

Malpractice & maladministration policy

1. Purpose

This purpose of this policy is to protect the integrity of ClfA Qualifications' assessments. It is designed to support staff by providing information on identifying, managing and mitigating malpractice and maladministration. ClfA Qualifications recognises that it must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it assesses.

2. Scope

This policy applies to any individuals involved with any aspects of the delivery of end-point assessment for ClfA Qualifications.

This can include:

- ClfA Qualifications staff
- ClfA board directors
- ClfA staff
- Assessors
- Internal quality assurers
- Freelance staff

3. Regulatory authorities

Relevant regulatory authorities are:

- Ofqual

4. Audience

This document is for:

- ClfA Qualifications staff
- Training providers
- ClfA board directors
- ClfA staff
- Assessors
- Internal quality assurers
- Freelance staff
- Regulators
- External quality assurers
- Apprentices

5. Definitions

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 ClfA Qualifications and its assessment delivery.

Maladministration is taken to mean any actions, neglect, default, or other practice that compromises the accreditation or quality assurance process including the integrity of accredited qualifications, the validity of any certificates, or the reputation and credibility of ClfA Qualifications.

5. Definitions - ctd

Adverse Effect

An act, omission, event, incident or circumstance has an Adverse Effect if it:

- gives rise to prejudice to learners or potential learners
- adversely affects:
 - i. the ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,
 - ii. the standards of qualifications which the awarding organisation makes available or proposes to make available
 - iii. public confidence in qualifications

6. Policy statement

CifA Qualifications takes all concerns of possible malpractice seriously and any of its investigations into malpractice will be fair, robust and in proportion to the nature of the concern. It is necessary to investigate any suspected instances of malpractice, whether they are intentional or not, to protect the integrity of the qualifications offer and to identify any wider lessons to be learned.

Where any such malpractice or maladministration is suspected by CifA Qualifications staff or stakeholders, or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, CifA Qualifications will:

1. establish whether or not the malpractice or maladministration has occurred (as far as possible)
2. promptly take all reasonable steps to prevent any Adverse Effect to which it may give rise and, where any such Adverse Effect occurs, mitigate it as far as possible and correct it

CifA Qualifications will:

1. establish, maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and
2. ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

Where CifA Qualifications establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, it will promptly take all reasonable steps to:

- (a) prevent that malpractice or maladministration from recurring, and
- (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.

6. Policy statement - ctd

Reporting to the CfA board

All cases of malpractice, and suspected malpractice are entered on CfA Qualifications' risk register, along with any appropriate mitigations, which is monitored by the CfA chief executive and board.

Rights of the individual

When an incident of suspected malpractice is reported to CfA Qualifications, an individual (whether a candidate or member of staff) accused of malpractice must:

- be informed (preferably in writing) of the allegation made against them
- know what evidence there is to support that allegation
- know the possible consequences should malpractice/maladministration be proven
- have the opportunity to consider their response to the allegations (if required)
- have an opportunity to submit a written statement
- have an opportunity to seek advice and to provide a supplementary statement (if required)
- be informed of the applicable appeals procedure, should a decision be made against them.

Reporting outcomes to candidates or staff members in question

CfA Qualifications recognises that malpractice allegations and investigations can be sensitive. Part of the process of conducting a malpractice investigation includes developing a plan for how outcomes will be communicated and each cases' merits and sensitivities will be taken into account when communicating outcomes. The scrutiny panel decides on the best way to communicate outcomes to individuals in question.

For example, it may be appropriate for a senior member staff to write formally; or it may be more appropriate for the centre manager to hold a discussion, followed by a confirmation email.

Minimising risk

CfA Qualifications takes the following steps to minimise the risk of malpractice and maladministration:

- assessors and internal verifiers understand their role through gaining appropriate assessor qualifications and contracting arrangements
- regular standardisation meetings
- internal verification covers 100% of candidates
- new assessors and internal verifiers are given appropriate support
- candidates, assessors, internal verifiers and other staff are made aware of the process for reporting malpractice

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6. Policy statement - ctd

Potential sanctions

Depending on the severity of the malpractice, the following sanctions could apply:

- withdrawal of an apprenticeship qualification award from a candidate
- withdrawal of a candidate from a qualification programme
- implementation of actions in accordance with the ClfA staff disciplinary policy

This list is not exhaustive.

Timescales

Each investigation is treated individually and has its own time-bound investigation plan. This is shared with any individuals in question and any other relevant stakeholders. ClfA Qualifications aims to resolve all malpractice cases as speedily as possible and recognises that it is in apprentices and staff interests to do this. Please see the malpractice and maladministration **process** for specific detail on timescales.

7. Record keeping and documentation

ClfA Qualifications will keep all records relating to a malpractice/maladministration investigation for a minimum of six years. In an investigation involving potential criminal prosecution or civil claim, records and documentation will be retained for six years after the case and after any appeal has been heard.

Documents that may support this policy are listed below:

Document
ClfA Qualifications conflicts of interest processes
ClfA Qualifications conflicts of interest declaration forms
ClfA Qualifications conflicts of interest log
ClfA Qualifications guidance of conflicts of interest
Ofqual guidance on conflicts of interest
ClfA board directors' duties & responsibilities
ClfA code of conduct

8. Staff responsibilities

All staff involved with the delivery of end-point assessment have responsibility to act, manage and mitigate where malpractice or maladministration occurs, or is alleged.

Any malpractice or maladministration cases will involve the assessment centre manager and the PDP head as a minimum in managing investigations and any adverse effects. Other stakeholders will be involved as required.

9. Review

ClfA Qualifications reviews all policies annually (typically, during December) and the December review includes this policy. However, if a policy needs reviewing before this time, then the responsible and accountable staff review it.