

Apprenticeship End Point Assessment Malpractice & Maladministration Policy

Summary	This Policy details the Institute of Conservation’s (Icon) approach towards managing suspected malpractice in the delivery of EPA services and the responsibility of stakeholders involved.
Who this policy applies to	The Policy applies to Apprentices, Employers, Training Providers, Assessors and Icon Staff involved in the delivery of Apprenticeship End Point Assessments.
Author/policy contact:	Patrick Whife, Head of Skills
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1.	Introduction
	<p>The Institute of Conservation (Icon) recognises the vital importance of ensuring that all assessments it undertakes in its capacity as an Apprenticeship End Point Assessment Organisation (EPAO) are valid, fair and objective.</p> <p>This policy details Icon’s approach towards identifying and dealing with cases of malpractice and maladministration.</p>
2.	Definitions
	<p>Malpractice: Any act, default or practice which is a breach of the regulations or which gives rise to prejudice to apprentices; and/or compromises public confidence in qualifications; and/or compromises, attempts to compromise or may compromise the process of assessment, the integrity of any qualification or the validity of a result or certificate; and/or damages the authority, reputation or credibility of any awarding body or centre or any officer, employee or agent of any awarding body or centre. Examples of malpractice include, but are not limited to:</p> <ul style="list-style-type: none"> • 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 is allowed by the EPA plan. • 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.

	<ul style="list-style-type: none"> • 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 at any time to the assessor, employer or provider staff. • Use of unauthorised material or devices during the assessment. <p>Maladministration: is a form of malpractice and 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 Icon. Examples of maladministration include, but are not limited to:</p> <ul style="list-style-type: none"> • Failing to maintain and keep accurate records about apprentice EPAs. • Failing to provide accurate records about apprentices when requested.
3.	Responsibilities
	<p>The management of this policy rests with Accreditation Manager who will oversee and manage the process. If the malpractice or maladministration concern relates to Icon’s Accreditation Manager, Icon’s Chief Executive will nominate an independent staff member to lead the process.</p> <p>All staff involved in the delivery of EPAs has a responsibility to understand the policy and ensure that it is implemented.</p>
4.	Making an allegation of malpractice or maladministration.
	<p>Any party who identifies or is made aware of a potential case of malpractice or maladministration must notify the Accreditation Manager immediately. If the allegation relates to a member of Icon staff, the Chief Executive should be notified via email, including ‘EPA Malpractice or Maladministration Allegation’ as the subject of the email.</p> <p>Allegations should include:</p> <ul style="list-style-type: none"> • Employer and training provider name, address and contact name. • Apprentice’s name (where appropriate). • Icon staff member’s name and job role if they are involved in the case. • Details of the aspect of the EPA affected and the 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. <p>Notification of alleged malpractice or maladministration will be acknowledged within 7 days of receipt of the notice.</p>
5.	Investigation

	<p>The alleged case of malpractice or maladministration will be investigated by the Accreditation Manager. The investigation will be conducted in order to:</p> <ul style="list-style-type: none"> • To establish the facts relating to allegations to determine whether any malpractice or maladministration has taken place. • To identify the cause of any malpractice or maladministration and identify those involved. • To establish the scale of any malpractice or maladministration and whether other End Point Assessments have been affected. • To evaluate any action already taken by the training provider. • To determine whether remedial action is required to reduce the risk to current apprentices and to preserve the integrity of the End Point Assessments services. • 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 apprentice, training provider or employer. • To identify any adverse patterns or trends. <p>Icon will endeavour to keep the name of the individual that has made the allegation confidential. However, it may become apparent during the conduct of the investigation depending on the nature of the allegation.</p> <p>In conducting the investigation, it may be necessary to request further information from relevant parties. In any meeting with the individual or organisation who is the subject of the investigation they can choose to be accompanied by another individual; however, they will only participate at the behest of the individual concerned.</p> <p>All material collected as part of an investigation is kept secure. All records and original documentation concerning a completed investigation that ultimately leads to sanctions against a provider will be retained for a period of no less than seven years.</p> <p>Where applicable, the Accreditation Manager will inform the Head of Skills who will decide whether the malpractice or maladministration presents a risk to meeting the Ofqual Conditions of Recognition. If this is the case, then the Head of Skills will notify Ofqual immediately.</p>
6.	Outcomes and reporting
	<p>The subject of the malpractice / maladministration allegation will be notified within 20 days of acknowledgement of receipt of the allegation with the outcome of the investigation. This shall be documented in a formal report which will include:</p> <ul style="list-style-type: none"> • Identify allegation of the malpractice / maladministration. • Confirm the details of the allegation, providing an indication as to whether the claims have been substantiated and if so how. • Confirm the appropriate level of sanctions to be taken. <p>There are two possible outcomes from the investigation:</p>

