

Malpractice and Maladministration Policy

Introduction

Elevate EPA Ltd (Elevate) is committed to the successful delivery of assessments, with a focus on trust, integrity, and diligence. The proper execution of our responsibilities is essential for maintaining public confidence, ensuring accurate results for learners, and upholding the fitness for purpose of our assessments. This policy outlines our approach to malpractice and maladministration.

Incidents of malpractice/maladministration can potentially lead to apprentices being disadvantaged, can require the conducting of costly and time-consuming investigations and may cause reputational damage to Elevate. It is, therefore, desirable to prevent malpractice or maladministration from occurring, whenever possible. Where it is not possible to prevent this, cases of suspected or actual malpractice/maladministration should be dealt with quickly, thoroughly and effectively.

Oversight Responsibilities

The Managing Director, Melanie Feek, serves as the Responsible Officer for the implementation and enforcement of this policy.

Defining Malpractice and Maladministration

Maladministration

Maladministration encompasses errors or poor processes without malicious intent. It may result from incompetence, carelessness, or inexperience. Examples of maladministration include but are not limited to:

- Avoidable delays.
- Mistakes due to inattention.
- Faulty procedures.
- Failure to follow correct procedures.
- Poor record-keeping.
- Inadvertent failure to take action.
- Poor communication.
- Inadvertently providing misleading or inadequate information.

Malpractice

Malpractice involves intent and may also encompass negligence or recklessness. It includes actions that breach the rules and integrity of assessments, such as:

- Cheating or facilitating cheating.
- Manipulating results intentionally to misrepresent an apprentice's performance.
- Revealing assessment questions in advance.
- Sharing confidential assessment materials.
- Passing off someone else's work as one's own.

- Providing answers or excessive assistance to apprentices.
- Falsifying results.

While malpractice and maladministration are distinct, they can overlap, and our response to both is governed by the same requirements.

Identifying Risk and Preventing Malpractice and Maladministration

Identifying Risk

Elevate is committed to identifying risks associated with malpractice and maladministration. We consider various factors, including:

- The types of malpractice or maladministration risks related to our qualifications.
- Aspects of our qualification's design and delivery that could increase the likelihood of malpractice or maladministration.
- Potential parties involved in malpractice or maladministration.
- Likelihood of malpractice or maladministration.
- Assessment locations, including home working.
- Potential impact on our compliance.
- Data and intelligence to identify risks.

Preventing Malpractice and Maladministration

We take all reasonable steps to prevent malpractice and maladministration. Our measures include:

- Providing education and/or information to our assessors, apprentices and employers/providers.
- Designing qualifications and processes to reduce opportunities for malpractice and maladministration.
- Ensuring third parties involved in our qualifications follow our prevention measures.
- Implementing other appropriate safeguards.

We regularly assess the effectiveness of our prevention measures through monitoring, sampling, data analysis, and internal audits.

Detecting Malpractice and Maladministration

When we suspect or receive allegations of malpractice or maladministration with reasonable grounds, we will establish whether it has occurred. We maintain clear policies and procedures for handling such cases.

Factors we consider in assessing suspicions or allegations include:

- Initial information.
- Source of the allegation.
- Evidence that affects the credibility of the allegation.

- Previous allegations and investigations.
- Timeframe of the alleged incident.

We maintain a log of all allegations and suspicions and retain relevant information to identify patterns.

Notifying Ofqual

We promptly notify Ofqual when we believe an event may have an adverse effect, including incidents of malpractice or maladministration that could invalidate qualifications or affect other awarding organisations.

Investigating Malpractice and Maladministration

We conduct rigorous and effective investigations, following written procedures that address:

- The investigation process.
- Handling whistleblowers.
- Notifying individuals suspected of malpractice.
- Notifying interested parties.
- Conducting interviews.
- Gathering and verifying evidence.
- Ensuring confidentiality.
- Presenting investigation outcomes.

