

Malpractice and maladministration policy

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<u>Policy owner(s):</u>	Training Team
<u>Accountable officer:</u>	Head of Training/Responsible Officer

Malpractice and maladministration in End-point assessment (EPA)

This policy applies to each process associated with end-point assessments: registration, booking, Gateway, end-point assessment delivery, results and post-results processes.

It is important that you comply with this policy as this is part of your EPA service level agreement with us.

What is maladministration and malpractice?

Malpractice is taken to mean any deliberate act, default or practice that compromises the integrity of the assessment or quality assurance, the validity of any results and certificates, or the reputation and credibility of British Marine.

For example:

- Breaching EPA requirements.
- Providers, employers, or apprentices intentionally providing inaccurate or misleading submissions of declaration forms and/or other evidence, within the Gateway process, or during the EPA.
- Providers or employers helping apprentices to answer assessment questions or producing assessment evidence, beyond what EPA requirements allow.
- Any staff or apprentices undertaking the EPA on behalf of someone else.
- Submitting or plagiarising work that is not the apprentice's own original work (such as using a project writing service to buy work and submit it as their own).
- Deliberate destruction or tampering with work or assessment records.
- Giving a false declaration of authenticity of assessment evidence.
- Deliberately giving false assessment evidence, records, results and other documents relating to the EPA.
- Intentionally accessing or trying to access and share confidential assessment material.
- Apprentices offering a bribe of any type to invigilators, employer or provider staff or British Marine staff (independent end-point assessors or internal quality assurers).
- Use of unauthorised material or devices during the assessment.
- Breaching the invigilation conditions, including inappropriate behaviour, such as apprentices communicating with one another or failing to follow the instructions of the invigilator.
- Anyone failing to cooperate with an investigation or act as requested by British Marine.

Maladministration includes any actions, neglect, default or other practice that compromises the assessment or quality assurance process, including the integrity of the EPA, the validity of any results or certificates, or the reputation and credibility of British Marine.

For example:

- Failing to maintain and keep accurate records about apprentices EPAs.
- Failing to provide accurate records about apprentices to British Marine.
- Incidents of not complying with EPA invigilation requirements.
- Any actions that lead to apprentices having an unfair advantage or disadvantage.

How to report suspected maladministration and malpractice in EPA

You must report any incident of reported, suspected or actual:

- Malpractice or attempted malpractice by employer or provider staff;
- Maladministration by employer or provider staff; and
- Malpractice or attempted malpractice by apprentices.

Incidents of employer or provider staff malpractice should be reported to us by using the EPAO@britishmarine.co.uk email address. Upon receipt, the EPA team will confirm the next steps and how the matter should be investigated. Where requested, we will not disclose an informant's identity, unless legally obliged to do so. As our investigations are confidential, we will not be able to disclose to informant's details of the outcome of the investigation or what action has been taken.

When reporting incidents, try to include as much information as possible, as a guide this should include:

- The dates of the alleged or suspected malpractice/maladministration.
- Employer or provider details.
- The people involved and whether other apprentices have been affected.
- Which assessment standard it is.
- The details of the alleged malpractice/maladministration, including locations.
- Any supporting evidence, for example statements, emails or copies of documents.

If our staff find or suspect malpractice when conducting an EPA, or during quality assurance activities, this will be referred to our Responsible Officer.

How we will investigate suspected maladministration and malpractice

We may need to carry out an independent investigation and it is important that you support us with the investigation. When dealing with alleged malpractice or maladministration our EPA team will deal mostly with the key personnel named within your end-point assessment service level agreement. We may require full access to the premises for investigation purposes.

As part of the investigation, we retain the right to:

- Involve the apprentice and others in the investigation process.
- Contact the apprentice (and/or the apprentice's representative) directly; and
- Contact staff members directly.

This may occur, for example, when an apprentice's account of events is different with that of the employer or provider. Anyone being interviewed can be accompanied by another person.

During the investigation period, we may:

- Refuse apprentice bookings.
- Request that ESFA withhold the release of certificates; and

- Withhold test papers if the security of a test is considered at risk, pending the outcome of the investigation.

If malpractice or maladministration is suspected by a British Marine representative (for example end point assessors) or has been reported directly to us by a third party, we will investigate it in a form appropriate to the nature of the alleged malpractice/maladministration. Such an investigation will require the full support of the key personnel named within your end-point assessment service level agreement, and all staff linked to the allegation.

Any alleged incident of malpractice or maladministration brought to our attention after the issue of certificates will result in a full investigation by us. Depending on the outcome of the investigation, certificates may be recalled by ESFA and declared invalid.

We may need to access any documents you store in relation to alleged malpractice or maladministration. In some incidents, such as provider or employer staff malpractice, we may be required to:

- Report the incident to the relevant External Quality Assurance organisation and other stakeholders, including the action that has been taken by the key personnel named within your end-point assessment agreement, or employer, governing body or the responsible employer.
- Notify or share information with fellow EPAOs or other organisations.

Penalties and sanctions for proven maladministration or malpractice

Where malpractice/maladministration is proven, we will consider whether the integrity of our end point assessments might be at risk if the provider or employer staff member/apprentice in question were to be involved in future British Marine end-point assessments and so we may act to protect the integrity of our EPA service. This action may include:

- Refusing to accept assessment registrations and/or bookings from a provider or employer in cases where malpractice is proven for specific apprenticeship standards.
- Stopping access to an EPA or suspending delivery of an EPA.
- Termination of the EPA Service level agreement.
- Refusing to issue EPA results.
- Invalidating claims for an apprenticeship certificate.
- Debarring an employer or provider staff member from involvement in the delivery of our end point assessments for several years/life.
- Disqualifying an apprentice from taking any component of the EPA.

Monitoring the Policy

This policy will be reviewed annually to ensure that its provisions continue to meet the legal obligations of British Marine and reflect best practice.

Questions about the content or application of this policy should be directed to Blue Davies, Head of Training at adavies@britishmarine.co.uk or 07584 563343.