the learner's actual performance in an assessment.

This could include:

- revealing the questions or answers in an assessment in advance;
- presenting hoax materials as confidential assessment materials;
- allowing a learner to breach the rules of the assessment, e.g. by taking impermissible materials into the assessment, accessing the internet or other sources of support to research answers;
- allowing a learner to pass off someone else's work as their own, including AI generated responses.

Identifying risk and preventing malpractice and maladministration

Identifying risks

Centres must take all reasonable steps to identify risks of malpractice and maladministration in the delivery of EUIAS qualifications including end-point assessments. This should include:

- the security of assessment materials
 - physical security such as safe keeping when not in use
 - ensuring only authorised personnel handle them
- the location where the assessment is due to take place
 - risk of advantage or disadvantage to the apprentice because of the nature of the assessment location
- the risk associated with the opportunity for the learner to gain an advantage in an assessment
 - access to devices, smartphones and smartwatches, calculators
 - access to the internet because the IT is not correctly configured to block access to certain support
- the risks associated with authenticating a learner's work
 - ensuring that the work is the learner's own work
 - ensuring the learner works on their own when required and not with others

- ensuring the learner provides details of a source when they have used existing information in their evidence or response
- the risk associated with identification of the learner
 - ensuring that the learner ID is valid and is the learner and not someone claiming to be the learner to improve the result of an assessment

Preventing malpractice and maladministration

Centres must ensure that those involved in the administration of qualifications, including end-point assessments, are trained in the correct procedures and are aware of requirements and the timelines for the activity they are administering. Details of correct procedures can be found in the Centre Handbook and also in the respective qualification or EPA specification for the qualification or end-point assessment being delivered.

Centres must ensure that their processes for reducing the risk of plagiarism and breaches of confidentiality are documented and followed.

Centres must ensure that learner evidence is authentic and current.

Centres must ensure that all relevant personnel are trained and understand their role and responsibilities and where necessary, access additional support provided by EUIAS.

All Centre policies and processes are subject to review at Centre approval and on an on-going basis as part of Centre monitoring. Centres must be notify us of any changes to their policies and processes.

Supporting centres in their approach to malpractice and maladministration

We support centres by providing guidance on how to successfully deliver qualifications, including end-point assessment, and how to prevent and detect malpractice and maladministration. Approved Centres will be trained to deliver and where required quality assure, EUIAS qualifications, including end-point assessments, in line with their respective requirements. We also provide specific support in relation to malpractice and maladministration including through the:

- Our Malpractice and Maladministration Policy
- Our Centre Handbook and
- Additional support is available from your Service Delivery contact

Detecting malpractice and maladministration

We are required by the regulator Ofqual to establish whether malpractice or maladministration has occurred whenever it is suspected or alleged by another person and where there are reasonable grounds for the suspicion or allegation. In order to comply with this requirement, we have a consistent structured approach to dealing with allegations and suspicions which is set out in this policy.

When an allegation or suspicion comes to light, Centres must inform us straight away. Depending on the nature of the allegation or suspicion and the context, e.g. whether it is within the delivery of end-point assessment or qualifications and whether the us or the Centre is in control of the activity, We will itself or expect the Centre to act quickly to secure any relevant evidence and information to support the judgements. The evidence requested will depend on the nature of the incident and may include:

- Seating plans for written assessments
- Sign in sheets
- Details of the incident; what has happened, why and how
- Witness statements from learners and/or Centre staff, employer representatives or other observers

As stated in our Centre Agreement, the Centre is required to report and provide all information regarding suspected or alleged malpractice or maladministration. When

deciding whether reasonable grounds for a suspicion or allegation exist, we will consider any relevant factors, including the following:

- the initial information provided with the allegation or other information which gave rise to the suspicion
- the source of any allegation
- evidence provided as a result of the Centre's investigation including any evidence that may reduce the credibility of the allegation
- any previous allegations, suspicions or evidence that may support, or contradict, the facts or information presented; we will cross-reference allegations made against existing records, e.g. from our EQA reports
- any previous relevant investigations in relation to the Centre, whether or not a finding of malpractice or maladministration was made; this will also include details of any investigations into the Centre which may have been notified by another Awarding Organisation, as required by Ofqual's General Conditions of Recognition
- the time between the alleged malpractice or maladministration and the date the allegation was made

We keep a log of all allegations and suspicions of malpractice and maladministration, along with records of investigations, eventual decisions on the existence of malpractice and maladministration and how each decision was reached.