All investigations must be carried out by people with appropriate competence and no personal interest in the outcome. Appropriate competence will be relevant to the subject of the investigation; for example, an appeal investigation should be carried out by someone with expertise in the relevant standard but has no personal interest in the decision being appealed and has not made the original assessment/IQA decision. In most cases, the Managing Director will lead the investigation. Where they do not have appropriate competence and/or have a personal interest, the investigation may be led by:

- An Elevate team member
- A qualified third party, for example, an HR consultant if the investigation relates to employment issues.

Ofqual may be consulted for clarification of conditions if needed. Refer to the EQA's written guidance first. Anyone involved in investigating or making decisions must have read the Elevate Conflict of Interest Policy and completed a Conflict of Interest Declaration.

Timescales

Stage	Internal Investigation	Timeline
1 – Issue raised and acknowledged	<p>Issue communicated to Managing Director (MD).</p> <ol style="list-style-type: none"> Where this is a minor issue with no adverse effects on apprentices, assessments, quality, policies or processes, this can be resolved quickly. The incident will be recorded in the Investigation Log along with any actions taken. The person who raised the issue will be informed. Where a matter either: is deemed serious, is a breach of Elevate policies, requires further investigation, or has the potential to cause an Adverse Effect, then an investigation will begin. This will be recorded in the Investigation Log and the person who raised the issue will be informed and timelines for investigations and meetings will be communicated. 	Within 3 working days
2 – Information gathered and reviewed	<p>A full investigation will take place. This may include:</p> <ul style="list-style-type: none"> Gathering further evidence or information Examining communications (emails, video recordings) Speaking to the individuals involved Discussions between the Managing Director, IQA Lead, Lead Assessor, training providers and employers Discussions with apprentices themselves Examining quality assurance records Meetings with employer and training provider Determining if the practice was accidental or wilful 	Withing 5 working days after Stage 1
3 - Decision	<p>Elevate will decide the next course of action. This may include:</p> <ul style="list-style-type: none"> Further meetings Written apology Written explanation Notifying relevant parties, e.g. for a data breach this could be the ICO or the parties whose data was involved Escalating the issue, such as to the MD Seeking clarification of ESFA and/or EQA's conditions/regulation 	Withing 3 working days after Stage 2

Stage	Internal Investigation	Timeline
	<ul style="list-style-type: none"> • Review of the Assessor SLA • Reviewing our policies and procedures • Determining whether any adverse effect has been created, and whether this affects a wider range of apprentices/assessments. <p>At this stage it may be necessary to involve a third-party external organisation. Investigators must identify if an Adverse Effect has been caused, or is likely to arise, and the reach/implications of this. This may affect past, current or future assessments.</p> <p>Information will be added to the Investigation Log.</p>	
4 – Outcome and notification	<p>Once a decision has been made, Elevate will agree an outcome. The outcome must be in line with our regulatory requirements. This may involve:</p> <ul style="list-style-type: none"> • Terminating a freelance contract • Written warning or dismissal of the member of staff • Removal from current post and redeployed elsewhere within the organisation. Regular supervision and performance monitoring. Develop a personal action plan. • Further adjustments or actions as appropriate • Making reasonable adjustments (or further reasonable adjustments) <p>Any actions will be assigned to appropriate staff along with timescales for completion.</p> <p>Decide who needs to be notified and communicate the outcome to all relevant parties. The individuals/parties involved have a right to appeal the decision.</p> <p>Information will be added to the Investigation Log.</p>	Within 2 working days after Stage 3
5 – Review and continuous improvement	<p>Elevate recognises the importance of reviewing our investigations and decisions. We evaluate the incident and seek to find ways to ensure this does not happen again. This may include:</p> <ul style="list-style-type: none"> • Reviewing our Contract and Service Level Agreements • Revisiting our assessment materials • Amending our guidance materials 	Withing 5 working days after Stage 4

Stage	Internal Investigation	Timeline
	<ul style="list-style-type: none"> • Requesting user feedback from employers, training providers or apprentices • Consulting with our EQA, for example if an issue is identified that could make an adverse effect likely. <p>Information will be added to the Investigation Log and discussed in monthly management meetings.</p>	

This policy was last updated in February 2024.