	<ul style="list-style-type: none"> • Maladministration / malpractice allegation is accepted. The investigation has found that there is clear evidence for the allegation and has made clear sanctions as required. • Maladministration / malpractice allegation is rejected. The Accreditation Manager will confirm that all appropriate procedures and policies have been followed fairly and accurately.
7.	Sanctions
	<p>Where an allegation of malpractice or maladministration is proven we will consider whether the integrity of our end point assessments might be at risk if the training provider, employer or apprentice in question were to be involved in future End Point Assessments and so we will act to protect the integrity of our End Point Assessment services.</p> <p>The exact sanctions will be decided on a case by case basis, and the level of sanction applied will depend on the severity of the malpractice or maladministration.</p> <p>Examples of sanctions which could be applied include:</p> <ul style="list-style-type: none"> • Grading the assessment method(s) in question as fail. • 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 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 endpoint assessments for several years/life. • Disqualifying an apprentice from taking any component of the EPA. <p>A list of possible sanctions has been included in Appendix 1.</p>
8.	Appeals
	<p>If after investigation the individual who is the subject of the malpractice / maladministration allegation is dissatisfied with the outcome they should refer to the 'Appeals and Complaints Policy'.</p>
9.	Managing implementation and review.
	<p>This Policy will be reviewed annually to ensure that it is reflective of current regulations and guidance and is responsive to local, national and international events.</p>

Appendix 1: Example sanctions

The list below provides an example of the scale of sanctions that could be applied in different situations. This is not an exhaustive list, exact sanctions applied will be decided on a case by case basis.

Examples	Possible sanction	Impact to integrity of EPA
Apprentice's line manager proven to have written part of the project.	<ul style="list-style-type: none"> • Formal written notice. • Fail assessment, required to resit and pay according resit fees. • Additional sampling by the Internal Quality Assurer for all apprentices with employer. • Require that line manager in question to have no involvement in future delivery. 	Low
Plagiarism evident within project	<ul style="list-style-type: none"> • Formal written notice. • Fail assessment method, required to resit and pay according resit fees. If second offence, disqualification from all aspects of the EPA. 	Low
Falsification of portfolio evidence	<ul style="list-style-type: none"> • Formal written notice. • Fail assessment method, required to resit and pay according resit fees. If second offence, disqualification from all aspects of the EPA. 	Low
Obtaining / distributing assessment materials including the question bank	<ul style="list-style-type: none"> • Individual assessments moved to fail where can be shown the materials were shared. • Individual apprentice / employer / training disqualified from all aspects of EPA. • If relates to an employer / training provider – termination of all EPA services. 	High
Impersonation of apprentice	<ul style="list-style-type: none"> • Fail assessment method. • Disqualification from all aspects of EPA. 	High
Threatening behaviour towards and assessor during the assessment	<ul style="list-style-type: none"> • Formal written notice. • The assessment evidence will be disallowed and EPA moved to fail if resultant lack of sufficient assessment evidence. If second offence, disqualification from all aspects of the EPA. 	Medium
Assessor shown to be involved in the falsification of assessment grades	<ul style="list-style-type: none"> • Full review of all assessments by the IQA. • Termination of contract with Icon. 	High

Appendix 2: Overview of EPA Malpractice & Maladministration Investigation Process