Notifying Ofqual

We are required to promptly notify Ofqual when we have cause to believe that an event has occurred, or is likely to occur, which could have adversely affected the delivery or outcome of an assessment or qualification, which could include incidents of maladministration or malpractice. Where the allegation or suspicion is credible, we are required to inform Ofqual immediately and not to wait until we have the full picture or wait until we or the Centre have completed an investigation.

Procedure for investigating suspicions and allegations of malpractice and maladministration

Any person or organisation who identifies or is made aware of suspected or actual malpractice or maladministration must immediately notify us via one of the following methods:

Phone	0121 713 8251
Email – end-point assessment	enquiries@euias.co.uk

We will accept any written report, letter or email that sets out the details of the alleged malpractice and/or maladministration. The communication must be sufficiently detailed and include any evidence that supports the allegation to enable an investigation to commence.

All allegations must include (where possible):

- employer and Centre name, address and contact details
- learner's name (where applicable)
- EUIAS personnel's details (name, job role) if they are involved in the case
- details of the EPA or qualification 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 Centre, or anybody else involved in the case, or witnesses to an incident, including any mitigating circumstances

Approved Centres must follow the initial steps of their own policy and process, which have been approved by us at Centre Approval. This must include the minimum requirements set out by us in this policy at Appendix 1.

“Whistleblowing”

Whistleblowing is a term used to refer to when an individual discloses information which they believe shows wrongdoing and/or the covering up of wrongdoing, which could include malpractice and/or maladministration. Our Whistleblowing policy explain what constitutes whistleblowing and what the process is should an individual or employer need to report suspected or actual wrongdoing or the covering up of wrongdoing.

Our responsibilities

We will acknowledge and review all allegations of suspected malpractice or maladministration within two working days to establish if they are based on reasonable grounds. If it is possible that malpractice or maladministration has occurred or may occur, we will try to establish the facts and take all reasonable steps to prevent any adverse effect on the delivery or outcome of the assessment or qualification. If an adverse effect has already occurred, we will mitigate it as far as possible, correct it and report the required information to the Regulator.

As a regulated awarding organisation, we are required to notify our regulators when a malpractice and/or maladministration case, or suspected case, is identified that could impact the integrity of an end-point assessment or qualification.

Our Centres are required to assist Ofqual and/or any other regulator, in any investigations made for the purposes of performing its functions including malpractice and/or maladministration investigations.

Where the allegation may affect another employer or Centre, or awarding organisations and their provision, we will inform those affected and the respective regulator in accordance with the regulatory requirements. If we do not know the details of organisations that might be affected, we will ask the regulator and other organisations where required, to help us to identify relevant parties that need to be informed.

Our respective Quality & Compliance Manager for EPA or Qualifications, is responsible for ensuring the investigation is carried out in a prompt and effective manner and in accordance with the procedures in this policy. They will review the notification and any supporting evidence to establish whether the malpractice or maladministration has occurred. The review will assess the situation and decide if an initial Centre investigation is appropriate or whether there is a need to immediately carry out a full investigation.

Should a member of staff or a lead independent investigator be required to investigate the allegations, they will have the appropriate level of occupational competence, have had no previous involvement in the circumstances surrounding the occurrence and have no personal interest in its outcome.

In all cases of suspected or actual malpractice and/or maladministration, we will notify the Head of the Centre involved in the allegation and how it will be investigated. In some cases, we may ask the Centre to investigate the issue together with our staff. Requirements for conducting investigations can be found at Appendix 1.

On completion of the Centre investigation, the Head of the Centre will complete an Investigation Report which must be returned to the respective Quality and Compliance Manager to review and evaluate its contents. The Investigation Report Form can be found at Appendix 2.

Centres should note that sanctions may be imposed whilst an investigation is carried out to protect both learners and the integrity of the end-point assessment or qualification. This may include restrictions on Centres registering and/or withholding results/certificating learners.

We may appoint a lead independent investigator to undertake an investigation within a Centre.

Our investigations

We aim to action and resolve all stages of the investigation within 30 working days of receipt of the allegation. Please note that in some cases the investigation may take longer; e.g., if a visit to a Centre is required. In such instances, we will advise all parties concerned of the likely revised timescale.

