

## Malpractice and Maladministration Policy

### Scope and Purpose of Policy

This policy applies to the delivery of End Point Assessments (EPA) by DSW irrespective of the appointed External Quality Assurance organisation or the Apprenticeship Standard to which the EQA relates.

The policy applies to delivery of EPA post Gateway and it is the responsibility of Apprenticeship Training Providers (ATP) to quality assure on-programme delivery and to have appropriate measures in place to protect them

DSW does not operate through Centres, however, Employers and ATPs are regularly involved in the EPA process in line with the guidance in individual Assessment Plans.

The purpose of the policy is to provide a framework for managing the identification, investigation and outcomes of suspected cases of malpractice or maladministration in line with Ofqual's General Condition A8.

<https://www.gov.uk/guidance/ofqual-handbook/section-a-governance>

### Definitions

Malpractice is any wilfully negligent or deliberate act which could compromise the integrity of an End Point Assessment. This includes actions which could be taken by apprentices, employers, training providers or DSW staff.

Maladministration is any activity which results in non-compliance with administrative regulations and requirements. This includes actions which could be taken by apprentices, employers, training providers or DSW staff.

## Identifying

Instances of suspected Malpractice or Maladministration could be identified by a range of stakeholders including, but not limited to Assessors, IQAs, DSW Administration staff, Employers, ATP staff, members of the public and other agencies.

All suspected instances of Malpractice or Maladministration identified by Assessors, IQA's or DSW Administration staff should be reported to the Quality Lead.

All other instances should be reported to DSW via the [support@dsw.uk.net](mailto:support@dsw.uk.net) email address with word Malpractice or Maladministration in the subject line.

On receipt of a Notification of suspected Malpractice or Maladministration (a Notification), the Quality Lead will:

- Log an entry in the issues log
- Initiate an investigation
- Where the Notification was not anonymous, communicate the process and timelines for resolution to the individual who raised the Notification

## Investigating

Within two working days of a Notification of malpractice or maladministration,

- the Head of Apprenticeships and the Quality Lead will review the Notification and make an initial decision on whether a further investigation is required.
- potentially affected stakeholders, including but not limited to ATPs and Employers will be informed of:
  - the Notification which has been received
  - the timescale for deciding on whether to proceed with a full investigation
  - any impact on Service Level timescales while an investigation is carried out

Within five working days of a Notification:

- the individual who raised the Notification will be informed of the next steps:
  - if no further action is warranted this will be communicated, along with a rationale for that decision.
  - If further investigation is required, this will normally be conducted within ten working days at which point the outcome will be communicated to the individual who raised the Notification as well as other stakeholders who are potentially affected

In the event that a full investigation is required:

- An individual will be appointed to carry out the investigation (Investigator) which will include:
  - Collection and review of evidence which supports the Notification. This can include a review of assessment materials, records, communication logs, interviews with stakeholders including current and former staff, and any other reasonable methods which relate to the nature of the Notification.

- Producing a report which outlines the Notification, evidence reviewed, details evidence which supports the Notification and makes a recommendation on whether the evidence supports the Notification.

## Outcomes

Following completion of the investigation:

- the Investigator will meet with two of either the Head of Apprenticeships, Quality Lead and Chief Operating Officer to review the report and agree on any actions which need to be taken and communicated.
- DSW will communicate the outcome of the investigation to the affected stakeholders and make stakeholders aware of the appeals process which can be found on DSW's website at: <https://www.dswconsulting.co.uk/our-policies>
- The EPA team will review whether there are any lessons to be learned from the investigation with respect to process, policy or training and agree any follow up actions.
- Where the Notification is upheld and Ofqual are the EQA, consideration must be given as to whether other Awarding Organisations (AO) should be informed. If this is deemed necessary, any shared information must be in-line with GDPR requirements and be limited to only that which is strictly necessary to flag to other AOs that increased Due Diligence may be necessary.

## Examples of malpractice and maladministration

The following examples are non-exhaustive and are intended to provide guidance only:

- Plagiarism
- Falsification of evidence
- Impersonation
- Assisting apprentices with the creation of evidence or the production of answers
- Inappropriate conduct
- Interfering with the EPA process
- Non-disclosed conflicts of interest
- Falsification of records
- Failure to keep proper records
- Failure to adhere to correct processes

The potential outcomes of instance of malpractice or maladministration which is upheld can impact the apprentice, ATP, EPAO and employer and include:

- A written warning to affected stakeholders, with further action possible if the behaviour is repeated.
- The EPAO being suspended or having delivery approval withdrawn
- Barring of individual staff and associates from the provision of EPA
- Barring of ATP or Employer staff from involvement in the EPA process
- An EPA outcome moved to Fail and a full or partial resit being required at the expense of the client; depending on the individual standard this may restrict the overall grade of an EPA to a Pass.
- Disqualification from all components of EPA
- Notification to EQA and/or other awarding bodies