

## Public

### Xact Assessment: Malpractice and Maladministration Policy

#### 1. Introduction

The purpose of this policy is to:

- a) To identify and minimise risk of malpractice or maladministration by a staff member, apprentice, stakeholder or other individual
- b) To respond to any incident of alleged malpractice or maladministration promptly and objectively
- c) To standardise and record any investigation of malpractice or maladministration to ensure openness and fairness
- d) To impose appropriate penalties and/or sanctions on staff member, apprentice, stakeholder or other individual where incidents (or attempted incidents) of malpractice or maladministration are proven
- e) To protect integrity of Ofqual, apprenticeships, qualifications and Xact Assessment

#### 2. Definitions

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

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

**Amanuensis:** An assistant, in particular one who takes dictation

**EPA: End Point Assessment:** Final stage of apprenticeship. An impartial assessment to decide if apprentice has developed knowledge, skills and behaviours outlined in apprenticeship standard to demonstrate occupational competence.

**EPAO: End Point Assessment Organisation:** The organisation conducting EPA

**Individual:** Those receiving our services e.g. apprenticeship training, end point assessment, courses, assessment, RPL, mentoring, learning support, qualifications, CPD activities etc.

**Maladministration:** Inefficient or dishonest administration

**Malpractice:** Includes plagiarism, collusion, fabrication or falsification of results and anything else intended by those committing it to achieve credit that is not properly deserved

**Ofqual:** The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

**Plagiarism:** Taking and using another's thoughts, writings, inventions, etc. as one's own

**PMG:** Performance Management Group consisting of Directors and an Independent Governance Advisor

**Responsible Officer:** Ofqual point of contact concerning compliance matters e.g. apprenticeship awarding, standards, conditions of recognition, public confidence, accessibility etc.

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**Staff:** Employee, agency worker, contractor, sole trader e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal quality assurer, end point assessor etc.

**Stakeholders:** Apprentices' employer, training provider, customer, supplier, users, visitors and those with whom we associate

**Xact:** Xact Training Limited trading as Xact Assessment the EPAO

### 3. External: Malpractice

Is any action by an apprentice, stakeholder or other individual which has potential to undermine integrity and validity of EPA e.g:

- a) plagiarism of any nature.
- b) collusion by working collaboratively with other apprentices to produce work that is submitted as apprentice's own work.
- c) copying, including use of information and communications technology (ICT) to aid copying.
- d) deliberate destruction of another's work.
- e) fabrication of results or evidence.
- f) false declaration of authenticity in relation to the contents of a submission.
- g) impersonation by pretending to be someone else in order to produce the work for another or arranging for another to take one's place in an assessment.

This list is not exhaustive and other instances of malpractice will be considered.

### 4. Internal: Malpractice and Maladministration

Is any action by a staff member which has potential to undermine integrity and validity of EPA, e.g:

- a) Providing improper assistance to apprentices.
- b) Inventing or changing marks for EPA where there is insufficient evidence of apprentice's achievement to justify marks given or EPA decisions made.
- c) Failure to keep EPA evidence secure.
- d) Fraudulent apprenticeship claims.
- e) Inappropriate retention of EPA results.
- f) Assisting apprentices in production of work for EPA, where support has potential to influence outcomes of EPA i.e. staff providing guidance to an apprentice on how to pass EPA.
- g) Producing falsified witness statements i.e. for evidence an apprentice has not generated.
- h) Allowing evidence, which is known by staff not to be apprentice's own.
- i) Facilitating and allowing impersonation

- j) Misusing conditions for reasonable adjustments or special considerations i.e where apprentices are permitted support, such as an amanuensis. This is permissible up to the point where support has the potential to influence EPA outcome
- k) Falsifying records or certificates e.g. by alteration, substitution or fraud etc
- l) Fraudulent apprenticeship claims, i.e. claiming for an apprenticeship prior to apprentice completing all EPA requirements.

This list is not exhaustive and other instances of malpractice or maladministration will be considered.

