MALPRACTICE & MALADMINISTRATION POLICY

Introduction

This policy is aimed at our Trainers, Assessors including learners, who are delivering/registered on any approved qualifications and who are involved in suspected or actual malpractice/maladministration. It is also used by the Director of EEVT to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

It sets out the steps that your EEVT learners and/or trainers and Assessors must follow when reporting suspected or actual cases of malpractice/maladministration and our responsibilities in dealing with such cases. It also sets out the procedural steps that EEVT will follow when reviewing the cases.

Centre responsibility

It is important that any trainer or Assessor involved in the management, assessment and quality assurance of qualifications, and our learners, are fully aware of the contents of the policy and that your has arrangements in place to prevent and investigate instances of malpractice and maladministration.

Review arrangements

EEVT will review the policy annually as part of our annual self-evaluation arrangements and revise it as and when necessary in response to Trainers/Assessor and learner feedback, changes in our practices, actions from the Regulatory Bodies or external agencies, changes in legislation, or trends identified from previous allegations.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with suspected cases of malpractice and maladministration remain effective.

Definition of malpractice

Malpractice is 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.

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

- The assessment process,
- The integrity of a regulated qualification,
- The validity of a result or certificate,
- The reputation and credibility of EEVT and/or the qualification.

Definition of maladministration

Maladministration is 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 and learner maladministration:

- Persistent failure to adhere to our learner registration and certification procedures,
- Persistent failure to adhere to our centre recognition and/or qualification requirements and/or associated actions assigned to the centre,
- Late learner registrations (both infrequent and persistent),
- Inaccurate claim for results and/or certificates,
- Failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence,
- Withholding of information, by deliberate act or omission, from us which is required to assure us of the centre's ability to deliver qualifications appropriately,
- Failure to adhere to, or to circumnavigate, the requirements of the EEVT Reasonable Adjustments and Special Considerations Policy.

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 our definition of malpractice:

- Denial of access to premises, records, information, learners and staff to any authorised EEVT representative and/or the Regulatory Bodies,
- Failure to carry out internal assessment, marking or internal verification in accordance with our requirements,
- Deliberate failure to adhere to our learner registration and certification procedures,
- Deliberate failure to continually adhere to our centre recognition and/or qualification approval requirements or actions assigned to your centre,
- Deliberate failure to maintain appropriate auditable records, e.g. certification claims and/or forgery of evidence,
- Fraudulent claim for results and/or certificates,
- The unauthorised use of inappropriate materials/equipment in assessment settings (e.g. mobile phones),
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards of qualifications,
- Collusion or permitting collusion in examinations/assessments,

- Learners still working towards qualification after certification claims have been made,

- Deliberate contravention by a centre and/or its learners of the assessment arrangements that we specify for our qualifications,
- A loss, theft of, or a breach of confidentiality in, any assessment materials,
- Plagiarism by learners/staff complicit in such actions,
- Copying from another learner (including using ICT to do so),
- Impersonation – assuming the identity of another learner or having someone assume your identity during an assessment,
- Unauthorised amendment, copying or distributing of examination/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, and/or
- Deliberate failure to adhere to, or to circumnavigate, the requirements of the EEVT Reasonable Adjustments and Special Considerations Policy.

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 EEVT, in doing so they should put them in writing/email and enclose appropriate supporting evidence

All allegations must include (where possible) the:

- EEVT Centre name, address and number,
- Learner's name and EEVT learner number,
- Centre/EEVT personnel's details (name, job role) if they are involved in the case,
- Details of the 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 centre or anybody else involved in the case, including any mitigating circumstances.

If EEVT has to conduct an initial investigation prior to formally notifying, the EEVT will ensure that Trainers/Assessors 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 EEVT will immediately notify if they suspect malpractice or maladministration has occurred.

Responsibility for the investigation

In accordance with regulatory requirements all suspected cases of maladministration and malpractice will be examined promptly by to establish if malpractice or maladministration has occurred and will take all reasonable steps to prevent any adverse effect from occurring as defined by Ofqual.

Notifying relevant parties

In all cases of suspected or actual malpractice, will notify the head of EEVT involved in the allegation that will be investigating the matter and/or in the case of learner malpractice, we may ask your EEVT to investigate the issue in liaison with our own personnel – in doing so we may withhold details of the person making the allegation, if, to do so would breach a duty of confidentiality or any other legal duty.

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 by the centre,
- To determine whether remedial action is required to reduce the risk to current registered learners and to preserve the integrity of the qualification,
- To ascertain whether any action is required in respect of certificates already issued,
- To obtain clear evidence to support any sanctions to be applied to the centre, and/or to members of staff, in accordance with our Sanctions Policy, and
- 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 that all material collected as part of an investigation must be kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a centre be retained for a period of no less than 2 years. If an investigation leads to invalidation of certificates, or criminal or civil prosecution, all records and original documentation relating to the case will be retained until the case and any appeals have been heard and for 2 years thereafter, and expect all parties, who are either directly or indirectly involved in the investigation, to fully co-operate with us.
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Either at notification of a suspected or actual case of malpractice or maladministration and/or at any time during the investigation, will reserve the right to impose sanctions on EEVT in accordance with Sanctions Policy in order to protect the interests of learners and the integrity of the qualifications.

Investigation report

After an investigation, EEVT will produce a draft report for the parties concerned to check the factual accuracy where appropriate. 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), and
- Confirm an appropriate level of remedial action to be applied.

will make the final report available to EEVT concerned and other external agencies as required.

Investigation outcomes

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

- Minimise the risk to the integrity of certification now and in the future,
- Maintain public confidence in the delivery and awarding of qualifications,
- Discourage others from carrying out similar instances of malpractice or maladministration and ensure there has been no gain from compromising our standards.

The action we may take includes:

- Imposing actions in relation to your centre with specified deadlines in order to address the instance of malpractice/maladministration and to prevent reoccurrence,
- Imposing sanctions on EEVT– these will be communicated EEVT in accordance with Sanctions Policy along with the rationale for the sanction(s) selected.