The investigation will include steps to verify any evidence supplied or gathered and may involve:

- A request for further information from the Centre or EUIAS staff
- A request for the Centre to establish how a particular set of circumstances came to occur and report back in writing to us within a given timeframe.
Further information and guidance for Centres is provided in Appendix 1 and 2
- Interviews (face to face or by telephone) with staff involved in the investigation, and/or learners
- Arrangements for our authorised staff to carry out a Centre visit.

All parties, who are directly or indirectly involved in the investigation must co-operate fully with the investigation.

In instances where co-operation does not take place, it may be necessary to prevent a Centre permanently or temporarily from registering learners or withhold learners EPA or qualification achievement and inform the appropriate regulators.

If an independent investigator appointed by EUIAS carries out a Centre visit as part of the investigation, a fee of £200 (plus VAT) per visit is chargeable to the Centre.

When preparing an investigation, we will consider whether the Centre is best placed to carry out any part of that investigation and will include in those considerations the competence, capacity and personal interest of anyone who will complete any part of the investigation.

Rights of Individuals

Members of a Centre's staff and learners who are accused of, or implicated in, malpractice and/or maladministration will be informed in writing, where possible, of the allegation against them and the evidence to support this.

Centre staff and learners implicated will be informed of the possible consequences should malpractice and/or maladministration be proven and given the opportunity to consider their response to the allegation, seek advice and to submit a written statement(s).

Centre staff and learners implicated will be informed of the route of appeal if a decision is made against them and that information relating to the malpractice and maladministration may be shared with other awarding organisations, regulatory authorities, and other appropriate external agencies dependent on the details of the findings.

Investigation Outcomes

Following an investigation, we will produce an Investigation Report for the parties concerned to check the factual accuracy. Any subsequent amendments will be agreed between the parties concerned, the investigator and the respective Quality & Compliance Manager.

The outcome decision for most investigations will be made by the respective Quality & Compliance Manager. In serious cases of malpractice and maladministration, the decision may be made by the EUIAS Responsible Officer.

If the investigation confirms that Centre or learner malpractice and/or maladministration has taken place, we will place sanctions on the Centre at an appropriate level according to our Sanctions Policy, which is published on our website (www.euias.co.uk).

If an investigation confirms that malpractice and/or maladministration has taken place, we will log the details of the incident and where required notify the relevant regulator, review our processes and make any necessary continuous improvements to mitigate against a future occurrence.

Notifying the Outcome

The respective Quality & Compliance Manager will inform the Centre in writing of the outcome of the investigation. This notification will detail:

- any actions put in place to mitigate future occurrence of the malpractice and/or maladministration
- any sanctions that have been determined
- any action to be taken against a member of Centre's staff or learner
- review timescales for mitigations and/or sanctions

On or before the notified review point, we will review the Investigation Report and determine if the actions required have been implemented sufficiently to remove a sanction or reduce the level of sanction. If the action(s) is not completed, we will consider whether to apply a higher sanction in line with our Sanctions Policy, as a preventative measure to protect the interests of learners' needs.

Allegations Involving EUIAS Staff, Consultants or Contractors

Where allegations of malpractice and/or maladministration relate to a member of our staff, the investigation will be undertaken by the EUIAS Responsible Officer with the support of a member of our Governing Body if required.

The investigation report and any action required to protect the integrity and standard of end- point assessment and qualification will be agreed by the Energy & Utility Skills Senior Leadership Team.

The relevant internal managers will be informed, and the appropriate internal disciplinary procedures implemented.

If the relevant party(ies) wishes to appeal against the outcome of an investigation and our decision to impose a sanction, please refer to our Appeals Policy.

Policy Review Arrangements

This policy is subject to a three-year review cycle, or earlier, should feedback indicate this is required, to ensure it remains fit for purpose.

Appendix 1

Requirements for Centres conducting investigations

We may require or permit a Centres to undertake investigations into potential malpractice and/or maladministration in examination/test, assessment or qualifications processes where irregularities have been identified or reported.

Objectives of an investigation

The objective of an investigation is to establish the facts that relate to an allegation to:

- determine if malpractice and/or maladministration has occurred
- identify the cause
- who is involved
- the scale of the malpractice and/or maladministration
- whether action is required to ensure the integrity of a test or assessment and the standards of the end-point assessment or qualification
- reduce or prevent a recurrence of the malpractice and/or maladministration in future.