## 5. Processes

In order to uphold this policy, Xact Assessment will:

- a) Seek to avoid potential malpractice or maladministration by:
  - i) **Apprentices and stakeholders:** Include in induction programme to confirm understanding, consequences and reporting of allegations of attempted or actual malpractice or maladministration
  - ii) **Staff members:** Include in induction programme and ongoing training to confirm understanding, consequences and reporting of allegations of attempted or actual malpractice or maladministration
- b) Provide guidance on appropriate formats to reference cited texts and other materials or information sources
- c) Request apprentices to:
  - i) declare that their work is their own
  - ii) provide evidence that they have interpreted and synthesised appropriate information and acknowledged sources used
- d) On notification of an allegation of malpractice or maladministration, conduct an investigation in a manner appropriate to severity of the allegation which includes a conclusion with outcomes
- e) Make those involved fully aware at earliest opportunity of nature of alleged malpractice or maladministration and of possible consequences should allegations be proven.
- f) Provide those alleged of malpractice or maladministration the opportunity to respond to allegations
- g) Inform those alleged of malpractice or maladministration of avenues for appealing against any judgment made.
- h) Document all stages of an investigation

## **6. Penalties**

Where malpractice or maladministration is proven, Xact Assessment will initiate an appropriate action which may include:

- a) A written warning about future conduct
- b) Notification to an employer, Ofqual or the other appropriate organisation
- c) Loss of marks for a specific section of EPA, resulting in apprentice repeating EPA
- d) Loss of marks, resulting in apprentice repeating EPA for a specific area
- e) Apprentice barred from EPA for a stated period of time
- f) Apprentice disqualified from apprenticeship, either for a stated period of time or indefinitely
- g) Notify Ofqual when cases of malpractice or maladministration are identified as having an adverse effect

## **7. Allegations of Malpractice or Maladministration**

### **7.1 Reporting**

To report an incident or alleged incident of malpractice or maladministration, the allegor must submit their allegation by:

- a) detailing their allegation
- b) providing evidence to support their allegation
- c) by email: [malpractice@xact-assessment.org.uk](mailto:malpractice@xact-assessment.org.uk)

### **7.2 Responsibilities**

#### **7.2.1 Business Support Manager**

Business Support Manager<sup>1</sup> is responsible for managing malpractice or maladministration allegations, including:

- a) Responding in a timely manner
- b) Communicating with the allegor
- c) Appointing an investigator to conduct an investigation
- d) Ensuring the investigation results in an appropriate conclusion, outcomes and recommendations
- e) In cases where allegations are proven:
  - i) Immediately notify Operations Director
  - ii) Notifying those involved of nature of malpractice or maladministration
  - iii) Notifying other organisation as appropriate
  - iv) Notifying Responsible Officer when incidents of Adverse Effect are identified
- f) Quarterly report to PMG regarding allegations and their outcomes

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**Note**<sup>1</sup>: Operations Director will appoint an alternative Manager if Business Support Manager has a conflict of interest

#### 7.2.2 Investigator

The investigator must:

- a) Conduct an investigation in a timely manner appropriate to severity of the allegation
- b) Provide a report with a conclusion, outcomes and recommendations

#### 7.2.3 Operations Director

Operations Director<sup>1</sup> is responsible for ensuring any improvements to current practices following a malpractice or maladministration allegation are completed.

**Note**<sup>1</sup>: PMG will appoint an alternative Manager if Operations Director has a conflict of interest.

#### 7.2.4 Responsible Officer

The EPA Manager will inform Ofqual when incidents of Adverse Effect are identified

## 8. Other matters

### 8.1 Records

All stages of Allegations of Malpractice or Maladministration will be recorded and filed within Xact's information management system and where appropriate Ofqual will be informed in accordance with regulatory requirements.

### 8.2 Reporting

Business Support Manager will provide an anonymised a summary of appeal outcomes including any conflicts of interest to Performance Management Group meetings with recommendations to improve our processes as appropriate.

## 9. Related Policies

- a) Organisational Governance
- b) Conflict of Interest Policy
- c) Appeals Policy
- d) Complaints Policy
- e) Whistleblowing Policy
- f) EPA Fair Access Policy