Establishing the facts

The primary rule of investigations is to conduct them with integrity and in an objective, professional and fair way. All relevant facts, evidence and circumstances must be considered without bias and it should not be assumed that because an allegation has been made, that it is true.

Anyone undertaking investigations must review all documentation and evidence that includes the arrangements in place for quality assurance and the specific requirements for the delivery of the qualification.

The following should be determined:

- the nature of the malpractice and/or maladministration or irregularity or the substance of the allegation
- when and where it occurred
- why it occurred
- who was involved.

Responsibilities

The Head of a Centre acts on behalf of us if they have been permitted to undertake the investigation on our behalf. This also includes responsibility for writing the investigation report.

The appropriate Head of a Centre must personally supervise any investigation and ensure that it is conducted in a timely, open manner. If it is necessary to delegate the responsibility to another member of staff, they must hold an appropriate level of authority in the Centre. They:

must be unbiased, impartial and have no conflict of interest with the person/s that raised the allegation or with anyone involved in the allegation
must not have been involved in the occurrence/allegation at an earlier stage
where possible, must not be connected with the team or department involved in the allegation
must be competent to undertake the work delegated

The Heads of the Centre must cooperate with our requests, ensure that their staff also co-operate fully with the investigation and inform staff members and learners of their individual rights, as set out in the section titled Rights of Individuals. If it is necessary as part of the investigation to interview a learner or a member of Centre staff, the Head of Centre or delegated member of staff must conduct the interview in accordance with the Centre's own policy for conducting disciplinary procedures. As part of that process, individuals must be informed of the possible penalties that could be imposed if the malpractice and maladministration allegation is found to have occurred. The Head of Centre must also ensure compliance with any actual sanctions imposed because of the malpractice and/or maladministration case.

Rights of Individuals

Members of staff and learners who are accused of, or implicated in, malpractice and maladministration should be informed, in writing where possible of the allegation against them and the evidence to support this. Staff and learners implicated should be informed of the possible consequences should malpractice and maladministration be proven and give the opportunity to consider their response to the allegation, seek advice and to submit a written statement(s).

They should also be informed of the route of appeal if a decision is made against them and that information relating to the malpractice and maladministration may be shared with other or awarding organisations, Ofqual and other appropriate external regulators and agencies dependent on the details of the findings.

Reporting Arrangements

The Head of Centre must complete a full investigation report that includes a full account of the allegation and details of the investigation that has been carried out. It should be accompanied by information that explains the circumstances and documentary evidence that supports the investigation findings. It should be submitted no more than ten working days after permission is granted by us to undertake the investigation.

This should include (the list is not exhaustive):

- procedures for advising learner and staff of the requirements for conducting examinations/ tests, assessments and/or qualifications
- written statements from learners and staff implicated in the malpractice and/or maladministration. If the chance to submit a written statement is declined, provide an indication or information that supports that they have been given an opportunity to do so
- if relevant, a written statement from a learner's employer on the company's headed notepaper
- statements written on the Centre's headed notepaper from:
 - learners
 - invigilators
 - assessors

- any other members of staff or individuals who have information about the allegations or have witnessed the alleged malpractice and maladministration
- if the alleged malpractice and/or maladministration took place during a controlled assessment or a test taken under exam conditions, a seating plan that shows the position of each learner in the exam room
- any learner work that is relevant to the investigation including copies of any plagiarised material
- information on any mitigating factors or circumstances including relevant medical reports
- any other information that is relevant to the investigation, specific to the circumstances of the malpractice and maladministration, specific to the end-point assessment or qualification or that has been requested by EUIAS.

Once the report is submitted, we will review the report and supporting evidence and advise the Centre and other relevant parties of the outcome of the investigation within ten working days of deciding to accept the report and its decision to impose any resulting actions.

Appendix 2

Investigation Report Form

Report Date	
Centre name	
Apprenticeship and Pathway/ or Qualification title and pathway (where relevant)	
Assessment Method	
Learner Involved	
Staff Involved	
Area of Concern	
Investigation Team	
Report Author	
Report Authoriser	<p>To be completed by the Head of Centre.</p> <p>Report authoriser confirms that any individuals involved have been notified of the issue, given opportunity to comment and, where appropriate, submit a written signed statement.</p>
Date of Authorisation	
Purpose of Investigation	
Background and Nature of Allegation	
Key Issues	
Information, Evidence & Documentation	
Investigation Findings	



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